

New York State Procurement Council | Minutes of the Meeting

September 20, 2017 | 11:00AM

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 special welcome to two new Procurement Council Members, Julie Suarez, as the Governor’s Appointee., and Winifred Schiff, as a Legislative Appointee. New State agency appointments included Lisa Brooks – Agriculture & Markets; Joel Lombardi – Information Technology Services (“ITS”); Daniel Clark – Office of Mental Health (“OMH”); Pravina Raghavan – Empire State Development (“ESD”), and a farewell to David Russo, OMH.

Old Business

Sean Carroll advised Procurement Council members that a summary of Robert’s Rules of Order was included in their packets. He explained that the Procurement Council operates under Robert’s Rules of Order and gave a brief overview of quorum and voting majority requirements.

Mr. Carroll called for a motion to adopt the minutes of the May 31, 2017 meeting. A correction was requested by Shawn Cullinane and with the correction, the motion to approve passed unanimously.

New Business

OGS Green Procurement: Todd Gardner, Team Lead from the Office of General Service’s (“OGS”) Green Procurement Team, provided a brief history of Green Procurement and an overview of his team’s goals, current projects, and resources available to help purchasers find green products. This new team is an extension of Governor Andrew Cuomo’s green purchasing and sustainability initiative that began in 2008 when Executive Order #4 (“EO4”) was extended.

NYSPSP Application for Preferred Source Designation of Medicine Cups: Carrie Laney, Executive Director, New York State Preferred Source Program for People who are Blind (“NYSPSP”), presented an overview of the NYSPSP application for Preferred Source designation of Medicine Cups. Ms. Laney explained that the application was for three specific, narrowly defined, small packaging options. Ms. Laney further explained that this application was brought to the Procurement Council for vote, because of ESD’s denial, stating that ESD’s report included a significantly broader category than just medicine cups.

Patricia Kelly-Sbrega, OGS Procurement Services as Staff to the Procurement Council summarized the OGS review and recommendation for approval. The OGS Preferred Source Team reviewed the application and concluded that it was complete and met all requirements of State Finance Law and the Preferred Source Guidelines § X.D including, but not limited to, demonstrating that value was added to the item by blind and visually impaired labor, and the pricing was statutorily compliant.

Pravina Raghavan, Executive Vice President for Small Business Services for ESD, stated that ESD supports vulnerable and under-represented populations, small businesses and Minority and Women-Owned Business Enterprises (“MWBEs”). After reviewing their research results, ESD found 18 companies who appeared to offer the same medicine cups on their product websites. Out of those 18 companies, 12 responded to surveys, and ESD concluded that 6 of them offered the same exact medicine cups. ESD concluded that small businesses account for 72% of all sales of the medicine cups under consideration and recommended denial of NYSPSP’s application.

There was a lengthy discussion by Procurement Council members with comments and questions for NYSPSP, ESD, and OGS. After numerous motions were made, a final motion to approve the NYSPSP application for Preferred Source Designation of Medicine Cups was made and passed by a vote of 11 to 5 with Ron Tascarella recusing himself from the vote.

Workgroup Proposed Definition: Temporary Personnel – Office:

Mr. Carroll offered a brief recap of the definition and workgroup process, noting that the workgroup was able to reach consensus on most points, but that the input of the full Procurement Council was needed to resolve some remaining issues.

Joel Lombardi, Director of Contracts and Procurement, ITS presented the workgroup findings and recommendations to the Procurement Council. Mr. Lombardi stated that the goal of the workgroup was to create a reasonable definition for Temporary Personnel – Office, and noted that the workgroup discussions focused heavily on the inclusion of IT positions, ticket takers, subway passenger counters, test monitors, and other non-traditional “office” titles, along with positions requiring a 4-year college degree. Consensus was reached by a majority of workgroup members who agreed that miscellaneous titles should be excluded from the definition of Temporary Personnel - Office, and encouraged New York State Industries for the Disabled (“NYSID”) to apply for Preferred Source Designation of a new category of temporary personnel to support these miscellaneous titles. Mr. Lombardi stated that the majority of the workgroup supported the proposed definition and encouraged the Procurement Council to approve the workgroup’s proposed definition.

Pravina Raghavan, ESD, clarified that the outstanding ESD recommendations contained within the definition were submitted as discussion points, not objections. She stated that ESD was in full support of the current proposed workgroup definition and there are no objections from ESD.

