

**[DRAFT] Minutes of the Meeting
New York State Procurement Council
May 27, 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, called the meeting to order and thanked everyone for attending. Ms. Filburn announced membership updates and welcomed them. Rose Rodriguez was recently appointed the Chief Diversity Officer for New York State. Phil Giltner, the Deputy Commissioner of the New York State Agriculture & Markets and Lisa Davis, the Director of Fiscal & Contract Management for the New York State Office for People with Developmental Disabilities were selected as representatives for their respective agencies.

II. Minutes of Meetings

Link to: [Handout](#)

Susan Filburn asked Council members for a motion to approve the February 5, 2015 meeting minutes. A motion to accept the minutes as presented was made by Gerald Minot-Scheurmann (DOB), seconded by Michael Hurt (DOCCS) and unanimously approved.

III. Update on E-Catalog

Susan Filburn provided an update on the E-Catalog and Marketplace project. As discussed at prior Council meetings, Ms. Filburn advised the Council members that this marketplace will serve statewide contract suppliers in one collaborative, online environment similar to “Amazon” and tie into e-Invoicing. Ms. Filburn stated that OGS Procurement Services has been working with Perfect Commerce since the end of 2014 and the plan was to launch with the SFS EE1 updates on April 1, 2015. SFS has now delayed their launch until October 1, 2015, but work is continuing to stand up the catalogs. This summer there will be a pilot with a limited number of buyers, vendors (the Preferred Sources, paper companies, and Grainger), and contracts to test the system in preparation for a full launch in October. At that point agencies will be able to start in SFS, visit the marketplace to fill their shopping cart, and then come back into SFS to follow the normal requisition process. More information will be made available during the summer months.

IV. Celebrate Plaza at 50

Susan Filburn mentioned that there is a 50th anniversary celebration for the Empire State Plaza this summer called “50 at the Plaza” with events in the summer and fall; information is available on the OGS website.

V. New NYS Store on Concourse

Susan Filburn noted that there is a new gift shop on the Empire State Plaza Concourse featuring New York State products.

VI. Legislative Updates

Anne Phillips, OGS Deputy Counsel & Director of Legislative Affairs, discussed several bills that may impact procurement as the end of the session is approached.

Assembly #	Senate #	Description
3302	831	“Buy From Backyard Act” amending Section 165 of the State Finance Law; would require state agencies to buy 20% of food purchased from contracts for foods grown, produced, or harvested in New York State.
7090	3265	“Buy From Backyard Act” amending Section 165 of the State Finance Law, as well as the Agriculture & Markets Law; would establish an advisory council to assist and assess policy related to buying New York State foods by state and local governments.
7580	4856	Authorizing state agencies to use discretionary purchasing authority for procurements related to Service-Disabled Veteran-Owned Businesses. This would be in addition to the discretionary purchasing authority that already exists in 165 of State Finance Law.
7513	-	Enacting various provisions related to the Procurement Stewardship Act and various procurement procedures.

VII. Procurement Stewardship Act

The Procurement Stewardship Act sunsets on June 30, 2016 and Ms. Phillips encouraged Procurement Council members to provide input on this topic. Questions related to this and Assembly Bill #7513 can be directed to Charlotte Breeyear (OSC) at (518) 474-6494. Further amendments are anticipated.

VIII. JCOPE Financial Disclosure

Anne Phillips reported that because the Procurement Council is a policy-making body, all members will need to file a disclosure statement with the Joint Commission on Public Ethics (JCOPE) if they have not already done so. OGS has prepared a letter with further details that will be sent shortly. Waivers can be requested from JCOPE not to disclose information once filed or to waive specific items within the financial disclosure statement. Legislative appointees may not be familiar with the process and all are encouraged to contact OGS with questions.

