

FINAL
New York State Procurement Council | Minutes of the Meeting
November 28, 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 Office of General Services (“OGS”) Chief Procurement Officer (“CPO”) and acting Chair of the New York State Procurement Council (“Procurement Council”) as the designee of the Commissioner of General Services, called the meeting to order and thanked everyone for attending. Mr. Carroll extended a welcome to Stuart Poole, the Assistant Chief Budget Examiner with the Public Protections General Government Unit from the Division of the Budget (“DOB”). Mr. Carroll also mentioned Paula Clark as an alternate for Lisa Brooks from the Department of Agriculture and Markets (“NYSDAM”) and Valerie White, Executive Vice President and Executive Director – Division of Minority and Women’s Business Development, as an alternate for Lourdes Zapata, Chief Diversity Officer.

Meeting Minutes: Mr. Carroll called for a motion to adopt the minutes of the September 13, 2018 meeting. The motion passed unanimously.

Procurement Council Operating Rules: Mr. Carroll addressed some operating and procedural rules regarding the Council and advised that substantive votes presented to the Council will be taken as roll call votes by the Chair in the order each Council member’s seat on the Council is listed in State Finance Law § 161, with Mr. Carroll calling the Chair last.

Mr. Carroll appointed Sue Filburn and Daniel Rice as “Recording Secretaries to prepare meeting minutes and materials. Mr. Carroll also clarified that when adding services to the List of Preferred Source Offerings, two votes are needed: one vote for the approval of the service definition; and a second vote for the approval of the requesting preferred source facilitator to provide the new service under that definition (the “checkmark”).

Rules Workgroup: Mr. Carroll asked for volunteers for a Rules Workgroup to discuss and make recommendations to the Council regarding its procedural rules. Mr. Carroll provided the following examples of items the Rules Workgroup might review: whether there should be speaker time limits; whether a Council member can abstain and when said abstention is appropriate; the procedures for non-Council members to provide comments; how business before the Council will be handled when the meeting time has expired; and speaker etiquette.

Procurement Guidelines Workgroup (“Workgroup”): Mr. Carroll reported that the members of the Workgroup have submitted their proposed changes and comments on all sections of the Procurement Guidelines. Council staff have provided the Workgroup with proposed revisions to Sections I and II based on the Workgroup’s proposed changes and comments. The Workgroup continues to meet regularly with Council staff on the proposed revisions with the expectation of having a first draft of Section III available in December for consideration.

Among the issues being discussed is how the Procurement Guidelines can educate purchasers on strategies to maximize supplier diversity, including Minority and Women-Owned Business Enterprises (“MWBE”), Service-Disabled Veteran-Owned Businesses (“SDVOB”), preferred sources, and vendors who prioritize green and sustainable products.

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: Mr. Carroll advised that NYSPSP submitted an appeal to the Commissioner of General Services regarding the DAUTRRS application that failed to secure enough votes for approval at the September 13, 2018 Council meeting. The Commissioner is currently reviewing the appeal.

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

Hourly-Based Information Technology Services (“HBITS”) Presentation: Marc Kleinhenz, OGS Procurement Services, presented on HBITS, an OGS centralized contract for technology consulting services that manages and assists Authorized Users in receiving services more quickly, fostering competition to lower costs and increasing MWBE

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participation. During the first year of implementation in 2012, HBITS savings for Authorized Users was \$16M; in 2018 HBITS savings to date is \$19.5M.

OGS continues to review the HBITS onboarding processes to reduce the time it takes for Authorized Users to receive services. Currently it takes an average of 57 calendar days to onboard a consultant.

The HBITS contract has been successful in engaging MWBE participation. Currently, Minority-Owned Business Enterprises (“MBEs”) represent 44% of the direct spend, Women-Owned Business Enterprises (“WBEs”) represent 24% of the direct spend, and MWBEs represent 19% of the direct spend. MWBEs are also engaged as subcontractors.

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 List of Preferred Source Offerings under its standing authority since the last meeting.

New York State Industries for the Disabled (“NYSID”) Application to add Mail Fulfillment Services to the List of Preferred Source Offerings: Maureen O’Brien, President and Chief Executive Officer, NYSID, discussed both the current approved mailing services offerings along with their existing definitions and the need for approval of Mail Fulfillment Services, which would allow NYSID to continue to provide the current mailing service offerings while incorporating limited digital printing. She explained that the combined service is increasingly desired by NYSID’s customers. She explained that the goal of modernization a mailing services definition is two-fold: one, to allow NYSID and its member agencies to utilize today’s technology as a preferred source offering; and, two to preserve jobs for individuals with disabilities. Ms. O’Brien stated that she recently sent NYSID’s annual report and a copy of the oversight agreement NYSID has with the New York State Education Department to the Council. Ms. O’Brien clarified that this application is not seeking approval for digital printing and that printing on a NYSID contract can only be done in conjunction with mail fulfillment services.

