



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES & PUBLIC PROTECTION

To: Greg Daniels, Esq., Executive Director, State Contracting Standards Board
Jonathan Longman, Chief Procurement Officer, State Contracting Board

From: Aimee Plourde, Chief Fiscal Officer, Department of Emergency Services & Public Protection

CC: Ronnell A. Higgins, Commissioner, Department of Emergency Services & Public Protection; Scott DeVico, DEMHS Chief of Staff, Department of Emergency Services & Public Protection; Cynthia Isales, Agency Legal Director, Department of Emergency Services and Public Protection

Date: December 8, 2023

Re: Sec. 4e-16. Privatization Contracts - A&R alleging DESPP Privatizing Connecticut On-Line Law Enforcement Communications Teleprocessing System (COLLECT Unit)

In an email dated September 12, 2023, and a letter dated September 29, 2023, Chief Procurement Officer, Jonathan Longman, inquired “about the possible privatization of the Department of Emergency Services and Public Protection’s (DESPP) Collect Unit’s audit and training functions.” As will be explained in this letter, the agency response is that there has been no “privatization of a state service.” Audits and training of Criminal and Non-criminal Justice agencies will continue to be conducted by state personnel. The agency vendor, Diverse Computing, is not authorized and will not conduct any audits or training of Criminal and Non-criminal Justice agencies on behalf of the state.

DESPP’s COLLECT Unit entered into an agreement with Diverse Computing to perform consulting services that would optimize the usage of the COLLECT Unit’s long-standing Peak Performance software. The purpose of the agreement is to assist the agency in enhancing its compliance standard by imparting specialized training sessions and guidance. Their efforts are geared toward empowering DESPP team members with the necessary skills and knowledge to ensure adherence to compliance regulations while optimizing the use of existing software tools and aiming for quality improvement in business operations and enhancing audit compliance. For context, DESPP has FBI and State – Criminal and Non-criminal Justice audits pending since 2014. With new audit personnel and with the assistance of the Diverse Computing, the unit will work to close out any outstanding audits.

Diverse Computing will not be directly involved in performing any core business function and will not make any business decisions on behalf of the state. As explained in the Statement of Work:

The proposed project is structured to *assist the CT DESPP* staff with issuing and reviewing the remaining audits in their current CJIS audit cycle ending in August 2024 (up to 1250 audits) and *assist with* the preparation prior to the CT DES PP FBI audit. The CJIS ACE team will utilize the CJIS Audit Tool (by Peak Performance Solutions) that has already been procured (and will be maintained) by CT DESPP to process, track, and memorialize all audits.

(Emphasis added.) Diverse Computing will conduct training for new DESPP staff members and assist them with using existing software which has not been used to its full potential. The training provided by the vendor is aimed at equipping these individuals with the required proficiency to execute their tasks efficiently within the established software framework. This collaboration is a strategic step towards ensuring that DESPP not only meets but exceeds compliance standards while maximizing the potential of existing software tools to streamline operations.

Based on the above, it is DESPP's position that there has been no attempt to privatize a state service, therefore, Conn. Gen. Stat. § 4e-16 does not apply. To that end, a Cost-benefit Analysis was not required. If necessary, DESPP is prepared to make available to the board those key stakeholders overseeing the work of Diverse Computing.

In refence to procurement governing statutes, due to staffing constraints, DESPP inadvertently missed critical steps in the procurement process. Specifically, DESPP did not fully comply with Conn. Gen. Stat. § 4a-57, Competitive bidding or competitive negotiation for purchases and contacts. As such, DESPP is committed to the following.

1. DESPP will be extending an employment offer to a procurement officer. If they accept, we anticipate a hire date on or about January 12, 2024.
2. By April 1, 2024, DESPP will publish written guidance and instructions for Fiscal employees and DESPP Employees to follow when performing procurement activities.
3. DESPP will collaborate with SCSB staff and schedule formal training in February of 2024 that outlines the specific rules and best practices in procurement processes and procedures. The training will include specific training for the following activities:
 - a. PSA/POS Contracts
 - b. Privatization & Cost Benefit Analysis

Additionally, DESPP employees will be encouraged to complete the SCSB Training Program once it is released early next year.

4. DESPP's Fiscal Leadership Team will evaluate the need for additional resources and training to their internal procurement team within available personnel services budget funding to provide additional management and oversight of all purchasing activities.
5. A correspondence will be released to agency staff outlining internal purchasing authorities that authorize only procurement and purchasing professionals to make final purchasing approvals.
6. All parties in this complaint may use other relevant state statutes, collective bargaining agreements, or state policy to address all other aspects beyond the scope of Chapter 62.