IX. Insurance Update for CCA Insurance Manual

Link to: [Handout](#)

Michele Reale, OGS Attorney and chair of the Council of Contracting Agencies (CCA) Insurance Subcommittee, presented the Procurement Council with the revised guidelines for consideration and approval. The CCA approved the manual revisions on May 18, 2015. The major revisions included:

- Changed the document from a manual to guidelines as it contains best practices for agencies to use when preparing insurance requirements.
- Updated member affiliations and fixed typographical errors.
- Made changes to include other certificates. Previously only Accord 25 (General Liability Certificate) was included; the revised version now includes Accord 27 and 28 (for property insurance), as well as Accord 855 (for construction).
- Removed references to the Supplemental Certificate that was used by the Thruway Authority.
- Included requirements and information on data breach, cyber liability, technology errors and omissions insurance as well as language explanations and limits.
- Included information on Umbrella and access insurance for required limits.
- Brought in matrices for types of insurance with suggested limits.
- Added a note to remind agencies to consider insurance requirements in documents that are not contracts, such as discretionary purchases, mini-bids, and purchase orders.

Ms. Reale requested the Procurement Council vote to accept the updated guidelines as presented, at the next scheduled meeting in September. Upon approval, new templates will be provided and the revised guidelines will be posted on the OGS website. In the interim, comments may be emailed to Michele.Reale@ogs.ny.gov or call her at (518) 474-5607.

X. Statewide Procurement Training

Link to: [Handout](#) | [Presentation](#)

Thomas Hippchen, Director of Universitywide Procurement for SUNY, presented a statewide procurement training initiative for consideration and recommendations. The initiative is a collaboration between SUNY, the Office of the State Comptroller, and the Office of General Services.

Mr. Hippchen concluded his presentation and opened the floor up for questions. Legislative appointee, Rashida Mendes ask if there was a target timeline for implementation. Mr. Hippchen responded not at this time, as the committee is still exploring availability of existing training. Ms. Mendes asked a follow-up question regarding the target audience for the training; Mr. Hippchen responded that state employees are the focus for now.

The Department of Corrections & Community Supervision (DOCCS) representative, Michael Hurt asked how this would be implemented across the state. Mr. Hippchen responded by saying the initial goal would not be for it to be mandated, but at first would be a repository of all statewide training resources. Long term, it could augment other training conferences. The hope is that agencies will provide suggestions on how implementation should occur. Mr. Hurt followed up by asking if the BSC was considered during the planning. Mr. Hippchen responded that they have not gotten to that level of detail yet.

The Office of Mental Health (OMH) representative, David Russo commented about the need for different types of training and the titles that are used for different types of purchasing. He asked if the title series has been incorporated into this training. Department of Health (DOH) representative, Marybeth Hefner expanded on that idea and said that all of the agency's procurement titles went to the BSC. She cautioned that it may be misleading to call this "procurement professionals" training. Mr. Hippchen responded by saying that a disclaimer is included.

Susan Filburn expressed support for the initiative, noting the positive aspects of a central repository for procurement training, resulting in greater consistency and standardization. Ms. Filburn encouraged the continuation of the project and requested a follow up report in September.

XI. Post Purchasing Forum Debrief

Anne Samson, OGS Procurement Services Assistant Director, provided a brief summary of the 2015 Purchasing Forum & Trade Show on May 20-21, 2015 in the Empire State Plaza Convention Center. Ms. Samson thanked OSC for their assistance with the event, which offered nearly 3,000 training hours over two days in 18 classes. Some of the highlights included:

- 35 Preferred Source exhibitors with 42 booths
- Program materials featuring the order of purchasing priority, to encourage agency and municipal purchases from NYS Preferred Sources
- New "Meet the Exhibitors" raffle that resulted in increased booth traffic: prizes were two Corcraft chairs and two NYS product baskets
- New reusable water bottles for all registrants, and water filling stations at the event, resulting in numerous environmental benefits.

Ms. Samson said there were 230 booths at the event, including twice as many non-contractors as last year. Booths were staffed by statewide contractors, small businesses, MWBEs, SDVOBs, food producers, recycled and remanufactured businesses, and government organizations. OGS provided a dedicated training day for exhibitors on the exhibitor load-in day, with four classes and a Meet and Greet with OGS Commissioner RoAnn Destito.

