

**Minutes of the Meeting**  
**New York State Procurement Council**  
**November 15, 2011 - 11:00 A.M.**  
**Meeting Room 6**  
**North Concourse**  
**Empire State Plaza**  
**Albany, NY**

**I. Call to Order**

Anne Phillips, Chair of the State Procurement Council, called the meeting to order at 11:05 am and thanked everyone for attending.

Ms. Phillips introduced Mary McGinty, who was recently confirmed as a Voting member of the Council to represent the Office for Technology (OFT); and Frederick Genier, alternate member representing the Department of Health (DOH).

**II. Minutes of Meetings**

Ms. Phillips called for a motion to adopt the draft minutes from the June 15, 2011 meeting ([Attachment 1](#)). The motion was passed unanimously.

**III. New Business**

Appendix A – Identifying Information and Privacy Notification – Clause 11: Anne Phillips directed the Council members' attention to Appendix A – Identifying Information and Privacy Notification – Clause 11 ([Attachment 2](#)). Ms. Phillips advised that these changes are reflected as edits in the document and are being made to emulate changes in identifying information and privacy notification found in the Statewide Financial System (SFS). Ms. Phillips called for a motion to adopt the changes to Clause 11 of Appendix A. The motion was passed unanimously.

Appendix A – Non-Discrimination Requirements – Paragraph 5: Ms. Phillips advised Council members that OGS had received last minute input to Appendix A – Non-Discrimination Requirements – paragraph 5. Ms. Phillips apologized that she was not able to modify the agenda prior to the meeting. The paragraph will be further amended to reflect this input and placed on the agenda at the next meeting.

Procurement Related Legislation: Ms. Phillips advised that the Procurement Stewardship Act, §163 of the State Finance Law, will sunset June 30, 2012. When the Procurement Stewardship Act was established in 1995, two provisions were subject to sunset: Section 163, which sets the state agency procurement infrastructure and §162, which focuses on the New York State Preferred Source Program. The Preferred Source Program was made permanent a number of years ago and OGS is seeking to make §163 permanent, with the submission of a departmental bill to effect this change. This bill would be subject to the normal legislative approval process. Bills are currently being drafted and circulated among state agencies for comment. Ms. Phillips asked the Council if they would endorse this and if anyone had any comment or input with respect to this legislation. No issues were raised. OGS will move forward to include the draft bill in the 2011/2012 Legislative portfolio.

Strategic Sourcing: RoAnn Destito, OGS Commissioner, reported on the status of the Strategic Sourcing Initiative which is a large component of Governor Cuomo's Procurement Transformation project. To date, one Strategic Sourcing initiative has been completed with the assistance of our partners from OSC and DOB.

- The Award for Road Salt results in increased competition with the addition of one new vendor, as well as an estimated projected savings of approximately nine million dollars statewide.
- A tentative award recommendation for the Electronic Value Transfer (EVT) contract has been made.
- The new Administrative Services RFP was issued November 2, 2011. The Administrative Services contract is intended to replace the temporary services contract and will provide help in procuring, among other things, court reporting and interpretive and translation services. Interpretive and translation services will provide help to agencies in meeting Governor Cuomo's requirement that agencies provide interpretive and translation services to all constituencies and customers.
- It is anticipated that the new IT Services RFP will be issued soon.
- Three additional RFP's are expected to be issued this month to include Office Supplies, Fleet Vehicles, and Security Guard Services.
- There are also plans to implement an agency buy desk to address specific procurement needs across agencies.

Through these initiatives New York State is looking to improve savings across agencies and to improve Minority and Women-owned Business Enterprises and preferred source participation.

Biennial Report of Significant Findings: Ms. Phillips discussed the Biennial Report of Significant Findings for Calendar Years 2008 through 2011 ([Attachment 3](#)). She advised that this is a statutory report submitted to the Governor, Members of the Legislature, and the Director of the Budget. The report had been sent to members for review and comment prior to the meeting, and no comments were received. Members confirmed that there were no comments; a motion was made to accept the Report. The motion was seconded and passed unanimously. This Report, together with the Roster of Procurement Council Members dated October 2011 will be forwarded to the respective parties.

Report of Preferred Source Denials: Ms. Phillips brought the Council members attention to the Report of Preferred Source denials for calendar years 2009 through 2011 ([Attachment 4](#)). This is a statutory report submitted to the Governor. The report had been sent to members for review and comment prior to the meeting; no comments were received. Members confirmed that there were no comments. A motion was made to accept the Report; the motion was seconded and passed unanimously. This Report, together with a list of all Preferred Source Offerings approved during Calendar years 2009 through 2011 will be forwarded to the respective parties.

