

# New York State Procurement Council | Minutes of the Meeting

January 31, 2018 | 11:00 a.m.

Meeting Room 6 | North Concourse | Empire State Plaza | Albany, NY

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## 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 new Procurement Council Member, Lourdes Zapata, Executive Vice President, Division of Minority & Women’s Business Development at Empire State Development (“ESD”) as the primary designee for the State Chief Diversity Officer. Mr. Carroll publicly thanked Alexandra Greene for her service in this position for the past two years.

## Old Business

**Meeting Minutes:** Mr. Carroll called for a motion to adopt the minutes of the November 8, 2017 meeting. Corrections were requested by Shawn Cullinane and John Behrle. A comment was made by Winifred Schiff regarding the Amended Definition of Temporary Personnel – Office highlighting the importance of the Procurement Council members working together to finalize the additional definition so that no one loses their job. The motion to adopt the minutes with the changes requested by Cullinane and Behrle passed unanimously. Ms. Schiff clarified that her comments did not require a change to the meeting minutes.

**Appeal for Belt Equipped Trauma Kits:** Mr. Carroll reported that the Commissioner of OGS received an appeal from the New York State Preferred Source Program for New Yorkers Who Are Blind (“NYSPSP”) regarding the Procurement Council’s denial of NYSPSP’s application for Belt-Equipped Trauma Kits. The results of the appeal will be provided at the next Procurement Council meeting.

## New Business

**New Council Member Orientation:** Mr. Carroll thanked everyone who participated in the New Council Member Orientation. For future reference the class is being turned into a PowerPoint Presentation so that the material can be revisited. Office of General Services (“OGS”) Procurement Services as Staff to the Procurement Council has continued to provide council members with the basics of Robert’s Rules which will be more easily accessible digitally.

**Sole/Single Source Reporting:** Procurement Council members were reminded that State Finance Law § 163 requires State agencies to report to the Procurement Council, the Governor, the Legislative Fiscal Committees and the State Comptroller each year by July 1<sup>st</sup>, the total number and dollar value of all single source contracts awarded during the prior year.

**Establishing a Procurement Guidelines Workgroup:** The Procurement Council is responsible for issuing and updating the Procurement Guidelines and the Guidelines are due for review and update at this time. Mr. Carroll advised that he is looking for workgroup members, which can be Procurement Council members or others they designate to assist who are involved in the day-to-day operations of state procurements. OGS would like the workgroup to be assembled by the next Procurement Council meeting. The Guidelines address the actual mechanic of public procurements; therefore, it is important that the workgroup participants have expertise in the actual procurement process. OGS asked the Council members to submit their recommendations for workgroup members as soon as possible.

**Update to the CL 624 Bulletin:** John Normile, OGS, stated that the new definition for Temporary Services – Office was published in its entirety as was the guidance document for this service that Procurement Council members asked OGS to provide. Mr. Normile also advised that text within the List of Preferred Source Offerings was also updated together with updates within Section A to reflect prior commodity approvals. In Section D of the List, information regarding the definition for Temp Services – Office was also added. Lastly, Mr. Normile advised that CL 624 Bulletin provides information regarding updates to the forms used in the Electronic Services Application.

**Legislative Updates:** Marc Hiller, OGS, stated that Chapter 461 of the Laws of 2017 relates to reciprocity of debarments imposed under the federal Davis-Bacon Act for state contracts (Amending §220-b of the Labor Law; and §103, General Municipal Law) and requires the Governor to convene a workgroup to study and make recommendations to the legislature on appropriate payments of supplements to construction workers. The Chapter takes effect in March 2018.

Chapter 451 of the Laws of 2017 enacts the “New York Buy American Act” (Amending §146 of the State Finance Law, and §2603-a of the Public Authorities Law), which provides that all contracts over \$1,000,000 awarded by any State agency for construction or improvements of roads or bridges contain a provision that the iron, steel, or concrete used or supplied shall be produced or made in the U.S. The Chapter takes effect on April 1, 2018 and sunsets on April 15, 2020.

Executive Order No. 175 ENSURING NET NEUTRALITY PROTECTIONS FOR NEW YORKERS. On and after March 1, 2018 directing various State entities not to enter into any contracts for internet service unless the Internet Service Providers (“ISPs”) agree to adhere to net neutrality principles consistent with the Executive Order.