Katy Gaul-Stigge, President and CEO of GoodWill of Greater New York and New Jersey and GoodTemps stated that GoodWill’s mission is to empower individuals to gain employment and independence through the power of work. Ms. Gaul-Stigge asked the Procurement Council not to restrict the location, education requirements, access to salary or confidential information, the ability to supervise or use any type of master contract in the Preferred Source offering or for miscellaneous titles that require field work. She asked that discussions take into consideration the potential impacts to workers with disabilities, their families, and the community, and requested that the definition from NYSID dated 9/6/2017 be approved.

Joe Messina, Vice President of Sales, NYSID, stated that along with GoodWill, NYSID disagrees with the workgroup definition of Temporary Personnel – Office as proposed. Mr. Messina stated that it was NYSID’s hope that definitions for approved Preferred Source offerings would create new opportunities for individuals with disabilities and at a minimum preserve existing employment. Mr. Messina stated that this would not be the case if the definition is approved as proposed, adding that NYSID is seeking to preserve the employment currently in place and to continue to provide services to a customer whose contract is due to expire shortly. Mr. Messina asked the Procurement Council to exercise their authority and discretion to approve NYSID’s proposed alternate definition.

Procurement Council members had numerous questions and comments and engaged in a lengthy period of discussion. Some of the questions could not be answered and needed further research. Therefore, a motion was made to table a vote on this application until the next Procurement Council meeting scheduled for November 8, 2017. The motion to table the vote on the application to define Temporary Personnel – Office and bring it back during the November 8, 2017 meeting was approved by a vote of 11 to 6.

Open Council Discussion:

Alex Greene, Executive Chamber, as follow-up to the discussion on Medicine Cups, stated that there have been some institutional changes in the State over the past few years that may require representatives from Service-Disabled Veteran-Owned Businesses (“SDVOBs”) and MWBEs to be added to the Procurement Council.

Meeting Closure:

Procurement Council members voted unanimously to adjourn the meeting at 1:22pm.

Next Meeting:

Wednesday, November 8, 2017, (Alternate Date Thursday, November 9, 2017)

2017 Procurement Council Meeting Schedule:

- ✓ February 8, 2017
- ✓ May 31, 2017
- ✓ September 20 2017
- **November 8, 2017** (Alternate Date 11/09)

All Procurement Council meetings are scheduled on Wednesdays, from 11:00AM – 1:00PM, Meeting Room 6 on the Empire State Plaza in Albany, NY.

Webcast location:

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

<https://ogs.ny.gov/about/Webcast/Media/ProcCouncil/2017/PC0920.mp4>

Members in Attendance:

Sean Carroll – OGS
Margaret Becker – OSC
John Behrle – DOCCS
Lisa Brooks – Ag & Mkts
Daniel Clark – OMH
Lisa Davis – OPWDD

Thomas Hippchen – SUNY
Joel Lombardi – ITS
Pravina Raghavan – ESD
Alexandra Greene –Chamber
Mary Beth Hefner – DOH
Gerard Minot-Scheuermann – DOB

Amber Mooney
Shawn Cullinane
Steven Kasarda
Winifred Schiff
Julie Suarez
Ronald Tascarella

Also in attendance:

Marc Hiller – OGS

Noreen VanDoren – OGS

Patricia Kelly-Sbrega – OGS

Members not in attendance:

Robert Drummond

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Motion to approve the Meeting Minutes for the May 31, 2017 Meeting

				ACTION		VOTE			
Member Type	Organization	Role	Name	Motion	2nd	Aye	Nay	Abstain	Recuse
Agency Designee (Voting Member)	Dept. of Agriculture & Markets	Primary	Lisa Brooks			X			
Agency Designee (Voting Member)	Dept. of Corrections & Community Supervision	Primary	JP (John) Behrle			X			
Agency Designee (Voting Member)	Information Technology Services	Primary	Joel Lombardi			X			
Agency Designee (Voting Member)	Office for People with Developmental Disabilities	Primary	Lisa Davis			X			
Agency Designee (Voting Member)	Office of Mental Health	Alternate 1	Daniel Clark			X			
Agency Designee (Voting Member)	State University of New York	Primary	Thomas Hippchen			X			
Ex-Officio Members (Voting Member)	Division of the Budget	Alternate 1	Gerard Minot-Scheuermann			X			
Ex-Officio Members (Voting Member)	Empire State Development	Primary	Pravina Raghavan		X				
Ex-Officio Members (Voting Member)	Executive Chamber	Alternate 1	Alexandra Greene			X			
Ex-Officio Members (Voting Member)	Office of General Services	Primary	[Council Chair] Sean Carroll			X			
Ex-Officio Members (Voting Member)	Office of the State Comptroller	Primary	Margaret N. Becker			X			
Governor's Appointee (Voting Member)	Cornell University College of Agriculture & Life Sciences	Primary	Julie M. Suarez			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)	NYS Preferred Source Program for People who are	Primary	Ronald Tascarella			X			
Legislative Appointee (Voting Member)	Interagency Council of Developmental Disability Agencies	Primary	Winifred Schiff			X			
Legislative Appointee (Voting Member)	The Kasarda Law Group, LLC	Primary	Steven C. Kasarda			X			
						15	0	0	0

