

Draft Minutes of the Meeting
New York State Procurement Council
March 18, 2010
10:00 A.M.
Meeting Room 6
North Concourse
Empire State Plaza
Albany, NY

I. Call to Order

Carla Chiaro called the meeting to order and thanked everyone for attending the first Procurement Council meeting of 2010. Ms. Chiaro advised the Council that the meetings are no longer being webcast. Due to a change in the law OGS is now having the NYNETWORK tape these meetings. The meetings will continue to be available on the OGS Website approximately two business days following the meeting. A draft copy of the meeting minutes will also be available on the OGS website within the same time frame and transcripts will continue to be available if requested.

II. Minutes of Meetings

Ms. Chiaro called for a motion to adopt the draft minutes of the December 10, 2009 meeting. The motion was made, seconded, and passed unanimously.

III. Old Business

Office of Taxpayer Accountability:

Ms. Chiaro briefed the Council on new activities related to the Office of Taxpayer Accountability. Specifically mentioned was the OGS contract for Expense Reduction Services. This is a "No Cost" contract which can be used to identify refunds or credits resulting from overpayments or incorrect billings and tariff audits. Cost recoveries may be pursued, with all contractor audit fees deducted from funds recovered. OGS has recently negotiated a best and final offer on these contracts resulting in a lower fee for Lot II – Accounts Payable, Utilities using Troy and Banks; and Lot IV – Telecommunications and Network Audit Services using Telesoft Corporation. Lot III – NYC Water and Sewage Audit Services continues to be worked on. OTA has issued a bulletin requiring all user agencies use the Expense Reduction Services contract.

Additional information on this contract may be found at the following address:

<http://www.ogs.state.ny.us/purchase/snt/awardnotes/7903220518can.pdf>

OGS is also negotiating a separate Lot with Tax and Finance under their Banking Services contract for debit card services. It is intended this debit card will be used as a refillable debit card for monies paid to clients. Tax & Finance will utilize the debit card services program to provide refunds to taxpayers that do not accept electronic transfers.

Appendix A: Anne Phillips of OGS Legal Services distributed a revised copy of Appendix A dated March 15, 2010. The Council was asked to review the revisions and to be prepared to discuss and vote on these revisions at the June meeting.

New Vendor Responsibility Questionnaire: A final draft of the revised Standard Vendor Responsibility Questionnaire (SVRQ) ([Attachment I](#) – SVRQ) and an updated Definitions List ([Attachment II](#) – Definitions) both dated March 2, 2010 was shared with the Council. Noreen VanDoren, OGS Assistant Counsel, called the Council's attention to two letters in the folder intended to clarify roles and responsibilities with regard to adopting changes to the SVRQ. Diane Taylor of OSC reviewed the final draft SVRQ highlighting those specific areas that were modified or combined since the last review ([Attachment III](#) - Remarks for State Procurement Council Meeting). Ms. Chiaro called for a motion to adopt the revised SVRQ. A motion was made and seconded to approve the guidelines and was unanimously passed.

Procurement Council Guidelines Workgroup: Ms. Chiaro referred the Council to their packets for a copy of the revised documents to be presented by Michele Reale, OGS Associate Attorney. Ms. Reale provided an overview of the Mini-bid Guidelines for Certain Services & Technology Contracts Established by the State of New York Office of General Services, updated August 2009 ([Attachment IV](#)- Minibid guidelines) and the New York State Procurement Record and Checklist ([Attachment V](#)-Procurement Record and Checklist). A motion was made to approve the guidelines and seconded. The motion was unanimously passed.

IV. New Business

ESD and OGS Joint Procurement Outreach and Training Initiative: Ms. Chiaro introduced Nancy Fisher, ESD and Monica Wilkes, OGS. Ms. Fisher and Ms. Wilkes oversee a new joint initiative to provide procurement outreach and training opportunities for New York State businesses. As this program evolves, the Council will be kept informed.

Legislation: Ms. Phillips provided an overview of a number of pieces of procurement related legislation that are being discussed during the current sessions ([Attachment VI](#) - Legislation).