Following provisions from the Governor’s Executive Budget Proposal:

1. Minority and Women-Owned Business (“MWBE”) – extension for five years and various amendments to the MWBE program
2. Design/Build as established in the Infrastructure Investment Act (the Act) – expanding authorized entities to include Dormitory Authority, the New York State Urban Development Corporation, OGS, the Department of Health, and New York State Olympic Regional Development Authority
3. Establishment of a NYS Chief Procurement Officer
4. Requiring reporting of sexual harassment violations by contractors doing business with the State

**OGS 1122 Program:** Matthew Jones, OGS, provided a brief history of the 1122 Program. The 1122 Program provides participating State and local governments access to Federal Sources of Supply (federal stock items and third-party vendors). Federal Sources of Supply are the Department of the Army, General Services Administration, and Defense Logistics Agency. The 1122 Program supports three specific missions; counter drug, emergency response activities, and homeland security efforts. The first step to be able to participate in this program is to get certified as a Public Safety Agency and then request authorization to place orders. The 1122 Program Equipment and Supplies Catalog provides a program summary and indexes products available through the program by their Source of Supply.

**Preferred Source Applications Approved Under OGS Standing Authority:** John Normile, OGS, reported that between September 1, 2017 and December 31, 2017 OGS approved two commodity applications for preferred source status. One application, received from NYSID, was for approval of VermaGro Worm Tee. This is an organic liquid soil amendment made from worm castings produced by Schenectady ARC. This new product line will provide 24 direct disabled labor hours annually equating to .012 full-time equivalents (“FTEs”). As the product gets exposure, increased sales and employment opportunities are expected.

The second application, submitted by NYSPSP, was for approval of Celox Hemostatic Solutions which are used for bleeding control. Gauze roles, nose bleed dressing, and gauze pads are impregnated with the Celox product. Hemostatic agents allow the user to control bleeding by placing these items into an open wound to create a clot. These products are offered by Alaphointe. Blind and visually impaired employees at Alaphointe will provide 467.03 labor hours annually equating to .2491 FTEs.

Both items met the criteria of the authority delegated by the Procurement Council to OGS, which is that product is estimated to have less than \$500,000 in annual sales, the price proposed is within 10% of prevailing market prices and ESD voice no objection based upon its concurrent review to determine if approval of these applications would result in objections from the business community.

## **Open Council Discussion**

Thomas Hippchen, State University of New York (“SUNY”), had a question regarding the status of a motion that had previously been tabled by the Procurement Council. He asked if that means the motion is indefinitely tabled or is there a timeframe that it must be acted upon and how the Council revisits a motion. Mr. Carroll explained that there are two mechanisms for tabling a motion. One is a straight tabling, which means if a vote is successful to table a motion, it sits indefinitely. The other is to include in the discussion of the tabling initiative a date and time certain when it will return to the floor which is done at the time of tabling. This guarantees that it will come back. If something was tabled indefinitely, a Procurement Council member would need to motion for it to come back to the Procurement Council for consideration and that motion will need a second and then a majority of the Council members would have to approve of that motion to bring the item back for consideration. Mr. Carroll also advised that since new members have joined the Procurement Council since a motion to table an action was last approved, consideration should be given to any such motion including a requirement that no action be taken on the untabled issue until the next Procurement Council meeting so that new members may learn about the issue before they are asked to vote on the issue.

## **Meeting Closure**

Procurement Council members voted to unanimously adjourn the meeting at 11:52am.

## **Next Meeting:**

**Wednesday, April 18, 2018**, (Alternate April 25, 2018)

All Procurement Council meetings are scheduled on Wednesdays, from 11:00 a.m. – 1:00 p.m. and are held in Meeting Room 6 of the Concourse of 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  
Charlotte Davis – OSC  
John Behrle – DOCCS  
Jason Wilkie – OMH  
Lisa Davis – OPWDD  
Marybeth Hefner - DOH

Thomas Hippchen – SUNY  
Vanessa Perry – ITS  
Pravina Raghavan – ESD  
Lourdes Zapata – Chamber  
Gerard Minot-Scheuermann - DOB  
Shawn Cullinane

Winifred Schiff  
Steven Kasarda

## **Also in attendance:**

Marc Hiller – OGS

Noreen VanDoren – OGS

John Normile – OGS

## **Members not in attendance:**

Amber Mooney  
Julie Suarez  
Ronald Tascarella  
Robert Drummond  
Lisa Brooks

# DRAFT Voting Record

## New York State Procurement Council | Minutes of the Meeting January 31, 2018 | 11:00AM

New York State Procurement Council Meeting January 31, 2018 Meeting Room 6   North Concourse   Empire State Plaza   Albany, NY									
Motion to approve the Meeting Minutes for the NOVEMBER 8, 2017 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	x			
Agency Designee (Voting Member)	Dept. of Corrections & Community Supervision	Primary	JP (John) Behrle			x			
Agency Designee (Voting Member)	Information Technology Services	Alternate 1	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)	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	Lourdes Zapata			x			
Ex-Officio Members (Voting Member)	Office of General Services	Primary	<b>[Council Chair] Sean Carroll</b>			x			
Ex-Officio Members (Voting Member)	Office of the State Comptroller	Alternate 1	Charlotte Davis			x			
Legislative Appointee (Voting Member)	Local Government Representative	Primary	Shawn Cullinane			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			
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