Bradley Allen, OGS Deputy Commissioner and Counsel, presented OGS’s recommended approval of the proposed definition and application, based on the inclusion of certain limitations in the definition, including, but not limited to, the following: the definition is provisional and is only valid for two years after which time the Council has the ability to review the marketplace before giving final approval; NYSID must report on all mail fulfillment contracts at each Council meeting during the two-year period; the work can only be done by NYSID’s non-for-profit members and not by corporate partners; and only items that are going to be mailed and individualized to the recipient can be printed.

Ms. Raghavan, Empire State Development (“ESD”), presented ESD’s approval of the definition and the application, but requested that ESD be allowed to complete another industry analysis should the definition change.

A motion to approve the definition was made and seconded and Mr. Carroll opened the floor for discussion on the Mail Fulfillment Services definition and application. Margaret Becker, Office of the State Comptroller (“OSC”), provided additional context of the 2016 OSC audit. She reported that the OSC audit found there were no procedures to ensure all NYSID partners who compete for mail fulfillment services might be eligible for the services. Ms. Becker asked that regardless of Council’s vote, the Council continue to ensure there are proper processes in NYSID’s partner procedures for mail fulfillment services to ensure competition among the members.

Shawn Cullinane, Local Government Representative, asked to clarify the process of printing currently at State Agency sites. Ms. Raghavan clarified that the majority of printing is done on Agency sites and usually only printing supplies are subcontracted out.

Valerie White, Executive VP & Executive Director-Division of Minority & Women’s Business Development, stated the application and definition as proposed will not have any negative impact on the existing MWBE program.

Mr. Carroll called the vote to approve the definition. The Council approved the definition by a vote of 17 in favor and one abstention.

Mr. Carroll opened the floor for discussion on NYSID’s application to offer Mail Fulfillment Services.

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Mr. Cullinane yielded time to Tim Freeman, President, Printing Industries Alliance (“PIA”), who stated that should the application for NYSID to perform the proposed services be approved, there would be a loss of business to private industry companies.

Winifred Schiff, Interagency Council of Development Disability Agencies, Inc., Ms. Raghavan, Lisa Davis, New York State Office for People with Developmental Disabilities (“OPWDD”), and Ms. O’Brien provided comments in response to Mr. Freeman’s comments relative to the purpose of New York State Finance Law § 162 and the effect preferred source vendors have on private industry.

Mr. Carroll called for a motion to approve NYSID’s application to perform the services under the Mail Fulfillment Services definition. The Council approved the application by a vote of 17 in favor, one abstention.

Open Council Discussion

Ms. Suarez, Gubernatorial Agriculture Representative, proposed a joint presentation by NYSDAM and the farm-to-school grantees to discuss the impact of Governor Cuomo’s school lunch reimbursement program policy on procurement issues. In addition, Mr. Behrle, DOCCS, requested there be a presentation on the Project-Based Information Technology Services (“PBITS”) OGS Centralized contract and how the contract works for State Agencies.

Meeting Closure

Procurement Council members voted unanimously to adjourn the meeting at 12:43 p.m.

Next Meeting:

Proposed 2019 Procurement Council meeting dates:

1. January 30, 2019 with an alternate February 6, 2019
2. April 17, 2019 with an alternate of April 24, 2019
3. September 5, 2019 with an alternate of September 12, 2019
4. November 7, 2019 with an alternate November 13, 2019

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

Members in Attendance:

Sean Carroll – OGS
Joel Lombardi – ITS
Marybeth Hefner – DOH
Paula Clark – NYSDAM
Ronald Tascarella - Legislative Rep.
Winifred Schiff - Legislative Rep.
Amber Mooney – Legislative Rep.
Thomas Hippchen – SUNY

Stuart Poole – DOB
Steven Kasarda – Legislative Rep.
Pravina Raghavan – ESD
John Behrle - DOCCS
Jason Wilkie - OMH
Margaret Becker – OSC
Lisa Davis - OPWDD
Shawn Cullinane – Legislative Rep.

Julie Suarez – Gubernatorial
Agriculture Rep.
Valerie White, Executive VP &
Executive Director-Division of
Minority & Women’s Business
Development

Also in attendance:

Marc Hiller – OGS
Noreen VanDoren – OGS

John Normile – OGS

Bradley Allen - OGS

Members not in attendance:

Robert Drummond – Legislative Rep.

