



STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
STATE CONTRACTING STANDARDS BOARD

Final & Approved
State Contracting Standards Board
4e-36 Contested Solicitations and Awards Subcommittee Meeting
Noon, Thursday, October 19, 2017
Fifth Floor Office of the Executive Director
18-20 Trinity Street
Hartford, Connecticut

Members Present:

Robert Rinker, Chair
Bruce Buff
Stuart Mahler
David Guay, Ex-Officio, Executive Director

1. Call to order

Meeting was called to order at Noon by Robert Rinker, Subcommittee Chair.

Chair Rinker recognized the guests in attendance from the Mercury Group.

Lou Kresmery
Wayne R. Browning
Catherine Lawson

2. Approve the minutes of the September 20, 2017 Meeting

Motion made by Bruce Buff and seconded by Stuart Mahler to approve the minutes of the September 20, 2017 meeting of the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee. All voted in favor.

3. Mercury Group Contest of Award

The Mercury Group is contesting the procedural elements of the solicitation process for RFP#17PSX0002 State of Connecticut Department of Administrative Services, Security Video

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Chair Rinker reviewed the documents received by the Subcommittee.

- Email from Catherine Lawson to David Guay
- Link to the RFP provided by David Guay
- DAS provided statutory reference to CGA Section 4a-52i & CGA Section 4a-56
- Email from Raymond Philbrick to Carol Wilson regarding security equipment bid specification background information.
- Email from Carol Wilson to David Guay indicating the current contract was about 21 million dollars.
- Email from Carol Wilson to David Guay indicating that DAS had received five responses to the RFP.

The Mercury Group did not send in a proposal. The Mercury Group also sought to be certified in the equipment listed in the RFP with mixed results.

The Mercury Group contacted DAS and asked if there would be any exceptions, substitutions or equivalent manufacturers' products. DAS responded with no exceptions.

Chair Rinker offered that it appears the RFP is an attempt by the State to standardize equipment to just a few manufacturers and to maximize the capital equipment investment the State has made. Further noting that if the Mercury Group were to win the bid, they would not be certified to work on some of the equipment in place.

Bruce Buff reiterated the apparent effort in the RFP to standardize the State equipment going forward with the three manufactures listed in the RFP.

Mr. Kresmery characterized the RFP as narrowing the list of qualified security dealers.

Mr. Browning offered in response to a question from Mr. Buff that the State is being overcharged, especially in the category of service charges.

Mr. Browning provided a copy of the State of Massachusetts contract as an example of a better contract.

Ms. Lawson stated that the Mercury Group is a home-grown Connecticut business in response to a question by Stuart Mahler. Mr. Browning informed the Subcommittee that they are not just hear for themselves but all the other dealers in Connecticut unable to respond to the RFP.

Mr. Mahler asked what you would like us to do. Ms. Lawson responded that they would like the contract re-opened to competitive bidding.

Mr. Buff indicated that the Subcommittee does not know what equipment the State currently has. Mr. Kresmery offered that he doesn't believe the State knows.

Ms. Lawson offered that by specifying the three manufactures only, the Mercury Group and others are being excluded from bidding.

Chair Rinker offered that it may be a question of being a sole source contract.

Chair Rinker noted that the Subcommittee is constrained to give a response within thirty days of receipt of the contestment, the thirty day deadline is October 27, 2017.

Chair Rinker further noted that DAS is allowed under the law to specify what equipment they want. We don't know what the results of the RFP will be at this time and because of the process won't be able to know before the Subcommittee's thirty day deadline.

Mr. Buff offered that in his experience with purchasing equipment and you are trying to reduce cost, you have a list of items that have been purchased in the past and you can't wholesale discard this equipment. Thus you make a determination to standardize over the next five years or so. Mr. Buff further offered that standardization reduces cost.

Chair Rinker stated to the Mercury Group that you are asking us to change the specifications to include all manufacturers.

Mr. Buff offered that the Mercury Group is stating the RFP is not in the State's best interest and not fair to contractors. Mr. Buff stated he is not sure how unfair the whole thing is and we need more information from DAS and their intent.

Chair Rinker indicated that it is possible the Subcommittee will not be able to get answers to the questions raised today within the thirty day deadline. It is possible the Subcommittee could dismiss without prejudice, thus allowing the Mercury Group to raise a contestment at a later date.

Chair Rinker suggested a two-step process. Ask questions of DAS and if they can't respond then the Subcommittee would be in the position dismiss without prejudice. By consensus the Subcommittee agreed with the process suggested by Chair Rinker.

4. Adjournment

Motion made by Bruce Buff and seconded by Stuart Mahler to adjourn at 1:07 P.M. All voted in favor.