

MEMORANDUM

March 20, 2006

TO: Procurement Council Members
FROM: Barrett Russell
SUBJECT: Minutes of the Meeting for March 3, 2006

Enclosed for your review are draft Minutes of the Procurement Council meeting of March 3.

If you have comments or suggested changes, or would like to propose agenda items for the next meeting, please contact Ginny Lazzaro at (518) 486-7323 or e-mail virginia.lazzaro@ogs.state.ny.us.

The next Procurement Council Meeting is scheduled for April 20, 2006.

Enclosures

cc: D. Hogan
R. Fleury
R. Reed
A. Phillips
W. Bikowitz

**Minutes of the Meeting
NYS Procurement Council
March 3, 2006 – 10:00 am
Meeting Room 7
Convention Center, Empire State Plaza
Albany, NY**

- I. Call to Order.** Barrett Russell convened the meeting. Mr. Russell introduced several representatives new to the Council - Gerard Minot-Scheuermann representing the Division of the Budget, Peter Rufer representing SUNY and Ron Romano representing New York State Industries for the Disabled.

- II. Minutes of the Meeting January 19, 2006.** Mr. Russell called for a motion to adopt the draft minutes of the meeting held on January 19, 2006. Leon Aronowitz made the motion and Robert Pape seconded the motion to adopt the meeting minutes. Meeting minutes were accepted unanimously.

- III. Old Business**

Procurement Lobbying: Anne Phillips informed the Council that the Advisory Council on Procurement Lobbying has had 6 meetings. The Advisory Council will hold a large meeting with agencies covered by the Procurement Lobbying requirements on March 7. All agencies are encouraged to send representatives. There will be other sessions in the future as guidelines are developed. A revised set of Frequently Asked Questions (FAQ's) are posted on the OGS website. As additional FAQ's are developed they will be added to the site. The advisory council has adopted model forms and language which can be used by agencies in their procurements. Model forms and language are available on the OGS website.

Procurement Stewardship Act report - Ms. Phillips mentioned that there were some slight changes to the Report of the Procurement Stewardship Act. ([Attachment 1](#)) Mr. Russell called for a vote to send the report to the Legislature. The council voted to accept the report by a vote of 11 in favor, with 1 abstention and 5 members absent.

Noreen VanDoren presented a brief report on the results of a survey conducted by OGS of OGS registered vendors seeking comments on the proposed OSC Vendor Responsibility Questionnaire. ([Attachment 2](#)) Ms. VanDoren provided listings of significant comments based on areas of questions and also provided sets of significant comments made by identified vendors, separated by their self-identification as Minority-Owned, Women-Owned, Minority and Women-Owned, New York State Small Business and all others. Ms. VanDoren offered members a complete set of the raw data upon request.

Ms. VanDoren further advised the Council members that OGS had shared with OSC all of the raw data and the listings of comments by question area. This information was shared to enable OSC to take into consideration the comments made by the State's vendors, during OSC's development of the final questions sets for their statewide electronic database. Receipt and initial review of the survey results was acknowledged by Diane Taylor of OSC at the meeting.

IV. New Business

Legislative Activity Ms. Phillips provided a brief discussion of recent legislative activity. ([Attachment 3](#))

Report of Preferred Source Recommendations under OGS Standing Authority

Walter Bikowitz provided a report of preferred source items approved under OGS authority since the last Council meeting. ([Attachment 4](#)) OGS approved the offering of Insect Repellent Towelettes by Industries for the Disabled. Timothy Holt asked if the percentage of Deet in this product was known.

Subsequent to the meeting it was learned that each towelette has a Deet percentage of 28.5%.

Report of Significant Findings

Mr. Bikowitz shared a draft Report of Significant Findings with the Council. ([Attachment 5](#)) He asked Council members for their input and feedback prior to the next Council meeting. Council acceptance of the report will be sought at the next meeting.

Open Council Discussion:

Mr. Russell stated that there still seems to be some confusion about Procurement Lobbying. Some bidders/vendors/contractors are reluctant to call agencies due to concern about the acceptability of such contacts. Ms. Phillips reminded Council members that there are currently 63 frequently asked questions on the OGS website. OGS has drafted additional questions which are under consideration by the advisory council.

