

Draft Minutes of the Meeting
New York State Procurement Council
August 11, 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. Ms. Chiaro introduced Rashida Mendes and Gregory Weston two new Council members.

II. Minutes of Meetings

Ms. Chiaro called for a motion to adopt the minutes of the March 18, 2010 meeting ([Attachment 1](#) - Minutes of the Meeting). The motion passed unanimously.

III. New Business

Appendix A: Anne Phillips of OGS Legal Services distributed a revised copy of Appendix A – Standard Clauses for New York State Contract ([Attachment 2](#) - Draft Appendix A) dated March 15, 2010. These revisions were reviewed at an earlier meeting. The Procurement Council was asked to be prepared to discuss and vote on these revisions today. Ms. Chiaro called for a motion to adopt the revised Appendix A. A motion was made, seconded and passed unanimously. This revised Appendix A will be posted on the Procurement Council Website: <http://www.ogs.state.ny.us/procurecounc/default.asp>

Amendment to Procurement Lobbying Statute: Chapter 4 had a sunset date of March 10, 2010. As a result of legislative changes, this Statute continues in full force and effect.

Report of Procurement Related Legislation: Ms. Phillips provided an overview of a number of pieces of procurement related legislation being discussed during the current sessions.

- General Government Bulletin FF – Public Protection and General Government Bill: Changes have been made to the State Finance Law, Subdivision 7 dated 2008, which granted authority for certain electronic bidding. However §139D of the State Finance Law did not provide for the electronic inclusion of the Non-Collusive Bidding Certification clause. The amendment allows for the inclusion of this clause electronically. This change will enable New York State to move forward with pilot procurements using electronic bidding, including reverse auctions. Procurement Council members will be sent an invitation to participate in a workgroup on this topic in the near future.

- Greening our Procurement – Executive Order #4: Effective 2011 requirements will be built into electronic equipment purchases to require the return of electronic equipment to the manufacturers for appropriate disposition at the end of useful life. The Department of Environmental Conservation is developing a regulatory program. OGS will discuss the Executive Order during interagency EO4 meetings.

Amendment to the Discretionary Purchasing Guidelines: Lisa Fox informed the Council about Chapter 173, Bill No. S8312 amendments to Subdivision (6) § 163 of the State Finance Law) and the corresponding NYS Procurement Bulletin ([Attachment 3](#) - NYS Procurement Bulletin Discretionary Purchasing Guidelines). Ms. Fox stated that the bill amended the State Finance Law to raise the discretionary threshold for purchasing from certified MWBE's, NYS small businesses, and for products with recycled or remanufactured content from \$100,000 to \$200,000. A motion was made to approve the Council's adoption of the revised Procurement Bulletin. The motion was seconded and passed unanimously.

Report of Preferred Source Recommendations under OGS Standing Authority: Jerry Gerard informed the Council of the Preferred Source offerings approved by OGS since the March 2010 meeting ([Attachment 4](#) - Preferred Source Applications Approved by OGS) noting that the approvals represent approximately .327 full time equivalent employees with a total annual sales volume of over \$185,440.

2010 NYS Purchasing Forum: Jerry Gerard provided an overview of the 2010 State Purchasing Forum. The training event offered over 19 separate procurement related training classes. There were approximately 1300 attendees at the event; 148 contractors participated in the trade show; 41 preferred source vendors exhibited; with 21 state agencies participating in the Government Showcase. This is a no cost event to participants; all costs are assumed through contractor participation. Members were invited to view training material on the OGS website. Next year's event is scheduled for May 18 and 19, 2011.

New Procurement Legislation Pertaining To Small, Minority and Women-Owned Business Enterprise: As a result of the New York State Disparity Study released May 5, 2010 (<http://www.esd.ny.gov/MWBE.html>) landmark minority and women-owned business enterprise legislation has recently been signed into law. Bill S.8314/A.11527 ([Attachment 5](#) - Summary of the Diversity provisions) required the Director of Empire State Development Corporations' Division of Minority and Women-Owned Business Enterprises (DMWBE) to consult with the State Procurement Council (SPC) prior to the development of rules and regulations setting forth measures and procedures to require all state agencies, where practicable, feasible and appropriate, to assess the diversity practices of contractors submitting bids or proposals in connection with the award of a

state contract. Michael Jones-Bey, Executive Director of the Division of Minority and Women's Development at the Empire State Development Corporation, introduced the discussion of the potential scope of the diversity practice regulations. Noreen VanDoren, OGS Assistant Counsel, then facilitated a discussion to develop a list of issues and concerns surrounding the implementation of this legislation. It was agreed that a future meeting of the SPC will be scheduled to address other provisions of the legislation.

IV. Closure

There being no further business, the meeting was adjourned.

NEXT MEETING

Thursday, November 4, 2010 @ 10:00 A.M.
Meeting Room 6
North Concourse Level, Empire State Plaza

Attachments

Members in Attendance on August 11, 2010

Margaret Becker	Thomas Hippchen
Carla Chiaro	Stewart Kidder
Robert Coyner	Rashida Mendes
Walter Edwards	Gerard Minot-Scheurmann
Nancy Fisher	Lucy Roberson
James Haggerty	David Russo
Richard Healey	Rico Singleton
Marybeth Hefner	Gregory Weston

Also in Attendance:

Lisa Fox	Anne Phillips
Jerry Gerard	Noreen VanDoren
Michael Jones-Bey	

Members Absent:

Ron Romano

**NYS PROCUREMENT COUNCIL
VOTING RECORD**

Meeting Date: August 11, 2010

QUESTION, MOTION OR ISSUE: Approval of Minutes from March 18, 2010 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 Breeyear)	X			
DIRECTOR OF THE BUDGET Susan Knapp (Gerard Minot-Scheurmann) (Lorraine King)	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 (Frederick Genier)	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			
Rashida Mendes	X			
Gregory Weston	X			

**NYS PROCUREMENT COUNCIL
VOTING RECORD**

Meeting Date: August 11, 2010

QUESTION, MOTION OR ISSUE: Adoption of Revisions to Appendix A dated March 15, 2010

<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) (Lorraine King)	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 (Frederick Genier)	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			
Rashida Mendes	X			
Gregory Weston	X			

**NYS PROCUREMENT COUNCIL
VOTING RECORD**

Meeting Date: August 11, 2010

QUESTION, MOTION OR ISSUE: Adoption of proposed revision to Procurement Bulletin re:
Discretionary Purchasing Authority

<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) (Lorraine King)	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 (Frederick Genier)	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			
Rashida Mendes	X			
Gregory Weston	X			