



STATE of CONNECTICUT
Office of Governmental Accountability
State Contracting Standards Board

Statutes, Regulations, Policies & Procedures Work Group

Tuesday, April 22, 2025 12:00 – 1:30 p.m.

Location: *Virtual Only*

In Attendance:

Rochelle Palache, Chair of the State Contracting Standards Board

Thomas Ahneman, Chair of the SRPP Work Group

Lauren Gauthier, Member of the SRPP Work Group

Salvatore Luciano, Member of the SRPP Work Group

Gregory Daniels, Executive Director

Aaron Felman, Staff Attorney

Samson Anderson, Research Analyst

Aleshia Hall, Administrative Assistant

MINUTES – REVISED AUGUST 20, 2025

1. **Call to Order** of the Meeting of the Statutes, Regulations, Policies, & Procedures Work Group: Chair Ahneman called the meeting to order at 12:10 p.m.
 - a. Roll Call of Work Group Members
2. **Approval of Minutes** of the March 4, 2025, meeting of this work group.
A vote on the minutes will be postponed until the next meeting of this work group.
3. **Rules of Practice Draft was reviewed by the Work Group**
 - Mr. Ahneman noted the amount of work that has gone into this draft and how it has grown since the original version from June 2023.
 - Staff Attorney Felman explained that he began with the June 2023 draft. Sections that do not apply to us, such as subpoena powers, were removed and other areas were added. This preliminary draft created is for the work group to review and decide if there are areas they wish to add or remove before going further. Data Protection is an area that is typically included within the rules of practice.
 - Privatization can also be added; however, that is a dense area that will require considerable effort. Attorney Felman would prefer to move forward with producing a broader document for the Board's approval that can continue to grow over time. He

would recommend keeping Privatization separate from this document because it is so dense and procedural.

- Mr. Ahneman agreed that we should move forward with Articles 1, 2, and 3 and include additional Articles over time as they are developed.

Discussion of a baseline for the Rules of Practice was introduced by Ms. Gauthier.

- Ms. Gauthier shared that it was her understanding that the purpose of creating Rules of Practice was to address gaps in our statute such as UAPA requirements for disqualification of a Bidder or procurement powers of an Agency.
- It is her understanding that our Contested Case procedure was intentionally developed separate from UAPA so that we could address issues in a 30-day time period. She is concerned that the Rules of Practice drafted are contrary to that intention.
- 4e-36 requires that one legislatively appointed member participate in the subcommittee.
- Ms. Gauthier suggested that we ensure that the regulations do not interfere with existing statutory language. Executive Director Daniels agreed and clarified that, while we do not want any language that conflicts with the statute, these regulations serve to remove any ambiguity that exists in the statutory language. There is precedence for regulations to provide clarity and specificity where needed. Executive Director Daniels clarified that in accordance with administrative law, regulations address the nuances of the regulations that are required for proper administration. Attorney Felman concurred and explained that the details within the privatization draft spoke to the areas not clarified in statute.
- Mr. Luciano made reference to areas in which the Executive Director's signature is sufficient. he acknowledged that the Executive Director is the employer of the staff, but believes there are some areas and expenditures that require Board approval. He does not believe that this should be included because "we already know who has authority."
- Attorney Felman responded that it is the task of this work group to decide how and what is contained in this document. Mr. Ahneman agrees that this project is a blueprint, not a filler product.

- **Article 1: General Provisions**

1. Ethics: Chapter 10 of the General Statutes refers to Ethics. We were previously working on an ethics policy that was not passed by the Board; but it has been created.
2. Core Responsibilities: Sections of our statute already address much of that.
3. Advisory Council: There are some internal processes that can be added to this document or included in future by-laws.
4. State Contracting Portal

5. Personnel Matters: It was clarified that staff personnel issues are covered by the Department of Administrative Services and reflected in different statutes.
6. Training: This area will be completed in coordination with the Training Work Group and incorporated into this document.

