

**Draft Minutes of the Meeting
New York State Procurement Council
November 4, 2010 10:00 A.M.
Meeting Rooms 2 and 3
North Concourse
Empire State Plaza
Albany, NY**

I. Call to Order

Anne Phillips, Acting Deputy Commissioner of Information Technology & Procurement Services for OGS, called the meeting to order and thanked everyone for attending. Ms. Phillips introduced new Council members Charlotte Hitchcock, Chief Diversity Officer and Richard St. Paul as well as Don Greene, Acting Director of OGS Procurement Services Group (PSG) and Noreen VanDoren, OGS Assistant Counsel.

II. Minutes of Meetings

Ms. Phillips called for a motion to adopt the draft minutes of the August 11, 2010 meeting ([Attachment 1](#) – Draft Minutes of the Meeting). The motion passed unanimously.

III. New Business

Appendix A: At the August meeting of the State Procurement Council (SPC), a revised Appendix A – Standard Clauses for New York State Contracts, dated March 15, 2010, had been presented, which contained a revised Clause 10 “Records.” Unfortunately, consensus had not yet been reached on this clause so a sheet labeled Proposed Revision to Appendix A for Procurement Council Consideration ([Attachment 2](#)) was distributed with the existing “Records” clause language that will be made part of Appendix A and the proposed new Appendix A “Records” clause language. Ms. Phillips would like to have the current “Records” clause language retained in the new Appendix A ([Attachment 3](#)). She indicated she will continue to work actively with the Offices of the Attorney General (OAG) and State Comptroller (OSC) staff on a revised “Records” clause for Appendix A. There being no questions from the floor, Ms. Phillips asked for a motion to adopt the existing “Records” clause language as part of Appendix A. A motion was made and seconded. The motion was unanimously adopted.

Joint Procurement Outreach Initiative: Nancy Fisher, Empire State Development (ESD) and Monica Wilkes, recently retired from OGS, partnered on a project to develop a web-based Guide to Understanding the State’s Procurement Process to assist the business community in doing business with New York State. The document has been well received by the business community and posted on both the OGS website at <http://www.ogs.state.ny.us/purchase/DoingBusinessinNYS.pdf> and the ESD website at <http://www.esd.ny.gov/SmallBusiness/Data/101310ProcurementGuideupdated.pdf> .

Draft M/WBE Rules under Executive Law – Article 15A: Ms. VanDoren summarized the discussion from the August SPC meeting, wherein the Council discussed Chapter 175 of the Laws of 2010 regarding diversity practices of contractors submitting bids or proposals in connection with the award of a state contract. Ms. VanDoren stated that both a summary and the draft rules and regulations on the MWBE program have been released and are available for review and comment. The summary of the regulations can be found in the State Register

at: <http://www.dos.state.ny.us/info/register/2010/sep29/pdfs/rules.pdf> . The text of the draft regulations is located on the ESD site at: [http://esd.ny.gov/MWBE/Data/091410 MWBE 15A regulations.pdf](http://esd.ny.gov/MWBE/Data/091410%20MWBE%2015A%20regulations.pdf) . The regulations as posted are open to public comment through November 14, 2010; Tom Regan, ESD is the contact. Ms. Hitchcock thanked the Council for its input from the last meeting and advised that she is looking forward to helping develop the framework upon which this legislation will go forward in the next administration.

Michael Jones-Bey, Executive Director of the Division of Minority and Women Business Development (DMWBD) at ESD, advised that his staff will consider all comments made. The regulations will be finalized and used to implement the program going forward. The rules will also be circulated to Council Members for discussion at the next meeting.

A question from the floor was raised with regard to the Minority and Women Business Enterprise Program handout ([Attachment 4](#)) concerning placing agency procurements under the control of a different state agency if remedial actions have not been followed. ESD advised that the DMWBD will review and discuss the issue of non-compliance with the agency in question before any action is taken to assign an agency's procurement program to another agency. He indicated that the DMWBD would make suggestions to the agency to resolve the issue of non-compliance positively before any adverse action is taken.

Draft Procedural Manual for Insurance Requirements in Agreements: Ms. VanDoren introduced the Draft Procedural Manual for Insurance Requirements in Agreements (Insurance Manual) ([Attachment 5](#)) created through the efforts of a subcommittee of the Council of Contracting Agencies (CCA).

It is anticipated that the CCA will be adopting this Insurance Manual at the next CCA meeting. OGS would like the State Procurement Council members to consider adopting the Insurance Manual as the recommended procedure manual for establishing insurance requirements in centralized contracts. Ms. VanDoren asked Council members to review the document and talk to their respective Legal Staff and procurement or insurance representatives. Questions may be sent to Ms. VanDoren, Ms. Phillips, or Ms. Rissberger at Procurement.Council@ogs.state.ny.us . The Council was asked to be prepared to discuss the Insurance Manual at the next meeting of the SPC.

OGS Migration to Office of the State Comptroller (OSC) VendRep System: OGS PSG and Financial Administration have transitioned to using the new online VendRep System. The OGS Construction Group transitioned earlier in 2010. The VendRep system was brought to the attention of the Council because vendors currently registered with the online OSC VendRep system will be automatically transferred to the new SFS System, which is the new accounting and financial management system expected to go live April 1, 2011. The SFS system will be used to make payments to the vendor community. All contractors are encouraged to register with the OSC VendRep Site to facilitate the transition to the SFS System.

