

**Draft Minutes of the Meeting
New York State Procurement Council
February 5, 2015 - 11:00 A.M.
Meeting Room 6
North Concourse
Empire State Plaza
Albany, NY**

I. Call to Order

Susan Filburn, Deputy Chief Procurement Officer, OGS NYS Procurement Services called the meeting to order and thanked everyone for attending.

Ms. Filburn announced management changes to the Council. Ms. Filburn is replacing Sergio Paneque for the time being.

Ms. Filburn announced updates to the Council membership. Robert Drummond was recently appointed by the Senate to the Council. Michael Whyte from the NYS Council of Veterans resigned. Jim Allen from NY Apple Association resigned. Ex-Officio member from the Division of Budget, Susan Knapp, was replaced by Anne Bink.

II. Minutes of Meetings

Susan Filburn asked Council members for additions or corrections to the draft minutes from the November 19, 2014 meeting. Since there were no additional changes offered, a motion to approve the minutes as presented was made by Gerard Minot-Scheuremann, seconded by Thomas Hippchen, and passed unanimously.

III. Procurement Related Legislation Updates

Anne Phillips, OGS Deputy Counsel & Director of Legislative Affairs, did a recap for the end of 2014 calendar year. The sunset date on the Procurement Lobbying restrictions was extended for another two years. We are still abiding by the provisions to restrict communications during the restricted period. Calendar year 2015 is at a bit of a lull as the Legislature starts its new session.

Ms. Phillips did want to bring attention to the Service Disabled Veteran owned businesses bill. This bill was passed by the Legislature and signed by the Governor; the bill allows Service Disabled Veteran owned businesses to participate in public procurement in New York State. OGS is advancing a departmental bill that would add Service Disabled Veteran owned businesses to the organizations and entities who a state agency can buy up to \$200,000 worth of commodities, services, or technology without a competitive bid. However, this needs to stay in accordance with internal policies of each agency for how they conduct procurements within that monetary area. The Service Disabled Veteran owned business program also allows for set asides of certain procurements. The \$200,000 discretionary purchase will give agencies the opportunity to pilot set aside procurements in this area. We are hopeful this will be tool for agencies as they embark on this new program.

IV. Procurement Guidelines for Service Disabled Veterans

Kenneth Williams, a Director at OGS who represents the Service Disabled Veterans (SDV) Program. Mr. Williams thanked everybody for the chance to come back and speak about updates, and recapped the history of the bill. The bill was signed in May of 2014, and OGS was charged with the state-wide implementation of the Service Disabled Veterans Program. Applications for the Service Disabled Veteran owned business program became available in the beginning of October. Governor Cuomo announced that the first twenty-one businesses were certified.

Today, there are currently fifty-four businesses certified, with ten more certifications in process. The interest has been strong, but we have not achieved the broad awareness of this program with. Due to the number of certified businesses, it was decided that the program would start as a pilot with agencies and authorities that would offer maximum opportunities. Mr. Williams has been working with those agencies on developing their goal plans to avail opportunities to the businesses that have been certified. As the program grows, it will be expanded to offer more opportunities. Agencies not on the pilot list have been asked to put forth their best efforts, but they are not being held accountable at this time.

David Russo, Director Consolidated Business Office – Office of Mental Health (OMH), asked a question regarding updates to the State Finance Law. Mr. Russo asked if it was still correct that there are limited options that allow agencies to only spend up to the \$50,000 discretionary threshold. Mr. Williams stated this was correct, but further explained that there is a set aside provision for Service Disabled Veteran firms that can be utilized. Anne Phillips further clarified that there was not an amount attached to the set aside provision in the statute. Mr. Russo asked for further clarification as to what to do until the legislation gets updated in State Finance Law. He asked if the set aside restricts procurements to disabled veterans only, regardless of dollar amount. Ms. Phillips said that was correct, but it would need to be advertised in the contract reporter.

Thomas Hippchen, Director of University-wide Procurement -- SUNY, asked if it would be appropriate to limit their solicitations to certified MWBEs and Service Disabled Veterans. Ms. Phillips responded by saying she would like to reserve the right to go back to the statutes before giving a formal answer.

Kenneth Williams closed by saying the NYS Contract Reporter is soon going to be able to SDV designate businesses. All certified businesses are operational with a vendor identification number. It is an exciting program that is being well received, and these businesses are excited to get going. Mr. Williams meets with each agency to see what works for them. He is committed to making sure all the Service Disabled Veteran businesses have opportunities.

