



STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
STATE CONTRACTING STANDARDS BOARD

Minutes

State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee
Special Meeting
Friday, February 6, 2015, 10:00 AM
Conference Room
First Floor, 999 Asylum Avenue
Hartford, CT 06105

Members Present:

Robert Rinker, Subcommittee Chair
Stuart Mahler
Roy Steiner

Staff Present:

Julia Marquis, Chief Procurement Officer
David Guay, Executive Director

1. Meeting was called to order at 10:00 A.M. by Robert Rinker, Subcommittee Chair.

With approval of the members, Chair Rinker adjusted the order of business. Agenda item number five was moved to number three.

2. Approve the minutes of the January 8, 2014 Meeting

Chair Rinker entertained a motion to approve the draft minutes of the January 8, 2015 meeting of the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee.

After discussion, motion made by Roy Steiner and seconded by Stuart Mahler to approve the minutes of the January 8, 2015 meeting of the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee. All voted in favor, the minutes of the January 8, 2015 meeting of the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee were approved.

3. Database USA's contest of DAS' award of a contract.

Chair Rinker outlined the issues presented in LF Case 36-004 before the subcommittee. DatabaseUSA contests the Department of Administrative Services' (DAS) award of Contract No. 13PSX0170 for the procurement of Nationwide ARC Employer Database to Infogroup, Inc.

Chair Rinker noted that the Subcommittee members received the DAS response late Thursday, February 5, 2015 and that he had not had time to thoroughly review it, and he did not have the opportunity to avail himself of an analysis of the response by Chief Procurement Officer Julia Marquis.

For the record, Julia introduced the DAS representatives in attendance: Devin Marquez, Esq., Rachel Whitesell, Esq., and Tony Deluca, Contract Specialist. Chair Rinker asked that the DAS representatives walk the Subcommittee through their response.

Chair Rinker also asked Attorney Whitesell of the status of the FOI request by DatabaseUSA. Attorney Whitesell indicated that most of the information requested including scoring sheets would be provided within a few days, and that she had the scoring sheets for the Subcommittee today.

Chair Rinker followed with a question concerning the type and nature of the contract. Attorney Whitesell indicated that Connecticut was the lead state in a cooperative effort of several states, with Infogroup being the incumbent contractor, but under a previous contract from Iowa that the consortium of states had used. The contract is not about the specific performance of work but rather, about the collection of employment data used by the U.S. Department of Labor, much like a subscription service.

Attorney Whitesell noted that this matter was not a competitive bid but an RFP. DAS facilitated the evaluation but it was CT DOL and representatives from the other participating states' DOL equivalents who served as the proposal evaluators.

The evaluation team's score sheet for the RFP was handed out to the Subcommittee. Mr. Deluca reviewed the scoring process and procedures with the Subcommittee and noted that negotiations with the successful bidder occurred after the scoring was completed.

Chair Rinker suggested that the Subcommittee send a copy of the DAS response to DatabaseUSA and ask for their response within ten days of receipt of the request.

Motion made by Roy Steiner and seconded by Stuart Mahler to send the DAS response to DatabaseUSA and ask for a response to the Subcommittee to be addressed at the Subcommittee's next meeting on February 20, 2015. All voted in favor and the motion passed.

Review UConn's investigative report/analysis concerning UConn's contract award raised by GCA Services Group, Inc. & GCA Services Group, Inc.'s revised contest under 4e-36 focusing on UConn's solicitation process.

Chair Rinker raised the UConn – GCA Services Group issue by summarizing his understanding based on the letter and emails he read on the subject. It is his understanding that UConn will not be awarding a contract until May 31, 2015, and that while they have extended the current contract with GCA, it is unclear as to what UConn will do relative to the procurement process. UConn also has offered an opinion that they are not subject to the contest procedures under CGS Sec. 4e-36.

Chair Rinker offered to the Subcommittee that the original contest by GCA Services Group is now moot due to the extension of the previous contract. Further, he noted UConn has not informed the Subcommittee that they have chosen the other proposer, DTZ, Inc.

Based upon a question from Stuart Mahler, Julia Marquis reviewed the components of C.G.S. Sec. 4e-36. Julia agreed that the matter feels moot because a problem was articulated, has been analyzed, and it had been determined that UConn deviated from their procurement guidelines. With the extension of GCA's contract, there seems to be no harm to GCA.

Chair Rinker expressed interest in further studying the issue of jurisdiction over the constituent units of higher education under C.G.S. Sec. 4e-36. Follow up discussion was held with Julia Marquis on how and where the Board has jurisdiction of the constituent units of higher education. There was further discussion on how the contracting Statute ended up the way it is and what may or could be done to alter the statute.

Chair Rinker noted that it appears that UConn is indicating the only reason the Board does not have jurisdiction is because of the lack of Board regulations under C.G.S. 4e-47, and if that is true, Chair Rinker expressed interest to see how the Board could go about getting emergency regulations approved, based upon the issues raised by the GCA Services Group contest.

Chair Rinker suggested that the matter concerning jurisdiction over constituent units of higher education should be placed on the agenda of the full Board's February 20, 2015 meeting for discussion.

By consensus of the Subcommittee, the following agenda item for the Board's February 20, 2015 meeting was put forth:

UConn's position relative to the authority of the contest subcommittee under C.G.S. Sec. 4e-36.

Other Business

Hearing or seeing no other business, Chair Rinker entertained a motion to adjourn.

Motion made by Roy Steiner and seconded by Stuart Mahler to adjourn. All voted in favor, the meeting was adjourned at 11:36 A.M.