

FINAL
New York State Procurement Council | Minutes of the Meeting
September 13, 2018 | 11:30 a.m.
Meeting Room 6 | North Concourse | Empire State Plaza | Albany, NY

Call to Order

Welcome and Introductions

Sean Carroll, New York State Procurement Council (“Procurement Council”) Chair, called the meeting to order and thanked everyone for attending. Mr. Carroll extended a welcome to Brian Ansari as an alternate for Lourdes Zapata, Chief Diversity Officer. He mentioned that Council member Jerry Minot-Sheuermann retired from NYS Division of the Budget (“DOB”) and the Procurement Council is in the process of seating a replacement.

Old Business

Meeting Minutes: Carroll called for a motion to adopt the minutes of the April 18, 2018 meeting. The motion passed unanimously.

New Business

Procurement Guidelines Workgroup (“Workgroup”): Carroll provided a Workgroup update and stated that they have had six sessions so far, discussing all sections of the Procurement Guidelines, including the impact the guidelines have on Minority and Women-Owned Business Enterprises (“MWBE”), Service-Disabled Veteran-Owned Businesses (“SDVOB”), and preferred sources. He reported that there was extensive discussion about efficiency and changing the model of the guidelines to focus on directly guiding State agencies, rather than requiring users to seek and find what they need in the document. Consideration has also been given to adding automation or a structure to the guidelines that allows them to be more user-friendly as users navigate through a procurement. Carroll added that the Office of General Services (“OGS”) staff will provide drafts of the guidelines, together with the comments the Workgroup received, to the Procurement Council in the future.

Steve Kasarda from the Kasarda Law Group requested Carroll report about a discussion that occurred earlier that morning during the Workgroup meeting. Carroll explained that there are bulletins attached to the back of the guidelines and the two specific ones that were discussed were the Discretionary Spend Bulletin and the Preferred Sources Bulletin. The question was whether those Bulletins had to be looked at and addressed as part of the guidelines, or whether they had to be discussed under a separate heading or Workgroup. There are intentions of having a Workgroup for updating the Preferred Source Guidelines. OGS staff is going to review and make a recommendation on whether those Bulletins need to be updated at the same time as the guidelines or can be updated shortly thereafter. Carroll asked Council Members to call him with any questions or comments they may have on this issue.

Legislative Updates: Marc Hiller, OGS Legal, reported that there were no legislative updates since the last meeting.

eMarketplace Presentation: Susan Bixby, OGS Procurement Services, presented on eMarketplace, the NYS online shopping site where State agencies and other authorized users can quickly and easily buy items from preferred sources and OGS centralized contracts. She encouraged users to access the eMarketplace through the Statewide Financial System (“SFS”) and demonstrated how a purchaser may select the eMarketplace option from SFS, and through that link, add items to their shopping cart, which then populates a purchasing requisition directly from the shopping cart. She also demonstrated how to make purchases outside of SFS, by going directly to the eMarketplace website and using a Procurement Card (“Pcard”) to make the purchase.

Preferred Source Applications Approved Under OGS Standing Authority: John Normile, OGS Procurement Services, reported that OGS has not approved any new items for addition to the Preferred Source List under its standing authority since the last report given on April 18, 2018.

Sole/Single Source Reporting: Mr. Normile also reported that the Commissioner of General Services, on behalf of the Procurement Council, has received 17 reports from NYS agencies for the period of 2017-2018, and these reports were submitted to OGS pursuant to subdivision 15 of Section 163 of State Finance Law.

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New York State Preferred Source Program for New Yorkers who are Blind (“NYSPSP”) Application to add Digital Accessibility and Usability Testing and Remediation Reporting Services (“DAUTRRS”) to the List of Preferred Source Offerings:

Carrie Laney, Executive Director of NYSPSP, presented on the background of the New York State non-profit organizations for people who are blind and a short summary on NYSPSP’s application to provide the service identified as DAUTRRS - Digital Accessibility and Usability Testing and Remediation Reporting Services.

