

Minutes of the Meeting
New York State Procurement Council
June 11, 2009
10 am
Meeting Room 6
North Concourse
Empire State Plaza
Albany, NY

I. Call to Order

Ms. Carla Chiaro called the meeting to order and welcomed everyone to the second Procurement Council meeting of 2009.

II. Minutes of February 12, 2009 Meeting

Ms. Chiaro called for a motion to adopt the draft minutes of the February 12, 2009 meeting. The motion was made and passed unanimously.

III. Old Business

Financial Management System

Ms. Chiaro noted that the presentation by the Financial Management System (FMS) was rescheduled until the September Council meeting. OGS is currently investigating a pilot project in conjunction with FMS to implement some procurement models and will provide more information at the September meeting.

Procurement Council Guidelines Workgroup Report

Ms. Chiaro welcomed Dave Parkis who returned from his retirement to provide an update to the Council on the revision of the Guidelines. Mr. Parkis stated that the Guideline revision began in January of 2007. There were two revisions: one that updated the Guidelines to include statutory revisions and one a more comprehensive revision to condense the guidelines, making them more reader-friendly and focused on procedure for the required steps in procurement rather than the legal references for those requirements.

A workgroup was established to oversee the process and a subcommittee was formed to do the actual writing. The involved parties worked on this revision for nearly two and one-half years. The Guidelines were e-mailed to the Council for their review in early June. Next steps are to finalize the Guidelines, including review and inclusion/discard of existing OSC and OGS procurement related bulletins.

Several Council members stated that they have comments/suggestions. Ms. Chiaro stated that proposed changes from the Council will be incorporated. The Guidelines will be posted on the OGS website for public viewing subject to the Council's agreement. OGS will also issue a press release inviting public comment and will reach out to other agencies not involved in the revision process to get the benefit of their input as well. The workgroup will reconvene during the next few months to

view comments received and incorporate any necessary changes. Anne Phillips indicated that all proposed revisions should be sent to her by July 1 (anne.phillips@ogs.state.ny.us). Nancy Fisher (ESD) commented that the revised Guidelines are very readable and Ms. Chiaro noted the assistance of an accomplished OGS editor/writer, Becky Meyers.

Ms. Chiaro asked for a motion by the Council for the proposed plan of action regarding the revised Guidelines: to post the revised Guidelines on the OGS website for public comment, issue an OGS press release when they have been posted, reach out to other agencies for their input, incorporate the suggested changes by the Council, redistribute the edited version to the Council with the changes noted before the September meeting. A motion was made, seconded and passed unanimously.

Vendor Debriefing

Last year the Procurement Stewardship Act, § 163 was amended to include a specific right to vendor debriefing. The Council discussed this issue at past meetings and decided it would be advisable to provide sample language to state agencies to include in their bid documents regarding the right to and manner of debriefing. OGS attorney Lisa Fox began a discussion of the proposed debriefing language ([Attachment 1](#)).

Ms. Fox had provided training at the State Purchasing Forum in May on State Finance Law updates, where a number of issues relative to debriefing were brought up, including timing of debriefings and language differences depending on the type of bid solicitation. She also referred the attendees to a description of a recent court decision on this issue ([Attachment 2](#)), which determined that a debriefing does not have to be “face-to-face” but can be done via conference call, mail or other media.

A great deal of discussion followed with input from a number of Council members and other individuals attending the meeting. It was acknowledged that creating language that is applicable to the various procurement practices employed by different agencies is challenging, and this issue has implications for many different aspects of procurement. Due to the diversity of the discussion and comments, Ms. Phillips suggested that Council members submit their suggestions for revision directly to her within the next few weeks. She thanked everyone who participated in the discussion, acknowledging the value in different perspectives and the valid points that were raised. She will reconvene with interested parties, incorporate the suggestions received, and compile a revised version of the debriefing language, which will be re-introduced at the September Council meeting.

State Procurement Related Legislation

Ms. Phillips summarized the procurement-related bills currently under consideration ([Attachment 3](#)).

Recommendations on Statewide Electronic Procurement Opportunities Notification

System (SEPONS)

OGS attorney Arthur Posluszny updated the attendees on the joint work of agencies involved in this effort, referring the attendees to ([Attachment 4](#)) for the legislative reference (Economic Development Law § 137 of Laws of 2008). OGS is hosting a workgroup, consisting of representatives from both the Procurement Council and the Council of Contracting Agencies, which has been meeting since early May to comply with the requirement of studying and making recommendations on a possible statewide electronic procurement opportunity notification system (“SEPONS”) to the Legislature and the Executive by September 1 of 2009. The workgroup has researched the opportunities that currently exist and is developing web-based surveys for agencies and vendors. Mr. Posluszny asked the Council whether they have been informed sufficiently by the members of the Workgroup (N.B., Members of the Procurement Council indicated that they had been adequately apprised of the Joint Workgroup’s activities by their agencies’ respective representatives) and invited additional participants to join the group.

Executive Order No. 4 Update: Establishing a State Green Procurement and Agency Sustainability Program

Carla Chiaro provided an update. At the last meeting of the EO 4 Advisory Council, a list of chemicals to avoid was adopted, as well as a 10 percent waste reduction goal for participating entities. Nineteen specifications have been finalized and several more are ready to begin the approval process, with the goal of meeting the list of 36 specifications for the year. Weekly tips are being posted on the OGS EO4 webpage for Sustainability Coordinators, and a web-based training for the Coordinators will be available within the next few weeks.