Definitions:

- Section B1: Advisory Opinion means a declaratory ruling as used in Chapter 54. Ms. Gauthier sought an understanding of an Advisory Opinion vs. a Declaratory Ruling. Mr. Luciano's understanding is that a declaratory ruling is required for a party to pursue further court action.

Executive Director Daniels clarified that Administrative Agencies used to issue Advisory Opinions and treat them as Declaratory Rulings. That has since shifted by statute to Declaratory Rulings which are similar to an Attorney General's opinion. An agency can reach out to an agency like ours and ask us to weigh in on a particular legal topic that is within our purview.

Attorney Felman clarified that the sections of Chapter 62 are heavy on procurement regulations. He included this definition as a placeholder in anticipation of future business needs. It is not crucial for our immediate purposes; however, it is something that could appear later as the board expands.

After a brief discussion, it was agreed that Attorney Felman would provide separate definitions for Advisory Opinions and Declaratory Rulings.

In response to Mr. Luciano's comments regarding the appealable nature of decisions issued by the 43-36 Subcommittee (Contested Solicitations and Awards Subcommittee or CSA Subcommittee), Executive Director Daniels clarified that the CSA Subcommittee issues a decision that is not appealable; it is not a final decision under UAPA. Mr. Luciano maintained that the vendor would require a declaratory ruling to proceed with appeals through the court system. Attorney Felman suggested that this discussion be continued with the CSA Subcommittee and that we continue on with this discussion on a higher level.

- Description of Agency: In response to Mr. Ahneman, Attorney Felman clarified that Legislature grants authority to our agency. The definition will remain as written.
- Public Information: Mr. Ahneman asked if we would benefit from creating a form to request information. Ms. Gauthier pushed back against that because FOI has consistently maintained that there is no standard form required to request

information. She recommended using the Executive Director's email address or a generic email address that is monitored.

- Chief Executive Officer: Mr. Ahneman sees the Executive Director as an ex-officio, non-voting board member and Executive Director, but not a Chief Executive Officer (CEO). Attorney Felman was not likening it to a CEO, but rather as the executive head of the agency, staff, etc. It was decided to rename it Executive Officer or Chief Administrative Officer.
- Signatures: Mr. Ahneman referred to required signatures by the Executive Director, Chief Procurement Officer, Chairperson, or the Director's designee and asked if all three had to sign. Ms. Gauthier believes that anything duly authorized by the Board should be signed by the Chairperson. There are other capacities such as the Advisory Council, which is chaired by the Chief Procurement Officer.

Mr. Luciano believes that the Executive Director would have authorization for any expenses required for the day-to-day function of the office, but that is separate from budgetary issues that the Board would vote on. He does not think this language is needed because they know who has the authorization to do what.

In response to Mr. Ahneman, Attorney Felman clarified that he was thinking about this from an operational perspective. The Executive Director works under the authority of the Board. On day-to-day business, operationally his signature by statute is required for administration.

After a brief discussion, Mr. Ahneman suggested that Attorney Felman edit this area to clarify that the Executive Director and CPO shall have operational authority, etc. He suggested removing the Director's designee, but deferred to Attorney Felman to edit.

Ms. Gauthier agrees that it makes sense to have the Executive Director and CPO sign off on day-to-day operational things, but the majority of this document pertains to special circumstances such as contested cases. She suggested that we clarify which official documents are duly authorized. Mr. Ahneman does not want to micromanage every signature. He is suggesting language that will clarify to the public that some of the official documents will be signed by the Executive Director or CPO.

Attorney Felman suggested that we zoom out onto a high level that does not address the minutia. The purpose of this language is simply to point out that the Executive Director has a tremendous purview of the administration of this agency and he is going to act on behalf of the Board within the statutory mandates that are given. He will review the language to remove the ambiguity and maintain the relevance.