Leon Aronowitz asked if language could be included in Appendix A that addressed the additional requirements imposed on vendors, thereby eliminating the imposition of additional paperwork. Ms. Phillips said that this is currently a learning experience for all. Until we have more experience with the requirements of the statute and are sure that the vendor community understands the requirements we need to proceed conservatively.

Joan Sullivan informed Council members that OSC will be issuing a bulletin this month about what is expected in the Procurement Record with regard to Procurement Lobbying.

Barbara Miller mentioned that OMH is having a difficult time interpreting the requirements of Procurement Lobbying. Ms. Miller stated that the purchasing program in OMH had one interpretation of the requirement and OMH Counsel had a different interpretation. Ms. Phillips stated that she was aware of the situation in question and recommended that OMH adopt the more conservative approach.

Ms. Phillips advised Council members that only attempts to influence are reportable. Exchanges of factual information do not need to be recorded. Ms. Phillips informed the Council that OGS is currently recording contacts and will be in a position to categorize possible contacts in order to provide better guidance to agencies.

Ms. Phillips informed the Council that there have been some improvements in the ST220 reporting requirements. Rather than a requirement for reporting of every transaction a one time filing is being considered. There is a new ST220 on the Tax Department's website.

There being no further business, the meeting was adjourned.

Attachments

Members in attendance:

Leon Arnonowitz

Lynn Canton

Lester Cornelius

Frank DiDomenico

Eileen Germain

Timothy Holt

Stewart Kidder

Barbara Miller

Gerard Minot-Scheuermann

Robert Pape

Robert Reed

Lucy Roberson

Peter Rufer

Barrett Russell

Members absent: Larry Barker, Steven Ennis, Joseph Girven, John Pfeifer, Ellit Shaw,
and Susan Zeronda.

Also in attendance: Walter Bikowitz, Richard Healey, Anne Phillips, Ron Romano, Joan
Sullivan, and Noreen Van Doren.

NYS PROCUREMENT COUNCIL - VOTING RECORD

Date: March 3, 2006

QUESTION, MOTION OR ISSUE: Minutes of Meeting January 19, 2006.

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
COMMISSIONER OF GENERAL SERVICES Barrett Russell	X			
OFFICE OF THE STATE COMPTROLLER Lynn Canton	X			
DIRECTOR OF THE BUDGET Susan Knapp (Gerard Minot-Scheuermann)	X			
COMMISSIONER OF ECONOMIC DEVELOPMENT David Ahl (Eileen Germain)	X			
AGENCY REPRESENTATIVES:				
Thomas Lindberg – Ag. & Mkts. (Lucy Roberson)	X			
Stewart Kidder – Corrections	X			
Paul Tucci – SUNY (Peter Rufer)	X			
Frank DiDomenico – OMR/DD	X			
Robert Reed – Health	X			
Susan Zeronda-OFT				X
Barbara Miller – OMH (Leon Aronowitz)	X			
AT LARGE MEMBERS:				
Lester Cornelius	X			
Steven Ennis				X
Joseph Girven				X
Robert Pape	X			
John Pfeifer				X
Elliot Shaw				X

NYS PROCUREMENT COUNCIL - VOTING RECORD

Date: March 3, 2006

QUESTION, MOTION OR ISSUE: Adoption of Report of PSA review.

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
COMMISSIONER OF GENERAL SERVICES Barrett Russell	X			
OFFICE OF THE STATE COMPTROLLER Lynn Canton			X	
DIRECTOR OF THE BUDGET Susan Knapp (Gerard Minot-Scheuermann)	X			
COMMISSIONER OF ECONOMIC DEVELOPMENT David Ahl (Eileen Germain)	X			
AGENCY REPRESENTATIVES:				
Thomas Lindberg – Ag. & Mkts. (Lucy Roberson)	X			
Stewart Kidder – Corrections	X			
Paul Tucci – SUNY (Peter Rufer)	X			
Frank DiDomenico – OMR/DD	X			
Robert Reed – Health	X			
Susan Zeronda-OFT				X
Barbara Miller – OMH	X			
AT LARGE MEMBERS:				
Lester Cornelius	X			
Steven Ennis				X
Joseph Girven				X
Robert Pape	X			
John Pfeifer				X
Elliot Shaw				X