Marybeth Hefner, Deputy Director Fiscal Management Group – Department of Health, asked Anne Phillips if it is anticipated an amendment to the Procurement Guidelines related to the Service Disabled Veterans would be issued. Ms. Phillips said that is a good suggestion that will be looked into and will be discussed further at the next Procurement Council meeting.

V. BuyNY Foods

Christine Brady, member of the BuyNY Foods team from the Office of General Services in Procurement Services; and Barbara Dennison MD, Director at the Department of Health of Policy and Research Translation Division of Chronic Disease Prevention presented information on the BuyNY Foods initiative. BuyNY Foods team was created as a result of Governor Cuomo's BuyNY initiative. Procurements for the BuyNY Foods Procurements must be compliant with New York State Finance Law and other statutory requirements. The state's centralized contracting system is available to the entire state, all 62 counties, all agencies, schools and municipalities. The BuyNY initiative will be leveraging the power of the state's centralized contracting system to assist entities and their abilities to purchase more New York State food products. Items that are grown, produced, or harvested in New York are considered New York State food products. Items include dairy, grocery, and baked products. The Food team is making it easier to identify New York state food products on new and existing food contracts. A website for BuyNY is being worked on and should be up and running in the near future. The BuyNY foods initiative is a multi-agency collaboration, and includes Office of General Services, Department of Agriculture and Markets, Department of Corrections and Community supervision, Department of Health, Office of Mental Health, and the Cornell Cooperative Extension.

The New York State Council on Food Policy (NYSCFP) are collaborating with OGS to improve the nutritional content of foods procured. The NYSCFP was first established in 1984 under Governor Mario Cuomo, and has been expanded by Governor Andrew Cuomo, the NYSCFP develops and makes recommendations to the Governor on state regulations, legislation, and budget proposals to ensure a coordinated and comprehensive inner agency approach to state food policy issues. The NYSCFP is working to improve the nutritional quality of foods consumed by New Yorkers to improve health and reduce diet related diseases.

VI. Preferred Source Recommendations under OGS Standing Authority

Christine Irvine, Assistant Director of OGS Procurement Services, advised the council that three NYSID Preferred Source commodity applications were approved in December 2014. These applications were for reflective and non-reflective traffic roll up signs, traffic cones with reflective collars, and tick removal kits. The NYSID applications were of nominal value, and fit under the \$500,000 discretionary approval authority granted to OGS.

VII. 2014 Annual Report of Preferred Sources Approvals and Denials

Christine Irvine, Assistant Director of OGS Procurement Services, discussed the 2014 Annual Report of Denials and Approvals for the Preferred Source Applications. This report is required by State Finance Law, section

162.8b, to be given to the Governor, the Legislative Fiscal Committees, and the Director of Budget. In 2014, the Procurement Council denied the application for the digital printing application submitted by NYSID. The denial was appealed to the Commissioner of OGS, and Commissioner Destito upheld the Council's decision. This report is a draft until approved by the Procurement Council's vote. A motion was made by Gerard Minot-Scheuremann to approve the 2014 Annual Report of Denials and Approvals for the Preferred Source Applications, seconded by Mecca Santana, abstained by Ronald Romano, and passed by the majority.

VIII. 2015 Procurement Forum Updates

Sara Lafayette, from OGS Procurement, spoke on the upcoming 2015 Procurement Forum. This year is the 15th annual Purchasing Forum and Trade Show, which will be held May 20 and 21, 2015 in the convention center. The topic of the forum is *Opportunities on the Horizon*. David Russo, Director Consolidated Business Office – Office of Mental Health (OMH), asked the question if SFS would be participating. There is a class scheduled to be at the forum regarding SFS, e-invoicing, and EE1 changes.

IX. Open Council Discussion

David Russo, Director Consolidated Business Office – Office of Mental Health (OMH), asked if there will be any changes or amendments made to the requirements of filing the MWBE report. Sue Filburn said they will speak with the MWBE office and ESD to get an answer. Christine McCann, Empire State Development representative, spoke on the updates and changes made to the Contract Reporter. An enhancement was just made to help make searching contracts on the website much easier. Thomas Hippchen, Director of University-wide Procurement -- SUNY, asked if the 2015 Procurement Council schedule will remain the same, due to the changes in management of the council. Ms. Irvine stated that the schedule will remain the same as planned for 2015. Mr. Russo requested to have a speaker on SFS and the EE1 upgrade at the next Procurement Council meeting. Ms. Filburn said this could be arranged.