- Clerks of the Board: Mr. Ahneman recommended that the language be edited to reflect that the clerks are tasked with carrying out the duties of the Board. Ms. Gauthier recommended removing this language completely. Mr. Luciano does not deny that the Executive Director can assign staff to help as required but should not be empowered to act on behalf of the Board. Executive Director Daniels clarified that the intention of a clerk's duties would not be intended to usurp the powers of the Board. A clerk may become necessary in the future to assist with proceedings; however, there is no one in that role now, so he agreed that the language is not required at this time. Mr. Ahneman agreed that there is no harm in the language being included. If we are maintaining true copies of the public records, these are administrative tasks that a clerk could perform. Ms. Gauthier maintains that the clerk should not be given permission to sign any documents. The language will be revisited for clarity.
It was agreed upon that section 147c would be removed.
- Ms. Gauthier sought clarification on the difference between sections 147 and 149. Executive Director Daniels said that this requires clarification in the hearings process to ensure we are in compliance with any appeals that may go to the court. Mr. Ahneman sees the clerk and the assistant as two different roles. In response to Ms. Gauthier's inquiry, Executive Director Daniels will review Chapter 54 with reference to a clerk designation and bring the results back to this work group. Attorney Felman clarified that much of the language is looking prospectively on the future administrative proceedings of the Board.
- Per Mr. Ahneman, language at the end of section 147 that refers to the *directions of the Executive Director or designate*, he would like changed to *as set forth in Chapter 62*.
- Mr. Ahneman also requested that the word ministerial be changed to administrative.
- Section 141b:
 - Ms. Gauthier referenced the language of a public hearing (which requires public testimony) vs. an informational hearing (which does not). Since we do not take public testimony in our contested solicitation cases, she believes that it would be more appropriate to say that the proceedings will be public. Attorney Felman clarified that this is already covered under FOIA, so he is comfortable removing the language completely.
- Section 148a:
 - Mr. Luciano wants it to read that *the Board or Chairperson may designate a hearing officer*, but does not think the Executive Director should have the authority.

- Ms. Gauthier wants to keep the language that *a member of the Board or any other personnel authorized by statute (may) be a hearing officer*. She explained that the original intent was to have the Executive Director (David Guay) be designated by the Board to be the hearing officer. However, she agrees that the appointment to do so should be made by the Board.
- A discussion regarding hearing officers outside the Board was explained by Executive Director Daniels that include staff attorneys from other agencies, etc. That can be delegated through regulations or statute and is effective from a practical standpoint.
- Per Mr. Ahneman, the work group agreed to remove the Executive Director authority from 148a.
- Section 148b:
 - Ms. Gauthier wants the *contested case* language removed. Staff Attorney Felman explained that the language is broad to meet the needs of the agency beyond
 - Section 148b, 2: Ms. Gauthier would like to have that paragraph omitted. Executive Director Daniels explained that the weight we give to evidence should take place in a separate discussion. Attorney Felman will collaborate with Executive Director Daniels to revise the wording.
- Section 149:
 - Mr. Ahneman would like to add a definition of what a Presiding Officer is.
- Rules of Practice:
 - Language in section 14e69 requires correcting.
 - 4e-14 language should be clarified to refer to business days or calendar days for computation purposes. Attorney Felman will clarify this language and provide clarification of time calculations.
 - Waiver of Regulation: Attorney Felman explained that there is a tremendous amount of general flexibility that should be read into these statutes. He will make the language more succinct. Ms. Gauthier agreed that it should be kept at a high level. Mr. Ahneman reminded the group to remain cognizant of timelines. Mr. Luciano believes that it does not need to be defined further. Attorney Felman will revisit this section.
- Extensions of Time:
 - Ms. Gauthier referenced that continuous extensions of time may hinder our ability to intervene. Mr. Ahneman said extensions should be for good cause. Mr. Luciano wanted to make sure that the language is written to allow

extensions of time during proceedings if deemed necessary. Staff Attorney Felman will edit accordingly.

- Miscellaneous: There was a brief discussion on several areas of the draft that will be reviewed. Attorney Felman will revise the draft in accordance with this meeting's discussion.

4. Adjournment:

At approximately 1:40 p.m., a motion to adjourn the meeting was made by Sal Luciano
The motion was seconded by Lauren Gautheir
The motion was unanimously approved.

Respectfully submitted,

Aleshia Hall
Administrative Assistant

Approved 2025-12-09