



STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
STATE CONTRACTING STANDARDS BOARD

Final & Approved Minutes
State Contracting Standards Board
4e-36 Contested Solicitations and Awards Subcommittee Meeting
9:00 A.M. Friday, March 24, 2017
Fifth Floor Conference Room
18-20 Trinity Street
Hartford, Connecticut

Members Present:

Robert Rinker, Chair
Stuart Mahler

David Guay, Ex-Officio, Executive Director

1. Call to order

Meeting was called to order at 9:06 A.M. by Robert Rinker, Subcommittee Chair.

2. Approve the minutes of the February 17, 2016 Meeting

Motion made by David Guay, Ex-Officio member and seconded by Stuart Mahler to approve the minutes of the February 17, 2017 meeting of the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee as corrected. All voted in favor.

3. Warehouse Store Fixture Contest of Award

Motion made by Stuart Mahler and seconded by David Guay, Ex-Officio to adopt the proposed decision concerning the contest by Warehouse Store Fixture Co.

Warehouse Store Fixture Company's Contest of the Department of Administrative Services Award in Bid #16PSX0230 –Industrial Foodservice and Kitchen Equipment with Non-warranty Repair Services

Background: On November 18, 2016, the Department of Administrative Services (DAS) issued an Intent to Bid #16PSX0230 –Industrial Foodservice and Kitchen Equipment with Non-warranty Repair Services. The intent bid included an opportunity for potential bidders to submit questions by December 12, 2016.

DAS responded to any questions received by potential bidders on or about December 16, 2016. Four bids were received by DAS. DAS awarded the contract to B&G Restaurant Supply, Inc.

On February 22, 2017, Warehouse Store Fixture Company timely appealed the award to the State Contracting Standards Board. Warehouse in its appeal stated, "To disqualify our contract bid on this non-warranty service part of the contract is contrary to past precedent. In addition, the non-warranty service portion of the contract is flawed with issues that cause it not be bid on in the past and in the present. Finally, per the language of the solicitation, the state has the right to correct awards where it would benefit the state."

It is the position of DAS that B&G Restaurant Supply Inc. was the lowest responsible bidder. DAS stated that none of the bidders were "disqualified." DAS also stated that Warehouse Store Fixture Company did not meet the responsibility test because it did not bid on the non-warranty repair services.

Decision: It is the unanimous decision of the sub-committee of State Contracting Standards Board as established under C.G.S. 4e-36 to deny the appeal of Warehouse Store Fixture Company. The sub-committee's authority is limited to the procedure elements of the solicitation or award process, or claims of an unauthorized or unwarranted, noncompetitive selection process. DAS's intent to bid was clear in that the contract was for Industrial Foodservices and Kitchen Equipment with Non-warranty Repair Services. A review of the bids shows that Warehouse Store Fixture Company did not submit a bid for the non-warranty repair services. DAS made the decision to award the contract on the entirety of all items. It is not the role of the sub-committee to substitute its judgement for that of DAS in making an award based upon the bids received from vendors. DAS made its award to the lowest responsible and qualified bidder as specified in the Intent to Bid.

Issued: March 24, 2017

All voted in favor.

4. [Adjournment](#)

Motion made by David Guay, Ex-Officio and seconded by Stuart Mahler to adjourn at 9:20 A.M. All voted in favor.