- Extension of Procurement Lobbying Contingencies
This legislation addresses Section 139 J & K of the State Finance Law. A bill was developed and approved extending these contingencies through July 31, 2014. OGS is extremely pleased as this will provide more stability for New York State to comply with the statutes included in the legislation. The Governor signed the bill as Chapter 4 of the Laws of 2010 on March 10, 2010.

Amendments to Procurement Lobbying Statute:

A change in the definition of government procurement relative to the start of the restricted period has been approved. This amendment causes the restricted period on public solicitations to start earlier. Further interpretation is needed on this amendment before it can be implemented. The Advisory Council on Procurement Lobbying (Advisory Council) will review this amendment to seek clarification with the intent of providing this clarification at the June meeting. Once approved by the Advisory Council, OGS will notify the Procurement Council to ensure this interpretation is in place. If anyone has any questions you may contact Anne Phillips directly.

- **Budget Bills:**
There is a move to provide for the merger of the Advisory Council on Procurement Lobbying with the Procurement Council. Presently the status of this bill is not available.
- Article 7, Chapter 163C eliminates the collection of the one-half percent procurement fee presently being affixed to applicable statewide contracts.
- Other bills being introduced include:
Changes to the general municipal law as it pertains to electronic bidding by proposing the elimination of the sealed bidding process which precludes the acceptance of electronic bids.
- OGS through their construction contracts presently use a short form contract process. This change to the municipal law will raise the threshold to \$100,000 from its previous ceiling of \$50,000.
- Those governmental entities required to advertise in the media may now restrict their advertising to the NYS contract reporter in lieu of other media advertising.
- A proposal to increase thresholds for local government commodity and service and public works contracts has been presented.

Report of Preferred Source Recommendations under OGS Standing Authority:

Jerry Gerard updated the attendees on the Preferred Source offerings approved by OGS since the December 2009 meeting ([Attachment VII](#) - Preferred Source Applications Approved by OGS) noting that the approvals represented approximately five+ full time equivalent employees with a total annual sales volume of over \$275,000.

Preferred Source Applications Requiring Procurement Council Approval: Mr. Gerard advised the Council that the preferred source applications for Digital Printing and Pest Extermination will be held until the next meeting pending additional review.

V. Open Council Discussion

Ms. Chiaro reviewed the process of opening the floor to questions during the Council Meetings. Thus far the Council has received one question electronically from a small business. This question has been addressed; a copy is included in the packet ([Attachment VIII](#) Open Council Discussion). Ms. Chiaro reminded Council Members that the Council is encouraging interested parties to attend the Council Meetings to openly discuss their questions. The questions should be submitted in writing before the meeting to allow an opportunity to review them to ensure adequate responses are provided. These questions should be submitted to the Procurement Council mail box at: procurement.council@ogs.state.ny.us

VI. Closure

There being no further business, the meeting was adjourned.

NEXT QUARTERLY MEETING

Thursday, June 3, 2010 @ 10:00 A.M.
Meeting Room 6
North Concourse Level, Empire State Plaza

Attachments

Members in Attendance on March 18, 2010.

Charlotte Breeyear
Carla Chiaro
Robert Coyner
Nancy Fisher
Walter Edwards
Richard Healey
Marybeth Hefner
Thomas Hippchen

Timothy Holt
Stewart Kidder
Gerard Minot-Scheurmann
George Oros
Robert Pape
Lucy Roberson
David Russo

Members Absent:

James Haggerty
Ron Romano
Rico Singleton

Also in Attendance:

