

**Policies & Procurement Committee
October 12, 2006 Meeting**

Draft Minutes

Members Present: Raymond O'Brien, Committee Chairman
Mark Cooper
Theodore Martland

CRRA Staff Present: Tom Kirk, President
Peter Egan, Director of Environmental Affairs & Development
Laurie Hunt, Director of Legal Services
Rob Constable, Controller
Michael Tracey, Operations Manager/Construction Management
Donna Tracy, Executive Assistant
Kristen Greig, Secretary to the Board/Paralegal

Also Present: Jim Maher, Esq. of Halloran & Sage and Douglas Pelham, Esq. of Cohn, Birnbaum & Shea

Chairman O'Brien called the meeting to order at 9:30 a.m. and noted that there was a quorum. Chairman O'Brien requested that everyone stand for the Pledge of Allegiance whereupon the Pledge was recited. Noting that there were no members of the public present for comment, Chairman O'Brien stated that the regular meeting would commence.

1. APPROVAL OF MINUTES OF THE SEPTEMBER 14, 2006 COMMITTEE MEETING

Chairman O'Brien requested a motion to accept the minutes of the September 14, 2006 Policies & Procurement Committee meeting. The motion made by Vice-Chairman Martland was seconded by Director Cooper.

The minutes were approved unanimously.

2. REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING RATIFICATION OF EMERGENCY PROCUREMENT CONTRACTS

Chairman O'Brien requested a motion regarding the above-captioned item. Director Cooper made the following motion:

RESOLVED: That the Authority Board of Directors ratifies the Emergency purchase as substantially presented and discussed at this meeting.

Vice-Chairman Martland seconded the motion.

Mr. Constable informed the Committee that the Authority is partially responsible for maintaining the Brainard & Maxim Road railroad crossing and explained that an accident, in addition to storm damage, made emergency repairs necessary.

Chairman O'Brien asked if there are drainage problems in the area, which could be the cause of the storm damage. Mr. Constable responded in the affirmative. Mr. Tracey added that, as a result of that incident, CRRA is taking a closer look at the particulars regarding CRRA's obligation to maintain the crossing.

The motion previously made and seconded was approved unanimously.

3. REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING REVISION TO CRRA PROCUREMENT POLICY

Chairman O'Brien requested a motion regarding the above-captioned item. Director Cooper made the following motion:

RESOLVED: That the Authority Board of Directors adopts the following change to Section 5.10 of the Procurement Policies and Procedures pertaining to Emergency purchases as substantially presented at this meeting.

Vice-Chairman Martland seconded the motion.

Chairman O'Brien noted that this change does not need to be publicly noticed because it is an internal policy.

Mr. Constable explained that there was some discussion at a previous meeting regarding changing the Procurement Policy so that the Board of Directors would not have to ratify smaller emergency purchases. Mr. Constable informed the Committee that in an analysis performed on emergency purchases, 72% of those purchases were under \$10,000. Mr. Constable stated that he then reviewed the other exceptions within the Procurement Policy to determine if there are similar dollar limit restrictions and found some similarity to the "Special Capability" exception where purchases made under this exception require Board approval for purchases in excess of \$10,000. Mr. Constable said that the same standard would be appropriate for emergency purchases.

There was a brief discussion regarding single-source vendors and Chairman O'Brien stated that he would like to see the breakdown of how many purchases were under \$1,000, \$5,000, etc. Chairman O'Brien also asked to see the maximum amount of emergency requisitions to ensure the statutory requirements are also covered in the policy.

Chairman O'Brien said that he is uncomfortable with the word "ratify" and suggested replacing it with "endorse." Chairman O'Brien said that when the policy is revised, he would like to change that language. Chairman O'Brien added that he would like the exceptions to continue to be reported to the Committee.

The motion previously made and seconded was approved unanimously.

4. DISCUSSION REGARDING AFFIRMATIVE ACTION/SUPPLIER DIVERSITY

Mr. Constable said that this information was provided in response to questions raised at a previous Board meeting. Mr. Constable noted that the corresponding document is a summary of actions by the Authority regarding affirmative action and minority/set-aside programs.

Vice-Chairman Martland asked if the Department of Administrative Services (“DAS”) definition of a minority group includes women. Chairman O’Brien noted that the summary includes an explanation of the purpose of the State’s Supplier Diversity Program, which includes ensuring business transactions are conducted with businesses owned by minorities, women, and the disabled. Mr. Constable added that CRRA gets credit toward set-aside requirements for women-owned businesses.

Mr. Kirk pointed out that, from a reporting standpoint, CRRA does not get credit with the State for contracting with minority-owned businesses or small businesses unless they are registered with the State. Mr. Kirk stated that CRRA does a good job with outreach and trying to expand the utilization of minority-owned and small businesses. Mr. Kirk said that is sometimes a difficult task because CRRA often faces difficulty finding qualified bidders, but nonetheless, CRRA continues to make every effort.

Chairman O’Brien said that, in addition to striving for official credit from the government, CRRA should also make their efforts known to the public. Chairman O’Brien said the public should know that CRRA contracts with minorities and small businesses that choose not to register with the State as such. Vice-Chairman Martland stated that he helped a vendor become registered with the State and said that it was a very difficult process. Vice-Chairman Martland said that many business-owners do not want to take time away from their business to work through those difficulties.

Mr. Constable stated that the report to the State does provided for “good faith efforts” if businesses are not registered as small or minority businesses. Chairman O’Brien suggested posting the report on the website so the public knows that CRRA is doing everything it can.

5. DISCUSSION REGARDING THE REQUEST FOR PROPOSALS FOR RE-BID OF ELECTRIC POWER MARKET PROFESSIONAL SERVICES AGREEMENT

Mr. Kirk briefly informed the Committee that new bids were due the following day and CRRA expects new bids in addition to those that have already been submitted. Mr. Kirk stated that the bid was re-done and advertised as a full-scale RFP that requested a firm price on Tasks 1, 2, 3a and 3b. Since it was originally anticipated that the bids would be under \$50,000, but the first round of bids exceeded that amount, Mr. Kirk said that the re-bid will assure the Board that the process meets procedural requirements.

6. EXECUTIVE SESSION

Chairman O'Brien requested a motion to enter into Executive Session to discuss real estate acquisition and pending litigation with appropriate staff. The motion made by Director Martland seconded by Director Cooper was approved unanimously. Chairman O'Brien requested that the following people remain for the Executive Session, in addition to the Committee members:

Mr. Kirk
Mr. Egan
Attorney Hunt
Mr. Tracey (Present until 10:45 a.m.)
Attorney Maher (Present until 10:45 a.m.)
Attorney Pelham (Present until 10:45 a.m.)

The Executive Session commenced at 9:58 a.m. and concluded at 11:08 a.m. Chairman O'Brien noted that no votes were taken.

7. ADJOURNMENT

With no other business to discuss, Chairman O'Brien requested a motion to adjourn the meeting. The motion made by Director Cooper and seconded by Vice-Chairman Martland was passed unanimously.

The meeting was adjourned at 11:08 a.m.

Respectfully submitted,

Kristen B. Greig
Secretary to the Board/Paralegal