

**Minutes of the Meeting**  
**New York State Procurement Council**  
**December 4, 2008**  
**1 pm**  
**NY Network Studios**  
**South Concourse**  
**Empire State Plaza**  
**Albany, NY**

**I. Call to Order**

Ms. Carla Chiaro called the meeting to order and welcomed everyone to the fourth and last Procurement Council meeting of the year.

**II. Minutes of October 28, 2008 Meeting**

Ms. Chiaro called for a motion to adopt the draft minutes of the October 28, 2008 meeting. The motion was made by James Haggerty and seconded by Nancy Fisher. The motion passed unanimously.

**III. Old Business**

Procurement Council Guidelines Workgroup Report

Dave Parkis provided an update from the Procurement Council Guidelines workgroup. They are nearly finished updating the RFP process. Once that section is completed, only the glossary, a matrix of the documentation required for various types of procurement and a best practices section will remain to be updated. The workgroup hopes to complete all of those within the next month. The updated Discretionary Guidelines approved at the last meeting have been posted on the OGS website.

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

Carla Chiaro provided an update. The Interagency Taskforce continues to hold meetings, several of which have been eight hour marathon meetings, and they hope to have 12 specifications ready for presentation to the Advisory Council for their review and approval by Tuesday, December 9. Once approval has been obtained, the specifications will be posted on the EO 4 webpage at the OGS website at <http://www.ogs.state.ny.us/ExecutiveOrder4.html>. The goal was to complete 36 specifications with a deadline of December 1, which allowed only a two month window for completion, so the task has been daunting. It has been a joint effort involving six other agencies, with meetings several times each week. A total of 18 specifications will hopefully be ready for review by December 12, and efforts will continue to complete the remaining specifications. Anne Phillips stated that, as the process will have to be repeated next year, suggestions for additions to the originally identified 36 specifications are welcome.

Changes to Appendix A Pursuant to State Finance Law Amendments

Anne Phillips referred the attendees to a handout made available during the meeting, apologizing for not providing it before ([Attachment 1](#)). Ms. Phillips referenced an outline of changes to Appendix A (Standard Clauses for All New York State Contracts) which was provided at the October meeting. One of the proposed amendments allows for the waiver of consent to contract assignment at the discretion of the State where the assignment is based upon a reorganization, merger or consolidation of the contractor's business enterprise. Another amendment is the elimination of the preference for apparel provided by 911 vendors pursuant to the sunset of the applicable section of the State Finance Law in September of this year. Several of the proposed amendments are the result of changes in the Labor Law passed in April of 2008. Two other clauses pertain to compliance with the New York State Information Security Breach and Notification Act and the Consultant Disclosure Law. Ms. Phillips asked the attendees to review the language and provide feedback to her before the next meeting: the handout will also be distributed electronically so it can be redlined and returned to her. After incorporating Council members' suggestions, she hopes to present an updated proposed version at the next meeting for consideration and vote by the Council.

#### **IV. New Business**

##### Report of Preferred Source Recommendations Under OGS Standing Authority

In Jerry Gerard's absence, Carla Chiaro referred the attendees to the packet handout for the list of Preferred Source offerings approved by OGS since the October Council meeting ([Attachment 2](#)). There were no questions regarding those approvals.

##### IBNYS Applications—Fleece Blankets

Ms. Chiaro asked Amanda Jones from Industries for the Blind (IBNYS) to provide a presentation on fleece blankets, valued at approximately \$752,000 annually ([Attachment 3](#)).

Ms. Jones stated that the blue fleece polyester blanket is made to a specification from a bid let by New York Citywide Administrative Services, but it will also be available for purchase by all potential customers. The blanket will be produced by an IBNYS workshop in Utica. This application is a repackaging effort employing a variety of skill levels, and it will provide approximately 2 FTEs annually due to the volume of the anticipated sales, with 100% of the work done by employees who are blind. Rather than new employment, those FTEs will compensate for lost textile sales due to overseas providers. The blanket meets both quality and flame retardancy standards. The application has been reviewed by OGS and ESD and no objections have been made.

With no questions from the Council, a motion was made by Nancy Fisher for acceptance of the application and seconded by Stewart Kidder.

#### **V. Open Council Discussion**

Carla Chiaro called for open Council discussion. John Moriarty (OSC) offered resources to OGS to assist in the formation of a workgroup on debriefing with the purpose of offering clear guidance to agencies in that area, as this has been an issue of interest to OSC and an area of concern for many agencies through the years. Ms. Chiaro thanked him and stated that issue will be addressed at the beginning of the year.

**VI. Closure**

There being no further business, the meeting was adjourned.

Attachments

**Members in attendance on December 4, 2008**

Carla Chiaro	Gerard Minot-Scheuremann (arrived after voting)
Robert Coyner	John Moriarty
Dave DeMarco	George Oros
Walter Edwards (arrived after voting)	Lucy Roberson
James Haggerty	David Russo
Mary Beth Hefner	
Stewart Kidder	

**Members Absent**

Richard Healey  
Timothy Holt  
Robert Pape  
Rico Singleton

**Also in Attendance**

Charlotte Breeyear  
Nancy Fisher  
Amanda Jones  
David Parkis  
Anne Phillips

**NYS PROCUREMENT COUNCIL  
VOTING RECORD**

Date: December 4, 2008

QUESTION, MOTION OR ISSUE: **Motion to approve the minutes from the  
October 28, 2008 meeting.**

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<b>COMMISSIONER OF GENERAL SERVICES</b> Carla Chiaro	X			
<b>OFFICE OF THE STATE COMPTROLLER</b> John Moriarty	X			
<b>DIRECTOR OF THE BUDGET</b> Gerard Minot-Scheurman				X
<b>COMMISSIONER OF ECONOMIC DEVELOPMENT</b> Nancy Fisher	X			
<b>AGENCY REPRESENTATIVES:</b>				
Lucy Roberson – 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			
<b>AT LARGE MEMBERS:</b>				
Walter Edwards				X
James Haggerty	X			
Richard Healey				X
Timothy Holt				X
Robert Pape				X

**NYS PROCUREMENT COUNCIL  
VOTING RECORD**

Date: December 4, 2008

QUESTION, MOTION OR ISSUE: **Motion to approve the addition of fleece blankets as an IBNYS preferred source item.**

<u>MEMBER</u>	<u>VOTE</u>			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<b>COMMISSIONER OF GENERAL SERVICES</b> Carla Chiaro	X			
<b>OFFICE OF THE STATE COMPTROLLER</b> John Moriarty	X			
<b>DIRECTOR OF THE BUDGET</b> Gerard Minot-Scheurman				X
<b>COMMISSIONER OF ECONOMIC DEVELOPMENT</b> Nancy Fisher	X			
<b>AGENCY REPRESENTATIVES:</b>				
Lucy Roberson – 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			
<b>AT LARGE MEMBERS:</b>				
Walter Edwards				X
James Haggerty	X			
Richard Healey				X
Timothy Holt				X
Robert Pape				X