



## Contested Solicitations and Awards Subcommittee Special Meeting Notice & Agenda

Monday, May 5, 2025 at 1:00 p.m.

Location: *Virtual*

### **In Attendance:**

Rochelle Palache, Chair of the SCSB & Member of the SCSB CSA Subcommittee  
Jean Morningstar, Member of the SCSB CSA Subcommittee

Gregory Daniels, Executive Director of the SCSB  
Aaron Felman, Staff Attorney  
Samson Anderson, Research Analyst  
Aleshia Hall, Administrative Assistant

Gene Burke, Department of Administrative Services, Director of Purchasing  
Antoinette Webster, Department of Administrative Services, Assistant Director of Purchasing

Joseph P. Yamin, Yamin & Grant, LLC, on behalf of Torrco Counsel  
Chris Fasano, Don Paletto, Andrew Thompson, Ed Sherd – Torrco Representatives

### **MINUTES**

1. **Call to Order:** The meeting was called to order at 1:04 p.m. by introducing herself
  - a. Roll Call of Subcommittee Members
2. **Subcommittee Discussion** of Documentation related to Contested Solicitation and Award, Case Docket # 2025-002:  
Torrco: Requesting to be added to Contract 24PSX0171  
Appeal of Award 24PSX0171 for Plumbing, HVAC and Penal Ware Equipment, Fixtures and Parts received on April 9, 2025.
  - Testimony received from Vendor, Torrco:  
Joseph Yamin, counsel for Torrco provided background on the Torrco company, concluding that they have been a contractor with the State of Connecticut for over 20 years and the only Connecticut-based respondent to the bid. Attorney Yamin does not dispute that when Torrco responded, they did not use the Exhibit B format. Instead, they submitted a more detailed excel sheet that itemized each item. When Torrco recognized their error, they resubmitted a revised form without changing its pricing. They are looking to the SCSB to allow the Torrco bid to be considered in the solicitation process.

- Testimony received from Department of Administrative Services by Gene Burk:  
Gene Burk appreciates Torrcó's interest in doing business with the State of Connecticut. It is because of the consistency required to maintain the integrity of the process that the bidders need to participate in the Question-and-Answer portion of the solicitation. Torrcó's error in the initial submission cannot be deemed as a minor irregularity. Mr. Burk has occasionally waived minor irregularities; however, in this case, the entire pricing submission that was not completed in a conforming manner. This same error did not occur with any other vendor; therefore, accepting it would appear to be a favoritism which is a precedent that he does not want to set.

In response to Ms. Morningstar's inquiry, Mr. Burk clarified that Suzanne Hawkins is the contract specialist responsible for the solicitation and she has been counseled for this issue.

Torrco representative Andrew Thompson clarified that he has known her over the years and has dealt with her over the years. He reached out to her by phone and asked specifically about the excel format vs. the word document format. It was a replicate of the word document. She said if they represent the same material, it would be accepted in that format.

Gene Burke again referenced the instructions in the solicitation that explains that all inquiries must be submitted during the question-and-answer section of the solicitation. He explained that outside conversations, such as the one referenced with Ms. Hawkins, are not permitted in a public solicitation. Ms. Hawkins has been counseled that her response was improper and that she should not have had a conversation with the bidder. Additionally, the instructions provided in the solicitation were very clear and all others responded in the required format.

Torrco representative Andrew Thompson explained that he has reached out to Ms. Hawkins because he has done so in the past and maintained communication with her over the years. He confirmed to Ms. Hawkins during that conversation that he was aware his inquiry was being made outside of the question-and-answer period and he would understand if she could not answer. Ms. Hawkins confirmed that she could respond and that an excel format would be acceptable.

In response to Chair Palache's inquiry about how the decision was made, Mr. Burk explained that the decision to disallow the subsequent price submission by Torrcó was based on the fact that to do so would be to have deemed it to have been a minor irregularity. Accepting a price submission after the solicitation period has closed would not be considered a minor irregularity. This would be considered a major irregularity and accepting it would constitute favoritism to one respondent over all the others. Pricing is a critical component; therefore, it is not a minor violation and to accept it could be deemed as favoritism.

Attorney Yamin understands Mr. Burk's point, but this is not a question of initial submission lacking information. The original submission was more comprehensive

than required; therefore, the State had the advantage of receiving more information. The vendor was asked to reduce the amount of information provided to fit within Exhibit B. The pricing of the other respondents had not been disclosed and the information Torrcó submitted was consistent with their original submission. He feels that while there was communication with Ms. Hawkins, it was not intended to gain favoritism; it was to confirm compliance with the solicitation. Additionally, Torrcó was the respondent with the lowest cost; therefore, the taxpayers of the State will benefit from their participation in this program. The other bidders are not being eliminated, they are just requesting to be added.

- Discussion by SCSB-CSA Subcommittee Members:

Ms. Morningstar explained that the role of this subcommittee is to examine the details of the process to ensure compliance with the statute. Therefore, a decision will not be made during this meeting.

Mr. Burk referenced the manner in which bids are received and the level of transparency. While Torrcó would not have been privy to the other electronic submissions, Contract Specialist Hawkins would have; therefore, it leads to undermine the credibility of the process and its objectivity. There is a potential negative impact whenever a human component is brought into something that is meant to be totally objective.

3. **Decision:** A decision will be made on this issue within the coming days that will be shared with the parties involved. Please note that CSA Subcommittee Chair Stuart Mahler was not available to participate in, or contribute to, this meeting or the final decision that is to be rendered by the available Subcommittee members.
4. **Adjournment:** The meeting was adjourned by Ms. Morningstar at 1:04 p.m.

Respectfully submitted,

Aleshia M. Hall  
Administrative Assistant