

**MEMORANDUM**

August 1, 2007

TO: Procurement Council Members  
FROM: Anne Phillips  
SUBJECT: Minutes of the Meeting for July 26, 2007

Enclosed for your information are the draft minutes of the NYS Procurement Council Meeting of July 26, 2007.

If you have any comments or suggested changes, or would like to propose agenda items for the next meeting please contact me at (518) 486-7323 or email me at [virginia.lazzaro@ogs.state.ny.us](mailto:virginia.lazzaro@ogs.state.ny.us)

The next NYS Procurement Council meeting is tentatively scheduled for Oct. 25.

Enclosures

cc: R. Fleury  
H. Zwickel  
A. Phillips  
C. Chiaro  
J. Gerard

**Minutes of the Meeting  
NYS Procurement Council  
July 26, 2007, 10:00 AM  
NY Network Studio  
Suite 146  
Empire State Plaza  
Albany, NY**

- I. Call to Order.** Anne Phillips convened the meeting and instructed the membership that the meeting was being webcast in compliance with Governor's Executive Order #3.
- II. Minutes of the Meeting of April 20, 2007.**

Ms. Phillips called for a motion to accept the Minutes of the April 20 meeting as revised on May 31. Barbara Miller made the motion to accept the minutes, Richard Healey seconded the motion. The meeting minutes were adopted unanimously.

**III. Old Business**

Workgroup Reports:

Procurement Guidelines Workgroup Report:

Larry Barker reported to the Council about the activities of the Procurement Guidelines Workgroup. The workgroup divided the work into two phases. Phase one was an effort to bring the guidelines into compliance with all statutory and regulatory changes. Phase one is complete and has been posted on the OGS website. Phase two consists of rewriting the Guidelines line by line to improve clarity and make the Guidelines more user friendly. It is recognized that this phase will require a much greater effort and will not be accomplished as quickly as phase one.

List of Preferred Source Offerings Subcommittee Report:

Jerry Gerard reported to the Council the activities of the Procurement Council Guidelines subcommittee established to review and revise the List of Preferred Source Offerings ([Attachment 1](#)). Ms. Miller stated that an OMH will be assigned to represent the Buy OMH preferred source program on the committee.

Contract Reporter Reporting Bulletin revisions:

Mr. Barker reported to the Council about revisions to the Contract Reporter Bulletin ([Attachment 2](#)). The Bulletin, a discreet part of the Procurement Guidelines, has been updated to accurately reflect the reporting thresholds

now in existence. David DeMarco asked that letter B in section II be changed to add “(\$10,000 - \$20,000 for SUNY and CUNY).” A motion was made by Richard Healey and seconded by Ms. Miller to accept the revised Contract Reporter Bulletin as amended by Mr. DeMarco. The motion was passed unanimously.

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

##### Report of Legislative Activity:

Paula Hanlon reported on recent legislative activity that impacts procurement.

##### New York State Legislation

Chapter 6 of the Laws of 2007 (formerly A-6163) Comprehensive reform of Workers Compensation

Chapter 14 of the Laws of 2007 (formerly A-3736-A) Public Ethics Reform Act of 2007 – Anne Phillips offered to provide a summary of the act for Council Members.

Passed both houses and awaiting action by the Governor  
S6171 Procurement Lobbying

##### Governor’s Vetos

#18 – S-836 Disqualification of Delinquent Bidders

#64 – S-4472 September 11 Bidders Registry

##### Federal Legislation

6 USC 441-444 The Safety Act - Manufacture and Use of Anti-terrorism Technology

Ms. Hanlon invited members to contact her if there were questions or concerns about legislative activity.

Mr. DeMarco asked if there was a publicly accessible listing of procurement related legislation. Ms. Phillips responded that access to legislation is available on both the Senate and Assembly’s websites. She stated that OGS uses the Legislative retrieval system (a subscription service). Ms. Phillips asked if the Council would be interested in a more frequent (perhaps monthly) report of legislative activity. Mr. DeMarco asked if a summary of legislative activity related to procurement could be posted on the OGS website. Ms. Phillips and John Moriarty agreed to discuss the request and define the scope of such a report. Ms. Phillips will report to the Council at the next meeting.

### State Purchasing Forum:

Mr. Gerard reported that the 2007 State Purchasing Forum was a great success. It was the most well attended event so far. Mr Gerard provided statistics about the Forum ([Attachment 3](#)).

### Report of Preferred Source Recommendations under OGS Standing Authority:

Mr. Gerard provided a report of preferred source offerings approved under OGS authority since the last Council meeting ([Attachment 4](#)). OGS recommended 3 applications for addition to the List of Preferred Sources Offerings. The following applications by NYS Industries for the Disabled were approved: Calcium Chloride Pellets, Stainless Steel Food Tongs, and Tine Rakes.