Single Source Reporting Requirement

Anne Phillips referred the attendees to their packet ([Attachment 5](#)) a form drafted by OGS to help agencies meet the legislative mandate to report single source contracts. The reports must be filed by July 1 (annually on a fiscal year basis) to the Procurement Council, the Governor, the Legislative Fiscal Committees and the State Comptroller. OGS will provide this information to state agencies as a tool to assist them if they are interested and asked whether the Council would like to recommend it for agency use. The Council opted to simply make the information available to agencies. There was some discussion as to whether OSC might be able to provide the information required, but it was noted that OSC does not receive all single source contracts and that the requirement is for agencies to file the reports.

IV. New Business

State Purchasing Forum and Vendor Trade Show

Jerry Gerard reported that OGS and OSC co-sponsored the Tenth Annual Forum which was held May 20-21 at the Empire State Plaza in Albany. Nearly 1200 attendees from State and local government attended 18 separate training classes and visited over 200 exhibitors (137 OGS state contractors, 41 Preferred Sources, over 30 state agency booths). The keynote was delivered by Walter Simpson, who also chairs the EO4 Advisory Council, and the topic of the address was “Economy and

Ecology: The Benefits of Green Purchasing.” This year’s Forum was greener than ever, with fewer handouts than in previous years. The feedback received from attendees was very positive.

NASPO Regional Meeting

New York (OGS Procurement Services Group) hosted the National Association of State Purchasing Officials (NASPO) Eastern Regional 2009 Conference. Ten states were represented, as well as the District of Columbia. Judith Enck, the Governor’s Deputy Secretary for the Environment addressed the group. The purpose of NASPO meetings is to bring government procurement officers from different states together to share information, ideas and best practices. A key focus during these times of fiscal constraints is cooperative purchasing and other ways to share initiatives that save resources and costs.

Report of Preferred Source Recommendations Under OGS Standing Authority

Jerry Gerard updated the attendees on the Preferred Source offerings approved by OGS since the October Council meeting ([Attachment 6](#)), noting that only one has been submitted and approved since the last meeting.

Other Business

Carla Chiaro informed the Council that based on the success of the OGS Aggregate Purchasing Initiatives in the technology area, OGS and OFT are working in conjunction on similar initiatives for printers/copiers/scanners and three-in-one devices, and plans to make those available in mid-July. OGS is also in the preliminary stages of exploring the possibility of aggregating wireless purchases in the state. Anne Phillips invited the attendees to forward their suggestions for additional aggregate purchases to OGS, and noted that they need not be limited to the technology area.

Rico Singleton (CIO OFT) announced that they have recently executed an Enterprise License agreement for desktop security products for state and county agencies and is exploring sourcing opportunities for GIS mapping sourcing opportunities as well.

V. Open Council Discussion

Carla Chiaro called for open Council discussion.

VI. Closure

There being no further business, the meeting was adjourned.

NEXT MEETING: Thursday, September 17, 1-3 pm,
Meeting Room 6, North Concourse,
Empire State Plaza

Attachments

Members in attendance on June 11, 2009

Carla Chiaro
Robert Coyner
Dave DeMarco
Walter Edwards
Robert Haggerty
Richard Healey
MaryBeth Hefner
Tim Holt
Stewart Kidder

Gerard Minot-Scheuremann
John Moriarty
George Oros
Robert Pape
Ronald Romano
David Russo
Rico Singleton
Amy Schoch

Members Absent

James Haggerty

Also in Attendance

Lisa Fox
Jerry Gerard
David Parkis
Anne Phillips
Monica Wilkes
Nancy Fisher

**NYS PROCUREMENT COUNCIL
VOTING RECORD**

Date: June 11, 2009

QUESTION, MOTION OR ISSUE: **Motion to approve the minutes from the
February 12, 2009 meeting.**

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
COMMISSIONER OF GENERAL SERVICES Carla Chiaro	X			
OFFICE OF THE STATE COMPTROLLER John Moriarty	X			
DIRECTOR OF THE BUDGET Gerard Minot-Scheurman	X			
COMMISSIONER OF ECONOMIC DEVELOPMENT Amy Schoch	X			
AGENCY REPRESENTATIVES:				
Robert Haggerty – Ag. & Mkts.	X			
Stewart Kidder – Corrections	X			
David DeMarco – SUNY	X			
Robert Coyner – OMRDD	X			
Marybeth Hefner – Health	X			
Rico Singleton – OFT	X			
David Russo – OMH	X			
AT LARGE MEMBERS:				
Walter Edwards	X			
James Haggerty				X
Richard Healey	X			
Timothy Holt	X			
Robert Pape	X			

**NYS PROCUREMENT COUNCIL
VOTING RECORD**

Date: June 11, 2009

QUESTION, MOTION OR ISSUE: **Motion to post the Procurement Guidelines on the OGS website for public comment period.**

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
COMMISSIONER OF GENERAL SERVICES Carla Chiaro	X			
OFFICE OF THE STATE COMPTROLLER John Moriarty	X			
DIRECTOR OF THE BUDGET Gerard Minot-Scheurman	X			
COMMISSIONER OF ECONOMIC DEVELOPMENT Amy Schoch	X			
AGENCY REPRESENTATIVES:				
Robert Haggerty – Ag. & Mkts.	X			
Stewart Kidder – Corrections	X			
David DeMarco – SUNY	X			
Robert Coyner – OMRDD	X			
Marybeth Hefner – Health	X			
Rico Singleton – OFT	X			
David Russo – OMH	X			
AT LARGE MEMBERS:				
Walter Edwards	X			
James Haggerty				X
Richard Healey	X			
Timothy Holt	X			
Robert Pape	X			