Procurement Record Checklist: Noreen VanDoren, OGS Associate Attorney discussed The Procurement Record and Checklist which was updated in October 2011 ([Attachment 5](#)). All changes are highlighted in the document (changes include the addition of a Vendor Identification Number to be consistent with the new Statewide Financial System (SFS) as well as to include a response to reflect if the item being procured is an approved Preferred Source Offering) Ms. VanDoren stated that the changes are to be used for contracts submitted to OSC after approval of the document by the Council. At the June 15, 2011 meeting, Council Members had been asked to review this document and submit comments to the attention of Ms. VanDoren. No comments were received. A motion to adopt the Procurement Record Checklist updated October 2011 was made and seconded. The Procurement Record Checklist was unanimously approved.

Preferred Source Recommendations under OGS Standing Authority: Don Greene, OGS Acting Director Procurement Services Group, provided an overview of eight new commodity applications approved by OGS during the period June 2011 through October 2011. These new commodities represent a total of just under one full time equivalent (FTE) with an estimated sales amount of \$346,000 annually. The detailed summary of these commodities may be viewed as Preferred Source Applications Approved by OGS – June 2011 thru October 2011 ([Attachment 6](#)).

NYS Purchasing Forum 2012: Mr. Greene advised that presently discussions are underway to determine the future of this event given the resource constraints and time frames OGS is working with. The Forum is a very valuable day for the purchasing community and for our vendors. OGS is looking at a number of different ways to manage this event; some of these include cancelling the event for 2012, having a shared training day with the Office of the State Comptroller (OSC) at one of their scheduled trainings, and developing an alternate schedule to host the Forum every other year. It is anticipated that future events will not be as large or as long as in the past. OGS is also planning to reach out to other state agencies for assistance given the resource constraints OGS is currently under with the Strategic Sourcing Initiative in full force. Michael Hurt, Director – Division of Correctional Industries, Department of Correctional Services suggested that we reach out to the vendor community for suggestions on program content. Commissioner Destito indicated she would like to see this year's program focus on Strategic Sourcing and how it impacts local governments, political subdivisions, and possibly school districts. Ms. Phillips asked members to give this event some thought and to focus on aspects considered to be valuable so that these particular aspects can be preserved as we go forward in planning this event. Ms. Phillips asked members to communicate with either her or Don Greene and to let them know what events Council Members would like to continue.

#### **IV. Open Council Discussion**

Steve Cohen, Deputy Commissioner – Empire State Development (ESD), expressed the need for further clarification and guidance on the issue of value added services as it relates to Preferred Sources contracts. The Procurement Guidelines discuss value added to finished commodities by employees of preferred sources. ESD reviews applications and has found there is not a clear understanding of what constitutes value to a finished commodity. It is hoped through open discussion, that ESD will be better able to understand what to look for when reviewing and evaluating these applications. Mr. Cohen indicated that a discussion on the process and how this relates to a finished commodity would be welcome. It was decided to form a workgroup to frame questions, bring relative statutory language into play, revise Preferred Source guidelines if necessary and present these issues to the Council for review and discussion at the next meeting. Suggested format for this workgroup would comprise representatives from ESD, New York State Industries for the Disabled (NYSID), DOCCS, Industries for the Blind of New York State (IBNYS), the NYS Council of Veterans' Organizations (NYSCVO) and OGS. Those interested in participating in this workgroup should contact Ms. VanDoren by phone or by email.

#### **V. Closure**

The next meeting of the Procurement Council is tentatively scheduled for February 16, 2012. An agenda will be circulated in advance of the meeting. There being no further business, the meeting was adjourned at 11:40 a.m.

#### **NEXT MEETING**

Thursday, February 16, 2012 @ 11:00 A.M.