According to Ms. Laney, DAUTRRS enables people who are blind or visually impaired (legally) to use their innate abilities through assistive technologies to create avenues of gainful employment across NYS. Jobs can be done remotely eliminating the challenge of transportation for the blind. Ms. Laney indicated that there are multiple lawsuits against government entities for having websites that are not accessible to individuals with visual impairments. Ms. Laney noted that DAUTRRS could help limit legal liability of government entities associated with not having public facing content available in a way that is accessible to New Yorkers who are blind or otherwise print disabled.

Albert Rizzi, CEO of My Blind Spot, the preferred member that will initially perform the DAUTRRS services if approved, provided a detailed description of this service. He explained that the process involves testing for digital accessibility violations present on a digital platform and providing remediation maps and solutions to IT teams who would then impart the proper coding to create digital environments that are compliant with State and federal laws and regulations.

Mr. Rizzi indicated that DAUTRRS will support the Governor’s Employment First Initiative by providing increased opportunities for people to work remotely, especially in rural areas. He provided information on the Web Content Accessibility Guidelines (“WCAG”), an international best practice for both website development and mobile app development, and the federal Section 508 Standards.

Mr. Rizzi advised that the service provides a Corrective Action Plan (“CAP”), identifying violations of current websites in order of severity and providing suggested solutions that can be used as a reference for ongoing support. According to Mr. Rizzi, the most important service will be human interaction to make sure everything is accurate from both a usability and an accessibility perspective.

Colleen Franchini, Program Manager, Administration of NYSPSP, presented information on how NYSPSP reached the hourly billable rate of \$150 per hour and stated that NYSPSP will use 75% direct labor by blind or print disabled individuals. She also confirmed that DAUTRRS does not include web design, programming, IT help desk services, remediation, or classroom trainings. She indicated that the estimated scope of services for NYSPSP is small and would not compete with current NYS small businesses.

Mr. Normile provided information regarding the review performed by the OGS Preferred Source Team as staff to the Procurement Council. He advised that his team reviewed the application and agreed that the proposed service meets all criteria listed in the Preferred Source Guidelines for Section XB and Section XD and, following a brief summary, he stated that OGS recommended approval of the application for DAUTRRS to be added as a new service category to List D of the Preferred Source Offerings and that NYSPSP be given a checkmark to provide this service.

Pravina Raghavan, ESD, clarified that ESD supports NYSPSP’s mission, however, ESD’s specific function under the Preferred Source Guidelines is to analyze the impact the approval of the DAUTRRS application would have on NYS small businesses.

Ms. Raghavan summarized the marketplace analysis testing performed by ESD and stated that it was based on publicly available data sources and survey responses from State agencies and small businesses. Based on the information received, ESD concluded that there is a very large, active, and growing State government market for this field of services. She advised that one certified Woman-Owned Business Enterprise has a total of \$2.5 million in sales for technology services and they employ a number of visually impaired people.

Ms. Raghavan concluded with ESD’s recommendation to deny the DAUTRRS application submitted by NYSPSP so that all parties currently in the marketplace, including My Blind Spot, can continue to compete for this service.

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Carroll opened the floor for the Procurement Council's discussion on the DAUTRRS application.

Questions were asked of OGS, ESD, NYSPSP, and My Blind Spot by numerous council members including, Tom Hippchen, State University of New York, Jason Wilkie, Office of Mental Health, Marybeth Heffner, Department of Health, JP (John) Behrle, Department of Corrections and Community Services, and Shawn Cullinane and Steven Kasarda, both Legislative Representatives.

Vanessa Perry, Information Technology Services ("ITS"), and Tim Cromy, Director of Web NY spoke in support of the application.

After a very lengthy discussion, it was determined that the definition of DAUTRRS should be voted on separately from the NYSPSP application to provide that service. Noreen VanDoren, Supervising Attorney for OGS clarified that this definition is only for preferred source offerings and does not apply to an open market procurement outside of the preferred source program.

A motion to approve the definition of Digital Accessibility and Usability Testing and Remediation Reporting Services (DAUTRRS) to the list of preferred source service offering was passed by a vote of 14 in favor and 2 abstentions.

