



State of Connecticut

State Contracting Standards Board

MINUTES OF MEETING June 28, 2006

Attendees: Amalia Vazquez Bzdyra, Francis R. Coyle, Wendy Estela Scaringe, Gary Dilk, John M. Whitcomb.

Chairperson Bzdyra called the meeting to order at 9:38 AM.

The minutes of the June 15, 2006 meeting were moved for approval by John M. Whitcomb, seconded by Gary Dilk and approved unanimously.

The Chairperson reported that the Department of Administrative Services would be issuing a Request for Proposal for legal consulting and drafting services to assist the Board in drafting the uniform procurement code.

The Chairperson then led a discussion regarding proposed changes to Executive Order 7b. First, the OPM recommended changes resulting from legislation regarding affidavits were reviewed. Next, the Chairperson made some recommendations followed by John M. Whitcomb and Gary Dilk. A discussion followed each recommendation. The Board authorized that the following recommendations to Executive Order 7b be submitted to the Office of the Governor and the Office of Policy and Management for consideration:

“1(d) The chairperson of the Board shall be compensated two hundred dollars per diem. Other members of the Board shall be compensated two hundred dollars per diem. No person shall serve on the Board who [holds another] IS A FULL-TIME state or municipal EMPLOYEE [governmental position] and neither a person on the Board nor any spouse, child, stepchild, parent or sibling of such person shall be directly IN A POSITION [or indirectly] involved in any enterprise that does business with the state. “

This change was motioned by John Whitcomb and seconded by Gary Dilk. The motion passed with 5 voting yea, 0 voting nay and one abstention by Wendy Estella.

“3(a) On or before January 1, 2007, the Board shall prepare a uniform procurement code to govern all aspects of procurement and contracting involving all expenditures by and revenues to (1) all state contracting agencies in connection with all of their transactions involving real property, all manner of goods, personal property and services, information technology and the construction, reconstruction, alteration, remodeling, repair or demolition of buildings and public works, and (2) [municipalities and] quasi-public

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entities [that receive state funds]FOR PURCHASES AND CONTRACTS UTILIZING STATE FUNDS, and (3) ON OR BEFORE JANUARY 1, 2008 THE BOARD SHALL EXPAND THE CODE TO COVER MUNICIPAL CONTRACTING WHERE STATE FUNDS ARE UTILIZED. Nothing in this Section shall be construed to require the application of the uniform procurement code when such procurement involves the expenditure of federal assistance or contract funds and federal law provides for applicable procurement procedures.”

A motion to approve the recommendations to 3(a) was made by John Whitcomb and seconded by Wendy Estella. Discussion centered on the production of a solid work product and the ability of the Board with limited resources to adequately develop a code for municipalities, quasi-public agencies and the higher education units. Gary Dilk stressed the importance of adopting guiding principles that should be followed by all entities utilizing state funds. It was agreed that the Board would investigate further the amount of state funds received by quasi-public agencies. The motion passed unanimously.

“3(b) The uniform procurement code described in Subsection (a) of this Section shall be designed to: (1) establish uniform contracting standards and practices among the various state contracting agencies; (2) simplify and clarify the state's laws and regulations governing procurement and contracting standards, policies and practices, including, but not limited to, procedures concerning the solicitation and evaluation of competitive sealed bids, proposals and quotations, small purchases, sole source procurements and emergency procurements; (3) ensure the fair and equitable treatment of all businesses and persons who deal with the procurement system of the state; (4) include a process to maximize the use of small contractors and minority business enterprises, or individuals with a disability, all as more specifically defined in Section 4a-60g of the general statutes; (5) provide increased economy in state procurement activities and maximize purchasing value to the fullest extent possible; (6) ensure that the procurement of supplies, materials, equipment, services, real property and construction required by any state contracting agency is obtained in a cost-effective and responsive manner; (7) preserve and maintain the existing contracting, procurement, disqualification, suspension and termination authority and discretion of any state contracting agency when such contracting and procurement procedures represent best practices; (8) include a process to improve contractor and state contracting agency accountability; (9) include standards by which state contracting agencies must solicit and evaluate proposals to privatize state or quasi-public agency services; [and] (10) establish standards for leases and lease-purchase agreements and for the purchase, sale or transfer of other interests in real property; (11) PROMOTE A WELL TRAINED EDUCATED WORKFORCE; (12) ESTABLISH AN EFFECTIVE OVERSIGHT PROCESS TO ENSURE ALL CONTRACTS ADHERE TO THE ESTABLISHED PROCESS AND; (13) PROMOTE AN EFFECTIVE WAY FOR CONTRACTORS, THE PROCUREMENT WORKFORCE AND THE GENERAL PUBLIC TO REPORT FRAUD, WASTE AND ABUSE IN THE STATE CONTRACTING SYSTEM.”

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A motion to approve the recommendations to 3(b) was made by Gary Dilk and seconded by John Whitcomb and passed unanimously.

The Chairperson led a discussion regarding the American Bar Association (ABA) Model Procurement Code as members were asked to review the ABA Model language closely for discussion. All agreed that the ABA Model procurement Code was a solid starting point for the development of the Connecticut Uniform Procurement Code and that the ABA code brought to light several major policy issues that this Board should discuss. The members concurred with John Whitcomb that the ABA Model Code is a good launching point for the Board's work in developing a uniform procurement code. John Whitcomb asked that Board request from the major procurement agencies their reaction to the model code.

Next, a discussion centered on the Public Hearing scheduled for July 11, 2006 in Hartford. The Board reviewed potential questions that the Board may want to ask speakers. Chairperson Bzdyra discussed the potential need to limit the time of speakers, sending out the notice of the hearing and the ability for those interested in testifying to submit written comments to the Board. There was a discussion of holding the next public hearing in Bridgeport on July 20th although a time and place has not yet been determined.

Chairperson Bzdyra then led a discussion to reactivate the Personnel Subcommittee and empower it to make any decision that is necessary to assist the Department of Administrative in the Personal Services Agreement (PSA) and Request for Proposal Process (RFP). A motion to authorize the Personnel Subcommittee to make certain decisions on behalf of the Board was made by Gary Dilk and seconded by Frank Coyle. The motion passed unanimously.

The next Board meetings were scheduled for Friday, August 4th at 9:30 AM and Wednesday, August 23rd at 9:30 AM.

The meeting was adjourned at 11:52 AM.