



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, March 6, 2015, 9:00 AM
Conference Room
First Floor, 999 Asylum Avenue
Hartford, CT 06105

Members Present:

Robert Rinker, Chair
Stuart Mahler
Roy Steiner – via conference telephone

Staff Present:

Julia Marquis, Chief Procurement Officer
David Guay, Executive Director

1. Call to order

Meeting was called to order at 9:10 A.M. by Robert Rinker, Subcommittee Chair.

2. Approve the minutes of the February 20, 2015 Meeting

Chair Rinker entertained a motion to approve the draft minutes of the February 20, 2015 meeting of the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee as technically corrected.

After discussion, motion made by Stuart Mahler and seconded by Roy Steiner to approve the minutes of the February 20, 2015 meeting of the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee. All voted in favor, the minutes of the February 20, 2015 meeting of the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee as technically corrected were approved.

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

Chair Rinker opened discussion on the status of the Database USA's contest. Mr. Rinker indicated that he was not certain the subcommittee was any further along on this matter than two weeks ago. He further noted concern on the question of how the scores were weighted and the fact that the scores as presented and tallied did not add up. Julia Marquis responded that she had contacted Attorney Whitesell at the Department of Administrative Services (DAS) and discussed the issue, without receiving confirmation that the totals were incorrect. Chair Rinker noted that the scoring calculation calls the methodology in question. Mr. Rinker further questioned whether there might have been a statistical tie if not for rounding of the scores.

Mr. Rinker, with consensus of the subcommittee, opined that Database USA is entitled to the procurement file from DAS. It also appears that DAS is saying that Database USA has all of the documents DAS has, while Database USA is claiming that they have not received the pertinent documents in order to prove their contest to the award.

Mr. Mahler raised the issue of the apparent claim by DAS that the contest is not timely. Mr. Rinker asked the record to show that the Subcommittee previously reached consensus that the contest is timely and is a settled issue.

The Subcommittee consensus was that Database USA does not have the information necessary to fully contest the matter. Further discussion was held as to whether Database USA proceeding with an FOI request was the next logical step or whether the Subcommittee would step in to ask DAS to supply the material to the Subcommittee. The Subcommittee determined by consensus to allow Database USA to pursue their own FOI request with DAS and if necessary, file a contest at the Freedom of Information Commission.

After reviewing all of the documentation submitted to date by Database USA and the Department of Administrative Services (DAS), the Subcommittee determined that the matter as presented is not yet ripe for review. It is the Subcommittee's conclusion that based on the documentation Database USA has received to date from DAS, Database USA does not know, nor should it have known, whether the procedural elements of the solicitation or awards process have been followed properly.

Motion made by Stuart Mahler and seconded by Roy Steiner that the contest filed by Database USA is not ripe for review as Database USA does not yet know or could or should have known of any process violations because they have not been given the documentation by DAS to reveal the process itself, and to dismiss the filed contest by Database USA without prejudice and the Subcommittee will consider a subsequent filing timely so long as the filing meets the requirements of C.G.S. 4e-36. All voted in favor.

The Database USA contest is dismissed without prejudice.

4. Other Business

Chair Rinker raised a question as to whether Julia Marquis had written her analysis of whether and which quasi-public agencies are subject to the Board's and the Subcommittees jurisdiction. Ms. Marquis responded that she had not yet completed that task.

5. Adjournment

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

Motion made by Stuart Mahler and seconded by Roy Steiner to adjourn. All voted in favor, the meeting was adjourned at 9:32 A.M.