Meeting Rooms 2 and 3 - North Concourse Level, Empire State Plaza

Attachments

**Members in Attendance on November 15, 2011**

Charlotte Breeyear - OSC	Michael Hurt - DOCS
Steven Cohen – ESD	Mary McGinty - OFT
Robert Coyner - OPWDD	Gerard Minot-Scheurmann - DOB
Frederick Genier – DOH	Anne G. Phillips - OGS
Thomas Hippchen - SUNY	Lucy Roberson – Ag & Mkts
	David Russo - OMH

**At-Large Members in Attendance on November 15, 2011**

James Haggerty – (NYSCVO)	Ronald Romano – (NYSID)_
Richard Healey – (IBNYS)	Gregory Weston - (Pillsbury Winthrop Shaw Pittman LLP)

**Also in Attendance:**

RoAnn Destito – OGS Commissioner	Don Greene - OGS
Nancy Fisher - ESD	Noreen VanDoren - OGS

**Members Absent:**

Yrthya Dinzey-Flores – Chief Diversity Officer

**At-Large Members Absent:**

Edul Ahmad – (The Ahmad Group)	Richard St. Paul – (Local Government Representative)
Rashida Mendes – (RM Capital, LLC)	

**NYS PROCUREMENT COUNCIL**

**VOTING RECORD**

**MEETING DATE:** NOVEMBER 15, 2011  
**QUESTION, MOTION OR ISSUE:** June 15, 2011 Meeting Minutes

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<b>COMMISSIONER OF GENERAL SERVICES</b> Anne G. Phillips (Noreen VanDoren) (Don Greene)				
<b>CHIEF DIVERSITY OFFICER</b> Yrthya A. Dinzey-Flores				X
<b>OFFICE OF THE STATE COMPTROLLER</b> Margaret Becker (Charlotte Breeyear)	X			
<b>DIRECTOR OF THE BUDGET</b> Susan Knapp (Gerard Minot-Scheurmann) (Lorraine King)	X			
<b>COMMISSIONER OF ECONOMIC DEVELOPMENT</b> Steven Cohen (Nancy Fisher)	X			
<b>AGENCY REPRESENTATIVES:</b>				
Robert Haggerty – Ag. & Mkts. (Lucy Roberson) (Carol Casale)	X			
Michael Hurt – Corrections (Michael Elmendorf)	X			
Thomas Hippchen - SUNY (Kellie Dupuis)	X			
John Smith - OPWDD (Robert Coyner)	X			
Marybeth Hefner - DOH (Frederick J. Genier)	X			
Mary McGinty – OFT (Christine Irvine)	X			
David Russo – OMH (David Milstein) (Marc Kleinhenz)	X			
<b>AT LARGE MEMBERS:</b>				
Richard Healey	X			
James Haggerty	X			
Rashida Mendes				X
Richard St. Paul				X
Gregory Weston	X			

**NYS PROCUREMENT COUNCIL  
VOTING RECORD**

**MEETING DATE:** NOVEMBER 15, 2011

**QUESTION, MOTION OR ISSUE:** Appendix A – Identifying Information and Privacy Notification / Clause 11

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<b>COMMISSIONER OF GENERAL SERVICES</b> Anne G. Phillips (Noreen VanDoren) (Don Greene)				
<b>CHIEF DIVERSITY OFFICER</b> Yrthya A. Dinzey-Flores				X
<b>OFFICE OF THE STATE COMPTROLLER</b> Margaret Becker (Charlotte Breeyear)	X			
<b>DIRECTOR OF THE BUDGET</b> Susan Knapp (Gerard Minot-Scheurmann) (Lorraine King)	X			
<b>COMMISSIONER OF ECONOMIC DEVELOPMENT</b> Steven Cohen (Nancy Fisher)	X			
<b>AGENCY REPRESENTATIVES:</b>				
Robert Haggerty – Ag. & Mkts. (Lucy Roberson) (Carol Casale)	X			
Michael Hurt – Corrections (Michael Elmendorf)	X			
Thomas Hippchen - SUNY (Kellie Dupuis)	X			
John Smith - OPWDD (Robert Coyner)	X			
Marybeth Hefner - DOH (Frederick J. Genier)	X			
Mary McGinty – OFT (Christine Irvine)	X			
David Russo – OMH (David Milstein) (Marc Kleinhenz)	X			
<b>AT LARGE MEMBERS:</b>				
Richard Healey	X			
James Haggerty	X			
Rashida Mendes				X
Richard St. Paul				X
Gregory Weston	X			

**NYS PROCUREMENT COUNCIL**

**VOTING RECORD**

**MEETING DATE:** NOVEMBER 15, 2011  
**QUESTION, MOTION OR ISSUE:** Biennial Report of Significant Findings  
 Calendar Years 2008 through 2011