A motion to approve the addition of Digital Accessibility and Usability Testing and Remediation Reporting Services (DAUTRRS) to the List of Preferred Source Offerings as a new preferred source service offering by NYSPSP was defeated by a vote of 10 in favor, -4 against, one abstention and Ron Tascarella recusing himself from the vote. Mr. Carroll advised that votes of the Procurement Council require approval by a majority of the members of the Council. The Council has 21 members, so a vote needs 11 affirmative votes to pass. This motion did not pass.

Ron Tascarella, Legislative Representative, recommended a procedural change be made to allow a motion to be passed based upon a majority of the members present, rather than a majority of the Procurement Council. Carroll stated that OGS will look into this and provide information at the next meeting.

Open Council Discussion

A brief discussion regarding voting procedure was held clarifying that the voting rules are laid out in statute and can only be changed by an act of the State Legislature.

Meeting Closure

Procurement Council members voted unanimously to adjourn the meeting at 2:12 p.m.

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Next Meeting:

Wednesday, November 28, 2018

Webcast location:

<https://ogs.ny.gov/about/Webcast/Archive.asp>

Members in Attendance:

Sean Carroll – OGS	Thomas Hippchen – SUNY	Margaret Becker – OSC
Vanessa Perry – ITS	Brian Ansari – Chief Diversity Officer, Alternate	Lisa Davis - OPWDD
Marybeth Hefner – DOH	Steven Kasarda – Legislative Rep.	Shawn Cullinane – Legislative Rep.
Lisa Brooks – Ag. & Mkts	Pravina Raghavan – ESD	
Ronald Tascarella - Legislative Rep.	John Behrle - DOCCS	
Winifred Schiff - Legislative Rep.	Jason Wilkie - OMH	
Amber Mooney – Legislative Rep.		

Also in attendance:

Marc Hiller – OGS	Noreen VanDoren – OGS	John Normile – OGS
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Members not in attendance:

Jerry Minot-Sheuermann - DOB
Julie Suarez – Gubernatorial Agriculture Rep.
Robert Drummond – Legislative Rep.

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VOTING RECORD

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Motion to approve the Meeting Minutes for the April 18, 2018 Meeting

				ACTION		VOTE			
Member Type	Organization	Role	Name	Motion	2nd	Aye	Nay	Abstain	Recuse
Agency Designee (Voting Member)	Department of Health	Primary	Marybeth Hefner			x			
Agency Designee (Voting Member)	Dept. of Agriculture & Markets	Primary	Lisa Brooks			x			
Agency Designee (Voting Member)	Office of the State Comptroller	Primary	Margaret Becker			x			
Agency Designee (Voting Member)	Information Technology Services	Alternate	Vanessa Perry			x			
Agency Designee (Voting Member)	Office for People with Developmental Disabilities	Primary	Lisa Davis			x			
Agency Designee (Voting Member)	Office of Mental Health	Alternate 2	Jason Wilkie			x			
Agency Designee (Voting Member)	Dept. of Corrections & Community Supervision	Primary	JP (John) Behrle			x			
Agency Designee (Voting Member)	State University of New York	Primary	Thomas Hippchen			x			
Ex-Officio Members (Voting Member)	Empire State Development	Primary	Pravina Raghavan	x		x			
Ex-Officio Members (Voting Member)	Executive Chamber	Alternate	Brian Ansari			x			
Ex-Officio Members (Voting Member)	Office of General Services	Primary	[Council Chair] Sean Carroll			x			
Legislative Appointee (Voting Member)	Local Government Representative	Primary	Shawn Cullinane			x			
Legislative Appointee (Voting Member)	NYS Business Council	Primary	Amber L. Mooney			x			
Legislative Appointee (Voting Member)	Interagency Council of Developmental Disability Agencies, Inc.	Primary	Winifred Schiff			x			
Legislative Appointee (Voting Member)	The Kasarda Law Group, LLC	Primary	Steven C. Kasarda			x			
Legislative Appointee (Voting Member)	NYS Preferred Source Program for New Yorkers who are Blind	Primary	Ronald Tascarella		x	x			
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Motion to approve the definition of Digital Accessibility and Usability Testing and Remediation Reporting Services (DAUTRRS) NYSPPS