Jerry Gerard
Anne Phillips
Diane Taylor
Noreen VanDoren
Monica Wilkes

NYS PROCUREMENT COUNCIL
VOTING RECORD

Meeting Date: March 18, 2010

QUESTION, MOTION OR ISSUE: Approval of Minutes from December 19, 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 (Anne Phillips) (Jerry Gerard)				
OFFICE OF THE STATE COMPTROLLER Margaret Becker (Charlotte Breear)	X			
DIRECTOR OF THE BUDGET Susan Knapp (Gerard Minot-Scheurmann) (Jeff Bender)	X			
COMMISSIONER OF ECONOMIC DEVELOPMENT Steven Cohen (conf pending) (Nancy Fisher)	X			
AGENCY REPRESENTATIVES:				
Robert Haggerty – Ag. & Mkts. (Lucy Roberson) (Carol Casale)				Late
Stewart Kidder – Corrections (Nanette Ferri)	X			
David Demarco – SUNY (Thomas Hippchen)	X			
John Smith - OMRDD (Robert Coyner)	X			
Marybeth Hefner (DOH) (Alternate)	X			
Rico Singleton – OFT (Catherine Durand)				X
David Russo – OMH (Leon Aronowitz)	X			
AT LARGE MEMBERS:				
Walter Edwards	X			
James Haggerty				X
Richard Healey	X			
Timothy Holt	X			
Robert Pape	X			
NON-VOTING				
George Oros				
Ron Romano				

NYS PROCUREMENT COUNCIL
VOTING RECORD

Meeting Date: March 18, 2010

QUESTION, MOTION OR ISSUE: New Vendor Responsibility Questionnaire and Definitions

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
COMMISSIONER OF GENERAL SERVICES Carla Chiaro (Anne Phillips) (Jerry Gerard)				
OFFICE OF THE STATE COMPTROLLER Margaret Becker (Charlotte Breear)	X			
DIRECTOR OF THE BUDGET Susan Knapp (Gerard Minot-Scheurmann) (Jeff Bender)	X			
COMMISSIONER OF ECONOMIC DEVELOPMENT Steven Cohen (conf pending) (Nancy Fisher)	X			
AGENCY REPRESENTATIVES:				
Robert Haggerty – Ag. & Mkts. (Lucy Roberson) (Carol Casale)	X			
Stewart Kidder – Corrections (Nanette Ferri)	X			
David Demarco – SUNY (Thomas Hippchen)	X			
John Smith - OMRDD (Robert Coyner)	X			
Marybeth Hefner (DOH) (Alternate)	X			
Rico Singleton – OFT (Catherine Durand)				X
David Russo – OMH (Leon Aronowitz)	X			
AT LARGE MEMBERS:				
Walter Edwards	X			
James Haggerty				X
Richard Healey	X			
Timothy Holt	X			
Robert Pape	X			
NON-VOTING				
George Oros				
Ron Romano				

NYS PROCUREMENT COUNCIL
VOTING RECORD

Meeting Date: March 18, 2010

QUESTION, MOTION OR ISSUE: Procurement Council Guidelines Workgroup

Mini-bid Guidelines for Certain Services & Technology Contracts

The Procurement Record and Checklist

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
COMMISSIONER OF GENERAL SERVICES Carla Chiaro (Anne Phillips) (Jerry Gerard)				
OFFICE OF THE STATE COMPTROLLER Margaret Becker (Charlotte Breeyear)	X			
DIRECTOR OF THE BUDGET Susan Knapp (Gerard Minot-Scheurmann) (Jeff Bender)	X			
COMMISSIONER OF ECONOMIC DEVELOPMENT Steven Cohen (conf pending) (Nancy Fisher)	X			
AGENCY REPRESENTATIVES:				
Robert Haggerty – Ag. & Mkts. (Lucy Roberson) (Carol Casale)	X			
Stewart Kidder – Corrections (Nanette Ferri)	X			
David Demarco – SUNY (Thomas Hippchen)	X			
John Smith - OMRDD (Robert Coyner)	X			
Marybeth Hefner (DOH) (Alternate)	X			
Rico Singleton – OFT (Catherine Durand)				X
David Russo – OMH (Leon Aronowitz)	X			
AT LARGE MEMBERS:				
Walter Edwards	X			
James Haggerty				X
Richard Healey	X			
Timothy Holt	X			
Robert Pape	X			
NON-VOTING				
George Oros				
Ron Romano				