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<b>COMMISSIONER OF GENERAL SERVICES</b> Anne G. Phillips (Noreen VanDoren) (Don Greene)				
<b>CHIEF DIVERSITY OFFICER</b> Yrthya A. Dinzey-Flores				X
<b>OFFICE OF THE STATE COMPTROLLER</b> Margaret Becker (Charlotte Breeyear)	X			
<b>DIRECTOR OF THE BUDGET</b> Susan Knapp (Gerard Minot-Scheurmann) (Lorraine King)	X			
<b>COMMISSIONER OF ECONOMIC DEVELOPMENT</b> Steven Cohen (Nancy Fisher)	X			
<b>AGENCY REPRESENTATIVES:</b>				
Robert Haggerty – Ag. & Mkts. (Lucy Roberson) (Carol Casale)	X			
Michael Hurt – Corrections (Michael Elmendorf)	X			
Thomas Hippchen - SUNY (Kellie Dupuis)	X			
John Smith - OPWDD (Robert Coyner)	X			
Marybeth Hefner - DOH (Frederick J. Genier)	X			
Mary McGinty – OFT (Christine Irvine)	X			
David Russo – OMH (David Milstein) (Marc Kleinhenz)	X			
<b>AT LARGE MEMBERS:</b>				
Richard Healey	X			
James Haggerty	X			
Rashida Mendes				X
Richard St. Paul				X
Gregory Weston	X			

**NYS PROCUREMENT COUNCIL**

**VOTING RECORD**

**MEETING DATE:** NOVEMBER 15, 2011  
**QUESTION, MOTION OR ISSUE:** Report of Preferred Source Denials  
 Calendar Years 2009 through 2011

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<b>COMMISSIONER OF GENERAL SERVICES</b> Anne G. Phillips (Noreen VanDoren) (Don Greene)				
<b>CHIEF DIVERSITY OFFICER</b> Yrthya A. Dinzey-Flores				X
<b>OFFICE OF THE STATE COMPTROLLER</b> Margaret Becker (Charlotte Breeyear)	X			
<b>DIRECTOR OF THE BUDGET</b> Susan Knapp (Gerard Minot-Scheurmann) (Lorraine King)	X			
<b>COMMISSIONER OF ECONOMIC DEVELOPMENT</b> Steven Cohen (Nancy Fisher)	X			
<b>AGENCY REPRESENTATIVES:</b>				
Robert Haggerty – Ag. & Mkts. (Lucy Roberson) (Carol Casale)	X			
Michael Hurt – Corrections (Michael Elmendorf)	X			
Thomas Hippchen - SUNY (Kellie Dupuis)	X			
John Smith - OPWDD (Robert Coyner)	X			
Marybeth Hefner - DOH (Frederick J. Genier)	X			
Mary McGinty – OFT (Christine Irvine)	X			
David Russo – OMH (David Milstein) (Marc Kleinhenz)	X			
<b>AT LARGE MEMBERS:</b>				
Richard Healey	X			
James Haggerty	X			
Rashida Mendes				X
Richard St. Paul				X
Gregory Weston	X			

**NYS PROCUREMENT COUNCIL**

**VOTING RECORD**

**MEETING DATE:**

NOVEMBER 15, 2011

**QUESTION, MOTION OR ISSUE:**

Procurement Record Checklist dated October 2011

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u> <u>N</u>	<u>ABSENT</u>
<b>COMMISSIONER OF GENERAL SERVICES</b> Anne G. Phillips (Noreen VanDoren) (Don Greene)				
<b>CHIEF DIVERSITY OFFICER</b> Yrthya A. Dinzey-Flores				X
<b>OFFICE OF THE STATE COMPTROLLER</b> Margaret Becker (Charlotte Breeyear)	X			
<b>DIRECTOR OF THE BUDGET</b> Susan Knapp (Gerard Minot-Scheurmann) (Lorraine King)	X			
<b>COMMISSIONER OF ECONOMIC DEVELOPMENT</b> Steven Cohen (Nancy Fisher)	X			
<b>AGENCY REPRESENTATIVES:</b>				
Robert Haggerty – Ag. & Mkts. (Lucy Roberson) (Carol Casale)	X			
Michael Hurt – Corrections (Michael Elmendorf)	X			
Thomas Hippchen - SUNY (Kellie Dupuis)	X			
John Smith - OPWDD (Robert Coyner)	X			
Marybeth Hefner - DOH (Frederick J. Genier)	X			
Mary McGinty – OFT (Christine Irvine)	X			
David Russo – OMH (David Milstein) (Marc Kleinhenz)	X			
<b>AT LARGE MEMBERS:</b>				
Richard Healey	X			
James Haggerty	X			
Rashida Mendes				X
Richard St. Paul				X
Gregory Weston	X			