Member Type	Organization	Role	Name	ACTION		VOTE			
				Motion	2nd	Aye	Nay	Abstain	Recuse
Agency Designee (Voting Member)	Department of Health	Primary	Marybeth Hefner			x			
Agency Designee (Voting Member)	Dept. of Agriculture & Markets	Primary	Lisa Brooks			x			
Agency Designee (Voting Member)	Office of the State Comptroller	Primary	Margaret Becker			x			
Agency Designee (Voting Member)	Information Technology Services	Alternate	Vanessa Perry			x			
Agency Designee (Voting Member)	Office for People with Developmental Disabilities	Primary	Lisa Davis			x			
Agency Designee (Voting Member)	Office of Mental Health	Alternate 2	Jason Wilkie			x			
Agency Designee (Voting Member)	Dept. of Corrections & Community Supervision	Primary	JP (John) Behrle			x			
Agency Designee (Voting Member)	State University of New York	Primary	Thomas Hippchen		x	x			
Ex-Officio Members (Voting Member)	Empire State Development	Primary	Pravina Raghavan					x	
Ex-Officio Members (Voting Member)	Executive Chamber	Alternate	Brian Ansari			x			
Ex-Officio Members (Voting Member)	Office of General Services	Primary	[Council Chair] Sean Carroll			x			
Legislative Appointee (Voting Member)	Local Government Representative	Primary	Shawn Cullinane			x			
Legislative Appointee (Voting Member)	NYS Business Council	Primary	Amber L. Mooney	x				x	
Legislative Appointee (Voting Member)	Interagency Council of Developmental Disability Agencies, Inc.	Primary	Winifred Schiff			x			
Legislative Appointee (Voting Member)	The Kasarda Law Group, LLC	Primary	Steven C. Kasarda			x			
Legislative Appointee (Voting Member)	NYS Preferred Source Program for New Yorkers who are Blind	Primary	Ronald Tascarella			x			
						14	0	2	0

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**Motion to approve the Application of Digital Accessibility and Usability Testing
and Remediation Reporting Services (DAUTRRS) NYSPSP**

Member Type	Organization	Role	Name	ACTION		VOTE			
				Motion	2nd	Aye	Nay	Abstain	Recuse
Agency Designee (Voting Member)	Department of Health	Primary	Marybeth Hefner		x	x			
Agency Designee (Voting Member)	Dept. of Agriculture & Markets	Primary	Lisa Brooks			x			
Agency Designee (Voting Member)	Office of the State Comptroller	Primary	Margaret Becker			x			
Agency Designee (Voting Member)	Information Technology Services	Alternate	Vanessa Perry			x			
Agency Designee (Voting Member)	Office for People with Developmental Disabilities	Primary	Lisa Davis			x			
Agency Designee (Voting Member)	Office of Mental Health	Alternate 2	Jason Wilkie			x			
Agency Designee (Voting Member)	Dept. of Corrections & Community Supervision	Primary	JP (John) Behrle					x	
Agency Designee (Voting Member)	State University of New York	Primary	Thomas Hippchen	x		x			
Ex-Officio Members (Voting Member)	Empire State Development	Primary	Pravina Raghavan				x		
Ex-Officio Members (Voting Member)	Executive Chamber	Alternate	Brian Ansari				x		
Ex-Officio Members (Voting Member)	Office of General Services	Primary	[Council Chair] Sean Carroll			x			
Legislative Appointee (Voting Member)	Local Government Representative	Primary	Shawn Cullinane				x		
Legislative Appointee (Voting Member)	NYS Business Council	Primary	Amber L. Mooney				x		
Legislative Appointee (Voting Member)	Interagency Council of Developmental Disability Agencies, Inc.	Primary	Winifred Schiff			x			
Legislative Appointee (Voting Member)	The Kasarda Law Group, LLC	Primary	Steven C. Kasarda			x			
Legislative Appointee (Voting Member)	NYS Preferred Source Program for New Yorkers who are Blind	Primary	Ronald Tascarella						x
						10	4	1	1