XII. Service Disabled Veteran Program

Kenneth Williams, Director of the OGS Service Disabled Veteran Business Development (SDVBD), provided a program update. Since February the number of certified businesses has doubled to a total of 103. Thanks to help from Empire State Development, Service-Disabled businesses can be identified online through the NYS Contract Reporter business registry, in addition to the complete listing of certified businesses on the OGS website. Interested parties can also sign-up for their distribution list to be informed of newly certified businesses. Mr. Williams discussed the pilot program and the active involvement of SUNY, CUNY and MTA (see table below for complete listing of pilot agencies). Mr. Williams encouraged agencies to check the list of certified SDVOBs on the OGS website. Agency reporting mechanisms are also being developed and he encouraged the Procurement Council to contact him if they are currently working with a veteran-owned business that is not certified. Mr. Williams discussed attending numerous outreach events including the recent Purchasing Forum and he called for the Procurement Council to help get the word out. Final approval of the contract language is still pending.

DOH representative, Marybeth Hefner asked if there was a Facebook page, to which Mr. Williams responded that there is not, but there was a LinkedIn page. Legislative appointee, Rashida Mendes also encouraged Mr. Williams to use social media to highlight success stories. Mr. Williams responded by saying that will occur once the contract language is approved.

Service Disabled Veteran Business Development Pilot Agencies	
Office of General Services (OGS) Department of Transportation (DOT) Department of Health (DOH) Information Technology Services (ITS) Office of Mental Health (OMH)	Department of Corrections & Community Supervision (DOCCS) Dormitory Authority of the State of New York (DASNY) Empire State Development (ESD) New York Power Authority (NYPA)

XIII. Buy NY Website

Patricia Kelly-Sbrega, OGS Procurement Services Contract Management Specialist, provided an update. This initiative is focused on increasing the purchase of NYS food by government run institutions. She highlighted some recent activities including the business plan, new website (www.ny.gov/programs/buy-ny), and other contract updates. There are 11 active food contracts and OGS Procurement Services is currently bidding for a new fluid milk contract that will be more flexible for both contract users and businesses. She highlighted the proposed legislative bills that may further support the Buy NY initiative through incentivizing the purchase of local food. She also mentioned that there are some challenges the initiative faces including confusion around discretionary spending requirements.

David Russo (OMH) asked if NY products will be identified in SFS to assist purchasers. Ms. Kelly-Sbrega responded saying that current food contractors have identified NYS products in their price guides. Mr. Russo clarified to inquire if the products would be identified in the new Item Master list. Susan Filburn responded by saying not at this time, but possibly in the future. Mr. Russo then asked if there is a definition of NYS products, Anne Phillips responded by saying that we are working on the definition to provide some clarification for agencies. Mr. Russo commented that there is a lot of purchasing being done at the local level and asked if there is any effort underway to capture that information. Ms. Kelly-Sbrega responded by saying OGS hopes to put new contracts in place for local food vendors within the next year.

XIV. Project-Based IT Consulting & Umbrella Update

Link to: [Presentation](#)

Marc Kleinhenz, Contract Management Specialist with OGS Procurement Services, provided the Procurement Council with an update on the new suite of Information Technology (IT) contracts that are being developed and implemented by OGS. It includes three new contracts: project-based consulting, manufacturer-based umbrella, and distributor-based umbrella. All require mandatory competition, standard terms and conditions, template forms, and training. Mr. Kleinhenz provided details for each contract.

Charlotte Breear (OSC) asked about the 10% caps for change orders. Mr. Kleinhenz responded by saying training will be key. He cautioned that the caps are hard so contract users will either need to finish out the project as written and re-procure or go to OSC for an exemption. David Russo (OMH) asked if the project-based contract will include service-disabled businesses in the lots. Anne Phillips responded affirmatively. Mr. Kleinhenz added that the timing of when the new contract language is released will shape their involvement.

