

THE SENATE
STATE OF NEW YORK



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May 20, 2016

Commissioner RoAnn Destito
NYS Office of General Services
Chair, NYS Procurement Council
Corning Tower - 41st Floor
Empire State Plaza
Albany, New York 12242

Dear Commissioner Destito & Members of the NYS Procurement Council:

I am reaching out to the Procurement Council to weigh in on the changes to the Preferred Source definitions, sent out for review on April 11th and that are on the Agenda for the Council's May 25th meeting.

I understand that the impetus for this review was a request by the Commissioner of OGS at the May 27th, 2015 Procurement Council meeting to bring the Preferred Source List into the 21st century, since the List hadn't been updated since 1996. I applaud the proactive nature of the Council and agree that the List and the definitions need to be ever evolving to keep up with the times.

As the Council knows, the Preferred Source Program is a social program, legislatively enacted to increase opportunities for individuals with disabilities to secure and flourish in service and commodity producing jobs. Naturally those jobs are limited, however, to that which is approved for the Preferred Source List.

Recognizing this limitation, OGS has, per its own Guidelines, stated that the List should be interpreted as widely and broadly as possible to maximize opportunities for employment for individuals with disabilities, whose current unemployment rate is over 75%.

Regrettably, the suggested revisions to the definitions, if unchanged from the April 11th distribution, not only fail to meet either of the above stated directives, they will operate to reduce the List of offerings that the disabled can perform because of the narrow scope of the definitions.

I draw your attention to three definitions in particular; Mail Fulfillment Services, Temporary Personnel Services and Laundry Services. With the Mail Fulfillment Services definition instead of updating it to make it more user friendly and keeping up with the current electronic technology in that service sector, the new definition limits the work to "manual processes" or processes done by hand.

With this limitation those who perform this service would be unable to be cost competitive and would find themselves obsolete in this market. Instead of securing more opportunities in an already approved service sector, this definition would create less work and fewer jobs.

As for Temporary Personnel where currently this service listing has been offering all types of opportunities to individuals with disabilities, OGS has specifically revised the definition to include the following: "This service does not include professional, IT, or trade services". This revision would mean that roughly 150 disabled individuals currently working on Preferred Source contracts for Temporary Services couldn't keep their jobs.

Plainly put, with definitions as proposed, it is difficult not to conclude that OGS feels individuals with disabilities either cannot or should not be given the opportunity to be trained on new and advancing technology, or cannot or should not be given the opportunity to expand their capabilities into higher level, higher paying, temporary jobs.

Further, it has always been OGS's position to interpret the offerings as widely as possible to afford as many employment opportunities as possible. A plain reading of the revisions suggests that these new definitions are more limited in scope. Instead of looking at all aspects of these service sectors and what could be viewed as potential areas of employment, OGS has narrowed its view and included only functions viewed as essential.

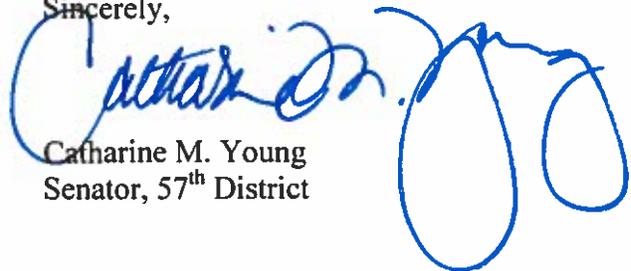
This is no more evident than with Laundry Services. While there are many functions that go into meeting industry standards for laundry services and the supporting tasks to meet those standards, OGS ignores these other tasks and relegates them non-essential by not allowing for these tasks to be included into the definition of Laundry Service (Industrial).

I am greatly concerned with the revisions to the Preferred Source definitions as they have been presented by OGS for a vote before the Procurement Council, and urge the Council to reject any limitation on employment opportunities for individuals with disabilities.

Instead, I encourage a true effort to update the Preferred Source List of offerings with definitions that are understandable and, as importantly, actually useful in today's marketplace. I would also encourage the Council to direct those state agencies and others utilizing the List to continue to interpret the offerings as broadly as possible to ensure, as it has for over 40 years, that the legislative intent of this program, to put people with disabilities to work, is realized.

Thank you for your consideration.

Sincerely,



Catharine M. Young
Senator, 57th District