

Connecticut Nonprofit Human Services Cabinet

90 Bralnard Road • Hartford, CT 06114 • (860) 525-5080 • (860) 525-5088 (fax) • landrews@ctnonprofits.org

Feedback and Recommendations re: OPM Procurement Standards for PSA & POS Contracts

The Nonprofit Cabinet would like to thank OPM for allowing its members to review and provide feedback on a draft of *Procurement Standards: for Personal Service Agreements and Purchase of Service Contracts* (“the standards”). We appreciate the willingness of OPM to maintain an open dialogue with the Cabinet and, as is evidenced by the draft, consider our concerns. The Cabinet is encouraged by the draft and views it as a positive step forward in the process of competitive procurement.

The following are concerns and recommendations that the Nonprofit Cabinet would like to offer in response to the draft:

Procurement training (pg 5): The standards state that each individual agency will be expected to provide its own training. Providers have previously noted inconsistency among and sometimes within state agencies has been a major concern since the competitive procurement process began in July 2008. This includes inconsistency during both the RFP process and the contract negotiation process.

Recommendation: OPM holds one (1) training at which one (1) key member of each state agency’s procurement team is trained in the new standards, thus allowing that key member to train the remaining members of his or her team. Also, it would be useful if OPM would post the training materials on their website so that the materials are accessible to all state agency procurement staff. This will allow for consistent training across all agencies.

Recommendation: Training should not just be focused on the RFP process but should also include a component on contract negotiations.

Procurement Schedule (pg. 10-11): The standards list factors that agencies should consider when deciding whether and when to competitively or non-competitively procure a service. If the overall goal of competitive procurement is to ensure that the most responsible provider is selected to provide the best service to Connecticut residents, then there cannot be gaps in service during the process.

Recommendation: Clarify language on pg. 11 referring to “seamless and...fully operational” services to not only reference the purchase of similar services or services funded in part by another agency, but any and all services competitively procured. At no time during the competitive procurement process should state agencies be allowing gaps in service.

Program Waivers (pg 11-12):

- **List of criteria for waiver:** The Cabinet supports the removal of the term, “core life services,” which appeared in OPM’s Principles & Procedures, but which was never properly defined. However, noticeably missing from the standards is the term “continuity of care.” The criterion for requesting a program waiver used in the standards, “whether the services are for clients with chronic conditions requiring ongoing care,” does not adequately cover the breadth of the term “continuity of care” and the variety of services (i.e.: children’s residential services) for which the disruption to the persons being served significantly outweighs the need for competitive procurement.

Children's League of Connecticut

Connecticut AIDS Resource Coalition

Connecticut Association for Community Action

Connecticut Association for Human Services

Connecticut Association of Area Agencies on Aging

Connecticut Association of Nonprofits

Connecticut Coalition Against Domestic Violence

Connecticut Coalition to End Homelessness

Connecticut Community Providers Association

Connecticut Consortium of Legal Services

Connecticut Council of Family Service Agencies

Connecticut Sexual Assault Crisis Services

Connecticut Women's Consortium

Easter Seals Connecticut

End Hunger Connecticut!

Human Services Council

Oak Hill

Planned Parenthood of Connecticut

The Connection, Inc.

Wheeler Clinic

Program Waivers (pg 11-12) CONT'D:

Recommendation: Replace “whether the services are for clients with chronic conditions requiring ongoing care,” with “whether continuity of care outweighs the need for competitive procurement*.”

* this term is found in OPM’s Principles & Procedures for the Competitive Procurement of Human Services, February 1, 2008

- **Reversal of previous waiver approval:** The standards state that “any agency may decide – at any time and for any reason – to conduct a competitive procurement... In such instances, an agency is not required to submit a request to OPM to rescind an approved program waiver.” It is unclear why an agency has to seek approval from OPM for a program waiver, but can rescind a program waiver with no oversight of that decision from OPM. The standards are not clear as to what, if any, amount of notice must be given to a current provider who was previously told that the program they provide would receive a waiver.

Recommendation: The standards should set a required minimum time period (i.e.: 90 days) in which a current provider must be notified of a rescinded program waiver prior to the release of an RFP.

Selecting contractor (pg 30-31): The standards discuss the selection of a proposer who is then given an opportunity to negotiate a contract. The Cabinet has previously noted instances where providers found substantial differences between information found in an RFP and information present during contract negotiations. The Cabinet understands that there are times when the RFP and negotiated contract will differ slightly; however, substantial differences are not acceptable.

Recommendation: Include language noting that contract negotiations regarding services and/or goods procured and payment for such should not differ substantially from the information found in the original RFP.

Appeals process (pg 31-32): The standards introduce an appeals process, which the Cabinet applauds. While understanding that until the State Contracting Standards Board is in place there are limited options for setting up such an appeals process, the Cabinet would still like to voice concerns that the crux of this process rests on a Commissioner overturning his or her own decision of who to award a contract to. This seems to create a conflict of interest for the Commissioner.

Standard Contract (pg 34): The Cabinet has previously noted concerns with timely contracts. There have been numerous past incidents when providers were expected to, in good-faith, continue providing a service in the absence of a signed contract. It is unreasonable to expect providers to maintain services in the absence of a fully executed and/or properly amended contract.

Recommendation: Include language requiring that agencies produce timely contracts that are fully-executed by the start date for the procured service.

Again, thank you for allowing us the opportunity to provide feedback on the draft. Please do not hesitate to contact us should you need any clarification or additional information.

Daniel O’Connell, Co-Chair
CT Council of Family Service Agencies
(860) 571-0093 x11

Pat Johnson, Co-Chair
Oak Hill
(860) 242-2274 x3801