### IBNYS Application to add Integrated Microcomputer systems to the List of Preferred Source Offerings ([Attachment 5](#))

Mr. Gerard stated that based on the documentation presented to OGS by IBNYS the cost for the offering is comparable to the costs of the current State contract for similar systems. Also, Empire State Development had no objection to the application.

Mr. Healey introduced Mike Connors from the Olmstead Center who described the project.

After a brief discussion the Mr. DeMarco made a motion to approve the application David Pettit seconded the motion. The Council approved the application with 10 affirmative votes, 2 abstentions, and 4 members absent.

## **V. Open Council Discussion**

There being no further discussion the meeting was adjourned. The next NYS Procurement Council Meeting is tentatively scheduled for October 25, 2007.

Attachments

Members in attendance on July 26, 2007:

Larry Barker  
Robert Coyner  
David DeMarco  
Walter Edwards  
Richard Healey  
Stewart Kidder  
Susan Knapp

Barbara Miller  
John Moriarty (Charlotte Breeyear)  
David Pettit  
Anne Phillips  
Robert Reed  
Mindy Scott

Members absent: Lester Cornelius, Nancy Fisher, Timothy Holt,  
George Oros, and Robert Pape.

Public speakers also in attendance: Carla Chiaro, Mike Connors, Jerry Gerard, Paula Hanlon.

**NYS PROCUREMENT COUNCIL  
VOTING RECORD**

Date: July 26, 2007

QUESTION, MOTION OR ISSUE: Accept the minutes of the Meeting of April 20, 2007 as revised on May 31. Motion by Barbara Miller seconded by Richard Healey.

<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 Phillips	X			
<b>OFFICE OF THE STATE COMPTROLLER</b> John Moriarty	X			
<b>DIRECTOR OF THE BUDGET</b> Susan Knapp				X
<b>COMMISSIONER OF ECONOMIC DEVELOPMENT</b> Nancy Fisher				X
<b>AGENCY REPRESENTATIVES:</b>				
Cathy Durand – Ag. & Mkts. (Mindy Scott)	X			
Stewart Kidder – Corrections	X			
David Demarco – SUNY	X			
Frank DiDomenico – OMR/DD (Robert Coyner)	X			
Robert Reed – Health	X			
David Pettit	X			
Barbara Miller – OMH	X			
<b>AT LARGE MEMBERS:</b>				
Lester Cornelius				X
Richard Healey	X			
Timothy Holt				X
Robert Pape				X
Walter Edwards	X			

**NYS PROCUREMENT COUNCIL  
VOTING RECORD**

Date: July 26, 2007

QUESTION, MOTION OR ISSUE: Accept revisions to the Contract Reporter Bulletin as amended by David DeMarco. Motion made by Richard Healey seconded by Barbara Miller.

<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 Phillips	X			
<b>OFFICE OF THE STATE COMPTROLLER</b> John Moriarty	X			
<b>DIRECTOR OF THE BUDGET</b> Susan Knapp	X			
<b>COMMISSIONER OF ECONOMIC DEVELOPMENT</b> Nancy Fisher				X
<b>AGENCY REPRESENTATIVES:</b>				
Cathy Durand – Ag. & Mkts. (Mindy Scott)	X			
Stewart Kidder – Corrections	X			
David Demarco – SUNY	X			
Frank DiDomenico – OMR/DD (Robert Coyner)	X			
Robert Reed – Health	X			
David Pettit	X			
Barbara Miller – OMH	X			
<b>AT LARGE MEMBERS:</b>				
Lester Cornelius				X
Richard Healey	X			
Timothy Holt				X
Robert Pape				X
Walter Edwards	X			

**NYS PROCUREMENT COUNCIL  
VOTING RECORD**

Date: July 26, 2007

QUESTION, MOTION OR ISSUE: Approve application by IBNYS to add Integrated Microcomputer Systems to the List of Preferred Source Offerings. Motion made by David DeMarco seconded by David Pettit.

<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 Phillips	X			
<b>OFFICE OF THE STATE COMPTROLLER</b> John Moriarty (Charlotte Breeyear)	X			
<b>DIRECTOR OF THE BUDGET</b> Susan Knapp	X			
<b>COMMISSIONER OF ECONOMIC DEVELOPMENT</b> Nancy Fisher				X
<b>AGENCY REPRESENTATIVES:</b>				
Cathy Durand – Ag. & Mkts. (Mindy Scott)	X			
Stewart Kidder – Corrections	X			
David Demarco – SUNY	X			
Frank DiDomenico – OMR/DD (Robert Coyner)	X			
Robert Reed – Health	X			
David Pettit	X			
Barbara Miller – OMH	X			
<b>AT LARGE MEMBERS:</b>				
Lester Cornelius				X
Richard Healey			X	
Timothy Holt				X
Robert Pape				X
Walter Edwards			X	