



Contested Solicitations and Awards Subcommittee

Special Meeting Notice & Agenda

Tuesday, April 15, 2025 - 1:00 P.M.

Location: *Virtual*

In attendance:

Rochelle Palache, Chair of the State Contracting Standards Board
Stuart Mahler, Chair of the Contested Solicitations and Awards Subcommittee
Jean Morningstar, Member of the Contested Solicitations and Awards Subcommittee

Gregory Daniels, Executive Director
Aaron Felman, Staff Attorney
Aleshia Hall, Administrative Assistant

Gene Burke, Department of Administrative Services
Director of Procurement Programs and Services
Antionette Webster, Department of Administrative Services (joined meeting in progress)
Assistant Director of Procurement Programs and Services
Margaret Donagher, Department of Administrative Services
Staff Attorney of Procurement Programs and Services

Cooper Clark, Lighting Services, Inc.

M I N U T E S

- 1. Call to Order:** Chair Mahler called the meeting to order at 1:05 p.m. and introduced himself and subcommittee members, Rochelle Palache and Jean Morningstar.
 - a. Roll Call of Subcommittee Members showed all in attendance as well as SCSB staff.
 - b. Roll Call of Meeting Participants: DAS representatives Gene Burk and Margaret Donagher

- 2. Approval of Minutes**
 - a. Approval of the minutes from the September 25, 2024, special meeting.
A motion to approve the minutes as written was made by Jean Morningstar
The motion was seconded by Rochelle Palache
The motion was unanimously approved.

 - b. Approval of the minutes from the April 10, 2025, special meeting
A motion to approve the minutes as written was made by Stuart Mahler
The motion was seconded by Jean Morningstar
The motion was unanimously approved.

3. Contested Solicitation and Award, Case Docket # 2025-001:

- a. Lighting Services, Inc.: Requesting to be added to Contract 24PSX0244
Appeal of Award 24PSX0244 for Inspection, Testing, Repairs, Purchase of Emergency Lighting Systems & Exiting

- **On behalf of the Department of Administrative Services,** Gene Burk offered:
 - Gene Burke referenced the solicitation in question and asserted that it was completed in accordance with standards and processes. The contest was based on a concern that the competitive bid was awarded on a non-competitive process that did not take costs into account. Mr. Burk asserts that the selection process was completed on the competitive basis of pricing. The primary price component and the other elements were considered for the purpose of making services available to buyers. The award focused on the annual unit cost per inspection. From that perspective there was a clear differentiation between the three awardees and the other three bidders. He believes that the contract was awarded in an appropriate and reasonable manner to which he respectfully submits that the claim of the vendor is without merit.
- **On behalf of Lighting Services Inc.,** Cooper Clark offered:
 - Cooper Clark from Lighting Services, Inc. summarized the details of the appeal in a summary. For clarification, Mr. Clark offered the example that the four State universities, have emergency lighting systems in their basement and electrical rooms that supply emergency lighting in the dorms. That system is separate from the life-safety system that powers the exit signs, etc. The wording of this solicitation separated the emergency lighting systems from the larger system. By precluding their company from this contract, they are not able to continue to service these units. It seems they are being excluded from serving the state in a manner that is most competitive. He sought clarification as to why only three companies were selected, when there are many vendors on the other contracts.

Mr. Burk clarified that if something is not within the scope of work, it is not actionable; therefore, there was no fault in the process that was conducted. An additional solicitation may be contemplated to add that additional scope. As a reminder, he explained that the primary goal of DAS-issued contracts is to serve the executive branch agencies. Other entities, such as universities, need not rely solely on DAS contracts to procure the goods and services. Mr. Burk duly noted the vendor's concerns and wishes the issue was brought to their attention during the question-and-answer period of the solicitation when it could have been considered. There was, however, nothing improper in the scope or determination of this contract award.

Mr. Clark noted his concerns regarding the impact this would have on his small business and expressed concerns that the previous three-year contract award was extended. He is concerned about the impact to his small business now and in the

future, if the currently awarded contract is also extended. Mr. Burk explained that the contract only be extended for the original duration period of the contract to encourage more participation from vendors.

In response to Mr. Clark, Mr. Burk offered that there is a detriment to including Lighting Services, Inc. in the contract award as it would erode the purpose of the price component of the award process. Mr. Burk explained that there were six bidders. The three awardees presented bids that were less expensive by 50% or more than the three vendors that were not selected. If DAS was to include Lighting Services, Inc., they would have to include the others as well, and by doing so, they would erode the competitive bid process.

Mr. Clark further explained that the solicitation was for testing and inspection; however, when violations are found, labor rates and materials costs apply. He explained that the testing is just the initial component, when repairs need to be made, his company has lower labor rates and material markups which result in a lower final cost.

Mr. Burk responded that the contract award was based on the primary inspection cost, since most inspections do not require repair.

In response to Mr. Clark's inquiry, Mr. Burk confirmed that one contractor can be used for testing and another for repairs; however, his experience is that doing so generally causes confusion.

In response to Mr. Mahler's inquiry, Mr. Burk confirmed that the bid submission received from Lighting Services, Inc. was completed correctly in all elements. He reiterated that if this issue had been raised during the question-and-answer portion of the solicitation process, it would have had relevance in consideration of the award; however, the issue raised in this contest does not undermine the credibility or validity of the awards process in question.

4. Subcommittee Discussion

Having no further questions from the Contested Solicitations and Awards Subcommittee members, Mr. Mahler confirmed that the contract was awarded in compliance with the competitive bid process.

A motion to render a decision in favor of DAS was made by Rochelle Palache
The motion was seconded by Jean Morningstar
The motion was unanimously approved.

Staff Attorney Felman will issue a formal decision reflective of this decision prior to the 30-day deadline of April 20, 2025.

Mr. Mahler thanked Mr. Clark for attending and wished him good luck in his future business with the State of Connecticut.

Mr. Burk offered to meet with Mr. Clark after this meeting to discuss ways in which DAS can improve future competitive solicitations processes.

5. Adjournment

A motion to adjourn the meeting was made by Stuart Mahler

The motion was seconded by: Rochelle Palache

The motion was unanimously approved.

Respectfully submitted,

Aleshia M. Hall
Administrative Assistant