There being no other business to discuss, a motion to adjourn was made by Thomas Hippchen, seconded by Gerard Minot-Scheuremann and passed unanimously. The meeting adjourned at 11:51 AM.

Members (Representatives) in Attendance on February 5, 2015:

James Bays – Ag & Mkts
Andrew Bechard – ITS
Mecca Santana – Chief Diversity Officer
Christine McCann – ESD
Marybeth Hefner – DOH
Kelly S. Higgins – OPWDD

Thomas Hippchen – SUNY
Michael Elmendorf– DOCCS
Gerard Minot-Scheuremann – DOB
Susan Filburn – OGS
David Russo – OMH

At-Large Members in Attendance:

Ronald Romano – NYSID
Ronald Tascarella – NIB

Robert Drummond – AB Ranch Beef

At Large Members Absent:

Edul Ahmad – The Ahmad Group
Rashida Mendes – RM Capital, LLC

Richard St. Paul – Local Governments

Also in Attendance:

Christine Irvine – OGS

Anne G. Phillips – OGS

**NYS PROCUREMENT COUNCIL
VOTING RECORD**

Meeting Date: February 5, 2015

Question, Motion or Issue:

Approval of the November 19, 2014 Meeting Minutes

MEMBER (Representative)	VOTE			
	AYE	NAY	ABSTAIN	ABSENT
COMMISSIONER OF GENERAL SERVICES Susan Filburn (Anne Phillips) (Christine Irvine)			X	
Chief Diversity Officer Mecca E. Santana (Ashley Harrington)	X			
Office of the State Comptroller Margaret Becker (Charlotte Breeyear) (Diane Taylor)				X
Director of the Budget Anne Bink (Jerry Minot-Scheurmann)	X			
Commissioner of Economic Development Steven Cohen (Christine McCann)	X			
AGENCY REPRESENTATIVES				
Ag & Mkts (Lucy Roberson) James B. Bays (Carol Casale)	X			
DOCCS Michael Hurt (Michael Elmendorf)	X			
SUNY Thomas Hippchen (Kellie Dupuis)	X			
OPWDD Kelly S. Higgins (John F. Smith)	X			
DOH Marybeth Hefner (Joseph Zeccolo)	X			
ITS (Theresa Papa) Andrew Bechard (John Cody)	X			
OMH David Russo (Jason Wilkie)	X			
AT-LARGE MEMBERS				
Robert Drummond	X			
Ronald Tascarella – NIB	X			
Rashida Mendes				X
Richard St. Paul				X
Ron Romano - NYSID	X			

**NYS PROCUREMENT COUNCIL
VOTING RECORD**

Meeting Date: February 5, 2015

Question, Motion or Issue:

Approval for 2014 Annual Report of Preferred Sources Approvals and Denials

MEMBER (Representative)	VOTE			
	AYE	NAY	ABSTAIN	ABSENT
COMMISSIONER OF GENERAL SERVICES Susan Filburn (Anne Phillips) (Christine Irvine)			X	
Chief Diversity Officer Mecca E. Santana (Ashley Harrington)	X			
Office of the State Comptroller Margaret Becker (Charlotte Breeyear) (Diane Taylor)	X			
Director of the Budget Anne Bink (Jerry Minot-Scheurmann)	X			
Commissioner of Economic Development Steven Cohen (Christine McCann)	X			
AGENCY REPRESENTATIVES				
Ag & Mkts (Lucy Roberson) James B. Bays (Carol Casale)	X			
DOCCS Michael Hurt (Michael Elmendorf)	X			
SUNY Thomas Hippchen (Kellie Dupuis)	X			
OPWDD Kelly S. Higgins (John F. Smith)	X			
DOH Marybeth Hefner (Joseph Zeccolo)	X			
ITS (Theresa Papa) Andrew Bechard (John Cody)	X			
OMH David Russo (Jason Wilkie)	X			
AT-LARGE MEMBERS				
Robert Drummond	X			
Ronald Tascarella – NIB	X			
Rashida Mendes				X
Richard St. Paul				X
Ron Romano - NYSID			X	