XV. SPOC – Emergency Purchasing & 1122 Program

Link to: [Handout](#)

Jessica Walker, Contract Management Specialist with OGS Procurement Services and the Statewide Point of Contract (SPOC), provided an overview of the new 1122 federal government purchasing program. The program allows authorized state and local governments to purchase equipment in support of counter-drug, homeland security, and emergency response activities. It is administered by the State Point of Contact (SPOC), who receives all requisitions from state and local entities, ensures availability of funds, and determines that the items will be used for counter-drug, homeland security and emergency response activities. New York's activities under this program will be administered by the Governor appointed State Point of Contact (SPOC). Any state agency or unit of local government (Public Safety Agency (PSA) whose mission includes a requirement to enforce anti-drug laws, engages in or supports interdiction, eradication, prevention or education activities related to counter-drug activity, or is involved in homeland security or emergency response is authorized to request participation in the 1122 Program. To become certified for participation, the agency must submit a letter to the NY SPOC requesting certification in the New York 1122 Public Safety Procurement Program (PSPP). The prepared letter is reviewed and if approved, a letter is sent to the Public Safety Agency (PSA) authorizing their participation in the program. Specific Certification Request Letter requirements are outlined in the New York 1122 Public Safety Procurement Program Guide which will be available for download off the OGS website. The New York 1122 Public Safety Procurement Program's Operational Plan is currently being developed and will provide purchasing guidelines for state and local agencies. The pilot program is anticipated to launch soon.

Michael Hurt (DOCCS) inquired if any consideration is given to Preferred Sources for items that are purchased under 1122. Ms. Walker responded that, although the finer details are still under development, this program's scope is very narrow including counter-drug, homeland security, and emergency response items. Christine Irvine (OGS) added that State Finance Law and procurement guidelines will still need to be followed.

Legislative Appointee, Ronald Romano asked if the catalog was available online. Ms. Walker responded by saying the GSA catalog is online.

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XVI. Preferred Source Application Under OGS Standing Authority

Link to: [Handout](#)

Christine Irvine,(OGS Procurement Services Assistant Director, informed the Procurement Council that one item has been approved by OGS since February, for LED screw-in lightbulbs, dimmable and non-dimmable, available from Montgomery ARC and Liberty Enterprises through NYSID. The estimated sales volume is \$40,000 and 75% of the labor is performed by disabled workers.

XVII. Sub-Committee to Update Preferred Source List

Christine Irvine, provided the group with an update on the formation of a new sub-committee to update the Preferred Source list posted on the OGS website which describes what items are available for sale. OGS Commissioner Destito asked the Procurement Council to review and update the list, which was originally established prior to 1995. Ms. Irvine reached out via email and a dozen people expressed interest including the Preferred Sources, OSC, DOB, OGS, ITS, OMH, and OPWDD. She hopes to convene a meeting in June.

XVIII. Open Council Discussion

Susan Filburn opened the floor for any questions or statements. There were none.

XIX. Closure

Susan Filburn thanked everyone for attending. She asked for a motion to end the meeting. The motion to close was moved by DOCCS representative, Michael Hurt and was seconded by DOB representative, Gerald Minot-Scheurmann. The meeting concluded at 12:31 P.M.

Next Quarterly Meeting: September 11, 2015 11:00 A.M. to 1:00 P.M.
Meeting Room 6, North Concourse, Empire State Plaza

Attachments

[Agenda](#)
[February 5, 2015 Meeting Minutes](#)
[Revised CCA Insurance Manual/Guidelines](#)
[NYS Procurement Training Initiative Scope Plan Handout](#)

[NYS Procurement Training Initiative Slide Presentation](#)
[New IT Suite of Contracts Presentation](#)
[SPOC Emergency Purchasing & 1122 Program Handout](#)
[Preferred Source Application Under OGS Standing Authority Handout](#)

Members in Attendance on May 27, 2015

Phil Giltner – Ag & Mkts	Marybeth Hefner – DOH	Susan Filburn – OGS
Andrew Bechard – ITS	Thomas Hippchen - SUNY	David Russo – OMH
Charlotte Breeyear – OSC	Michael Hurt – DOCCS	Rose Rodriguez – CDO
Christine McCann – ESD	Gerard Minot-Scheurmann – DOB	Ronald Tascarella – NIB
Rashida Mendes – RM Capital, LLC	Ronald Romano – NYSID	Robert Drummond – AB Ranch Beef

Also in Attendance

Christine Irvine – OGS
Anne Phillips – OGS

Members Absent May 27, 2015

Lisa Davis – OPWDD
Richard St. Paul – Local Government Representative