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Motion to approve the NYS PSP Application for Medicine Cups

Member Type	Organization	Role	Name	ACTION		VOTE			
				Motion	2nd	Aye	Nay	Abstain	Recuse
Agency Designee (Voting Member)	Dept. of Agriculture & Markets	Primary	Lisa Brooks			x			
Agency Designee (Voting Member)	Dept. of Corrections & Community Supervision	Primary	JP (John) Behrle				x		
Agency Designee (Voting Member)	Information Technology Services	Primary	Joel Lombardi			x			
Agency Designee (Voting Member)	Office for People with Developmental Disabilities	Primary	Lisa Davis			x			
Agency Designee (Voting Member)	Office of Mental Health	Alternate 1	Daniel Clark			x			
Agency Designee (Voting Member)	State University of New York	Primary	Thomas Hippchen	x		x			
Ex-Officio Members (Voting Member)	Division of the Budget	Alternate 1	Gerard Minot-Scheuermann			x			
Ex-Officio Members (Voting Member)	Empire State Development	Primary	Pravina Raghavan				x		
Ex-Officio Members (Voting Member)	Executive Chamber	Alternate 1	Alexandra Greene				x		
Ex-Officio Members (Voting Member)	Office of General Services	Primary	[Council Chair] Sean Carroll			x			
Ex-Officio Members (Voting Member)	Office of the State Comptroller	Primary	Margaret N. Becker			x			
Governor's Appointee (Voting Member)	Cornell University College of Agriculture & Life Sciences	Primary	Julie M. Suarez			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)	NYS Preferred Source Program for People who are	Primary	Ronald Tascarella						x
Legislative Appointee (Voting Member)	Interagency Council of Developmental Disability	Primary	Winifred Schiff			x			
Legislative Appointee (Voting Member)	The Kasarda Law Group, LLC	Primary	Steven C. Kasarda		x	x			
						11	5	0	1

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Motion to table the Definition Temporary Personnel - Office until 11/08/17

Member Type	Organization	Role	Name	ACTION		VOTE			
				Motion	2nd	Aye	Nay	Abstain	Recuse
Agency Designee (Voting Member)	Dept. of Agriculture & Markets	Primary	Lisa Brooks			x			
Agency Designee (Voting Member)	Dept. of Corrections & Community Supervision	Primary	JP (John) Behrle			x			
Agency Designee (Voting Member)	Information Technology Services	Primary	Joel Lombardi				x		
Agency Designee (Voting Member)	Office for People with Developmental Disabilities	Primary	Lisa Davis		x	x			
Agency Designee (Voting Member)	Office of Mental Health	Alternate 1	Daniel Clark			x			
Agency Designee (Voting Member)	State University of New York	Primary	Thomas Hippchen			x			
			Mary Beth Hefner			x			
Ex-Officio Members (Voting Member)	Division of the Budget	Alternate 1	Gerard Minot-Scheuermann			x			
Ex-Officio Members (Voting Member)	Empire State Development	Primary	Pravina Raghavan				x		
Ex-Officio Members (Voting Member)	Executive Chamber	Alternate 1	Alexandra Greene				x		
Ex-Officio Members (Voting Member)	Office of General Services	Primary	[Council Chair] Sean Carroll				x		
Ex-Officio Members (Voting Member)	Office of the State Comptroller	Primary	Margaret N. Becker			x			
Governor's Appointee (Voting Member)	Cornell University College of Agriculture & Life Sciences	Primary	Julie M. Suarez			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	Primary	Winifred Schiff				x		
Legislative Appointee (Voting Member)	The Kasarda Law Group, LLC	Primary	Steven C. Kasarda	x		x			
						11	6	0	0