

Thursday, August 16, 2018

MINUTES OF THE SPECIAL MEETING OF THE
BRIDGEPORT BOARD OF EDUCATION, held August 16,
2018, at Bridgeport City Hall, 45 Lyon Terrace, Bridgeport,
Connecticut

The meeting was called to order at 6:42 p.m.

Present were Chair John Weldon, Secretary Jessica Martinez, Dennis Bradley, Sybil Allen, and Maria Pereira. Chris Taylor arrived subsequently as noted.

The sole agenda item was the discussion and possible action on modification to language of solicitation for nutrition bids.

Ms. Pereira asked Atty. Lisa Trachtenberg of the city attorney's office who gave her the authority to change something the board had authorized.

Atty. Trachtenberg said the bids were approved by the board on June 25th and then went to the purchasing department to be posted. She said the bids were then recalled at the request of the nutrition center.

Atty. Trachtenberg said the city attorney's office requested a meeting with Dr. Johnson to discuss how they could assist in getting the process moving.

In response to a question, Vincent Esposito of the nutrition department said all the bids were rescinded in April after

being posted on BidSync.

Atty. Trachtenberg said a timeline she created indicated the ten outstanding bids were withdrawn on June 12th. She said the meeting with superintendent occurred on June 19th. She said she was advised that the city attorney's office should revise the bids before they were released. She added she was not aware that the board would approve the bids prior to the legal review.

Atty. Trachtenberg said she reviewed the bids on June 27th. Mr. Esposito said the nutrition center submits the bids to purchasing for uploading into BidSync.

Atty. Trachtenberg said she had some concerns after reviewing the bids and suggested some changes. She said the altered document went to nutrition and then to purchasing. She said there was a time crunch to get the bids out. She said she met with Mr. Esposito to try to understand the process and then clean up the bids to put in language that is required. Additional language that she could not approve was taken out. She said she sent the revised bids to the superintendent on July 13th.

Atty. Trachtenberg said on July 25th the purchasing department got the word that they can release the bids with the edits she made. She said she did not know who authorized the release of the bids. She then said she was being told it was Mr. Esposito. Ten of the thirteen bids were released.

Atty. Trachtenberg said the next day there was an instruction from the nutrition center to not release the remaining two bids.

In response to a question, Mr. Esposito said he authorized the release of the bids. He said Dr. Johnson, who was away on vacation, asked him to determine what the holdup of presenting the bids was and asked him to proceed with the modifications.

Ms. Pereira said this was not okay because the board voted on the matter.

Atty. Trachtenberg said it was decided to bring the bids before the board and ask for approval for the thirteen bids.

Atty. Trachtenberg distributed a document to the board which contained the changes made in the bids.

In response to a question, Atty. Trachtenberg said she recommended language be eliminated indicating a bid could be deemed compliant if the response called for something that is not legally required.

Atty. Trachtenberg noted she rearranged some of the criteria in the bid, including the reference to price.

In response to a question, Atty. Trachtenberg said she finds often documents like these are the result of various people making changes over the course of several years and ending up with something that does not flow in order to receive good, qualified bids.

Mr. Weldon noted Atty. Trachtenberg indicated Dr. Johnson will be having discussions with the purchasing department to establish a process in this area.

Atty. Trachtenberg said the nutrition bid process was very complicated and she came to appreciate that the

requirements necessary for nutrition center employees are appropriate. She added the goal is to rework the bids even further and get them out in the fall for next year to get the best and front end of commodity products.

In response to a question, Mr. Esposito said bullets 3, 4 and 5 under "Quotation" were not put into the non-commodity bids. He described the bullets as strict language that was only included in six commodity bids.

Ms. Pereira said her issue wasn't about whether changes needed to be made, but the fact that changes were made after the vote on previous language. She said the board under the law is the governing body of the district and all its funding. She added the only time she could remember the city attorney getting involved in a bidding process since 2009 was when the board went out for legal services.

Ms. Pereira said the bids were extensively discussed in committee, approved by the full board, and then we found out that the entire bid has been rewritten and we did not vote on it.

Atty. Trachtenberg said she wasn't trying, nor did she know, that is what you thought was what was proceeding.

Mr. Weldon said in a normal world the final solicitation document would be reviewed by the city attorney before it went to anyone to approve it and issue it.

Ms. Pereira said the board changed the process two years ago to require legal review of contracts or awards. She said there was no board policy that calls for bid documents to be reviewed by an attorney.

Mr. Weldon said the solicitation document becomes part of the contract, so it is necessary to know if your solicitation passes muster from a legal standpoint.

Ms. Pereira said she did not have an issue with legal review, but she has a big problem with someone changing something approved by the board and altering the whole bid format without the board's knowledge.

Mr. Taylor arrived at the meeting.

Ms. Martinez said as a new board we should be doing things in a different way and in the right way. She said she was all for an expert ensuring that the proper language and verbiage is used. She added she could see Ms. Pereira's frustration if what the board approved was changed.

Ms. Martinez said she hoped to learn more about contracts like she needs to, but she trusted the expertise of Atty. Trachtenberg and Mr. Esposito.

Atty. Trachtenberg said she was waiting with bated breath for authorization to proceed from July 13th to July 25th. She said she assumed we were authorized to proceed with board approval. She said because federal funding was involved what she saw was glaring enough that she had to step in.

Mr. Taylor asked if he was needed for a vote.

Mr. Bradley said he did not think the situation was the fault of Dr. Johnson or Mr. Esposito or the attorney. He said prior to the new members being on the board previous board members attempted to play attorney and tried to revamp contracts. He said he didn't think it was done with any malice but lacked sophistication. He said he hoped the board

learned a lesson. He said previous attitudes were that there were nefarious dealings from the city attorney's office and we did not want their advice. He said the availability of the city attorney's office would help to avoid some of these issues.

Ms. Pereira said she wanted to be sure the three bullet points referenced were not in the non-commodity bids.

Ms. Martinez moved "*to ratify the changes as recommended by the city attorney's office.*" The motion was seconded by Mr. Bradley. The motion was approved by a vote of 5-0. Voting in favor were members Weldon, Martinez, Bradley, Allen and Taylor. Ms. Pereira abstained.

Atty. Trachtenberg asked the board approve the two bids that were not released previously. Mr. Esposito said they were for milk and bread. He noted the strict language applied to the commodities was not present.

In response to a question, Mr. Esposito said September 1st was the date that could be used in the document. Ms Pereira noted the district can continue buy products until a vendor is selected.

Ms. Allen moved "*to approve the last two bids with the language as recommended by the city attorney's office, minus the commodity language, and revising the dates accordingly.*" The motion was seconded by Ms. Martinez and unanimously approved.

Mr. Taylor moved the meeting be adjourned. The motion was seconded by Mr. Bradley and unanimously approved.

The meeting was adjourned at 7:18 p.m.

Respectfully submitted,

John McLeod

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