Debriefing Language: As a result of a user inquiry, the format was revised to include the date approved by the Council. It is posted on the OGS Website at <http://www.ogs.state.ny.us/procurecounc/Bulletins.asp>.

OGS Website: The OGS website is being updated to make information more accessible, intuitive and user friendly.

2011 NYS Purchasing Forum: The NYS Purchasing Forum is scheduled for May 18 and 19, 2011. The Purchasing Forum is a two day program that provides training for purchasing professionals and is a joint effort of OGS and OSC. Planning efforts have already begun; a draft program schedule will be circulated to the Procurement Council for review prior to the March meeting. The Council was asked to send any recommendations for training classes to OGS as soon as possible.

Report of Preferred Source Recommendations under OGS Standing Authority: Mr. Greene presented the Preferred Source offerings approved by OGS since the August 2010 meeting ([Attachment 6](#)). Mr. Greene advised that the approvals represent approximately .853 full time equivalent (FTE) employees with a total annual sales volume of \$554,398.

IV. Open Council Discussion

This portion of the meeting included a discussion relating to the Draft M/WBE Rules under Executive Law – Article 15A. Reference to this discussion may be found in that section of the minutes.

V. Closure

The next meeting of the Procurement Council is tentatively scheduled for March 23, 2011. An agenda will be circulated in advance of the meeting and posted on the website. There being no further business, the meeting was adjourned.

NEXT MEETING

Wednesday, March 23, 2011 @ 10:00 A.M.

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

Attachments

Members in Attendance on November 4, 2010

Charlotte Breeyear	Rashida Mendes
Robert Coyner	Gerard Minot-Scheurmann
Nancy Fisher	Anne G. Phillips
James Haggerty	Lucy Roberson
Richard Healey	Ron Romano
Marybeth Hefner	David Russo
Thomas Hippchen	Richard St. Paul
Charlotte Hitchcock	Gregory Weston

Also in Attendance:

Scott Clay	Michael Jones-Bey
Don Greene	Noreen VanDoren

Members Absent:

Stewart Kidder	Rico Singleton
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NYS PROCUREMENT COUNCIL VOTING RECORD

Meeting Date: November 4, 2010

QUESTION, MOTION OR ISSUE: Approval of Minutes from August 11, 2010 Meeting

MEMBER	VOTE			
	AYE	NAY	ABSTAIN	ABSENT
DEPUTY COMMISSIONER OF GENERAL SERVICES Anne G. Phillips (Noreen VanDoren) (Don Greene)	x			
CHIEF DIVERSITY OFFICER Charlotte Hitchcock	x			
OFFICE OF THE STATE COMPTROLLER Margaret Becker (Charlotte Breeyear)	x			
DIRECTOR OF THE BUDGET Susan Knapp (Lorraine King) (Gerard Minot-Scheurmann)	x			
COMMISSIONER OF ECONOMIC DEVELOPMENT Steven Cohen (Nancy Fisher)	x			
AGENCY REPRESENTATIVES:				
Robert Haggerty – Ag. & Mkts. (Lucy Roberson) (Carol Casale)	x			
Stewart Kidder – Corrections (Nanette Ferri)				x
Thomas Hippchen – SUNY (Kellie Dupuis)	x			
John Smith - OMRDD (Robert Coyner)	x			
Marybeth Hefner - DOH (Frederick Genier)	x			
Rico Singleton – OFT (Catherine Durand)				x
David Russo – OMH (David Milstein)	x			
AT LARGE MEMBERS:				
James Haggerty	x			
Richard Healey	x			
Rashida Mendes	x			
Richard St. Paul (arrived at 10:25)				
Gregory Weston	x			

NYS PROCUREMENT COUNCIL VOTING RECORD

Meeting Date: November 4, 2010

QUESTION, MOTION OR ISSUE: Approval of Appendix A – dated October 28, 2010

MEMBER	VOTE			
	AYE	NAY	ABSTAIN	ABSENT
DEPUTY COMMISSIONER OF GENERAL SERVICES Anne G. Phillips (Noreen VanDoren) (Don Greene)	z			
CHIEF DIVERSITY OFFICER Charlotte Hitchcock	x			
OFFICE OF THE STATE COMPTROLLER Margaret Becker (Charlotte Breeyear)	x			
DIRECTOR OF THE BUDGET Susan Knapp (Lorraine King) (Gerard Minot-Scheurmann)	x			
COMMISSIONER OF ECONOMIC DEVELOPMENT Steven Cohen (Nancy Fisher)	x			
AGENCY REPRESENTATIVES:				
Robert Haggerty – Ag. & Mkts. (Lucy Roberson) (Carol Casale)	x			
Stewart Kidder – Corrections (Nanette Ferri)				x
Thomas Hippchen – SUNY (Kellie Dupuis)	x			
John Smith - OMRDD (Robert Coyner)	x			
Marybeth Hefner - DOH (Frederick Genier)	x			
Rico Singleton – OFT (Catherine Durand)				x
David Russo – OMH (David Milstein)	x			
AT LARGE MEMBERS:				
James Haggerty	x			
Richard Healey	x			
Rashida Mendes	x			
Richard St. Paul (arrived at 10:25)	x			
Gregory Weston	x			