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Motion to approve the Meeting Minutes for the **September 13, 2018** Meeting

Member Type	Organization	Role	Name	ATTENDANCE		ACTION		VOTE			
				Name		Motion	2nd	Aye	Nay	Abstain	Recuse
Ex-Officio Members (Voting Member)	OGS CPO		Sean Carroll	X				X			
Ex-Officio Members (Voting Member)	Division of Budget	Primary	Stuart Poole	X				X			
Ex-Officio Members (Voting Member)	Office of the State Comptroller	Primary	Margaret Becker	X				X			
Ex-Officio Members (Voting Member)	Empire State Development	Primary	Pravina Raghavan	X			X	X			
Ex-Officio Members (Voting Member)	Excutive Chamber	Alternate 1	Valerie White	X				X			
Legislative Appointee (Voting Member)	Local Government Representative	Primary	Shawn Cullinane	X				X			
Legislative Appointee (Voting Member)	The Kasarda Law Group	Primary	Steven C. Kasarda	Absent							
Legislative Appointee (Voting Member)	Manager of Government Affairs, NYS Business Council	Primary	Amber L. Mooney	X				X			
Legislative Appointee (Voting Member)	Interagency Council of Developmental Disability Agencies, Inc.	Primary	Winifred Schiff	X				X			
Legislative Appointee (Voting Member)	Board Member, NYSPSP	Primary	Ronald Tascarella	X		X		X			
Legislative Appointee (Voting Member)	Cornell University College of Agriculture & Life Sciences	Primary	Julie M. Suarez	X				X			
Agency Designee (Voting Member)	Dept of Corrections	Primary	John Behrle	X				X			
Agency Designee (Voting Member)	OPWDD	Primary	Lisa Davis	X				X			
Agency Designee (Voting Member)	Dept. of Agriculture & Markets	Alternate 1	Paula Clark	X				X			
Agency Designee (Voting Member)	Dept. of Health	Primary	Marybeth Hefner	X				X			
Agency Designee (Voting Member)	State University of New York	Primary	Thomas Hippchen	X				X			
Agency Designee (Voting Member)	Office of Mental Health	Alternate 1	Jason Wilkie	X				X			
Agency Designee (Voting Member)	Office of Information Technology Services	Primary	Joel Lombardi	X				X			
Totals:				17				17			

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Motion to approve the Definition of Mail Fulfillment Services

Member Type	Organization	Role	Name	ATTENDANCE		ACTION		VOTE			
				Name		Motion	2nd	Aye	Nay	Abstain	Recuse
Ex-Officio Members (Voting Member)	OGS CPO		Sean Carroll	X				X			
Ex-Officio Members (Voting Member)	Division of Budget	Primary	Stuart Poole	X				X			
Ex-Officio Members (Voting Member)	Office of the State Comptroller	Primary	Margaret Becker	X						X	
Ex-Officio Members (Voting Member)	Empire State Development	Primary	Pravina Raghavan	X				X			
Ex-Officio Members (Voting Member)	Excutive Chamber	Alternate 1	Valerie White	X				X			
Legislative Appointee (Voting Member)	Local Government Representative	Primary	Shawn Cullinane	X				X			
Legislative Appointee (Voting Member)	The Kasarda Law Group	Primary	Steven C. Kasarda	X				X			
Legislative Appointee (Voting Member)	Manager of Government Affairs, NYS Business Council	Primary	Amber L. Mooney	X				X			
Legislative Appointee (Voting Member)	Interagency Council of Developmental Disability Agencies, Inc.	Primary	Winifred Schiff	X				X			
Legislative Appointee (Voting Member)	Board Member, NYSPSP	Primary	Ronald Tascarella	X				X			
Legislative Appointee (Voting Member)	Cornell University College of Agriculture & Life Sciences	Primary	Julie M. Suarez	X				X			
Agency Designee (Voting Member)	Dept of Corrections	Primary	John Behrle	X				X			
Agency Designee (Voting Member)	OPWDD	Primary	Lisa Davis	X				X			
Agency Designee (Voting Member)	Dept. of Agriculture & Markets	Alternate 1	Paula Clark	X				X			
Agency Designee (Voting Member)	Dept. of Health	Primary	Marybeth Hefner	X		X		X			
Agency Designee (Voting Member)	State University of New York	Primary	Thomas Hippchen	X				X			
Agency Designee (Voting Member)	Office of Mental Health	Alternate 1	Jason Wilkie	X				X			
Agency Designee (Voting Member)	Office of Information Technology Services	Primary	Joel Lombardi	X			X	X			
Totals:				18				17		1	

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Motion to approve NYSID's Application to provide Mail Fulfillment Services

				ATTENDANCE	ACTION		VOTE			
Member Type	Organization	Role	Name	Name	Motion	2nd	Aye	Nay	Abstain	Recuse
Ex-Officio Members (Voting Member)	OGS CPO		Sean Carroll	X			X			
Ex-Officio Members (Voting Member)	Division of Budget	Primary	Stuart Poole	X			X			
Ex-Officio Members (Voting Member)	Office of the State Comptroller	Primary	Margaret Becker	X					X	
Ex-Officio Members (Voting Member)	Empire State Development	Primary	Pravina Raghavan	X	X		X			
Ex-Officio Members (Voting Member)	Excutive Chamber	Alternate 1	Valerie White	X			X			
Legislative Appointee (Voting Member)	Local Government Representative	Primary	Shawn Cullinane	X			X			
Legislative Appointee (Voting Member)	The Kasarda Law Group	Primary	Steven C. Kasarda	X		X	X			
Legislative Appointee (Voting Member)	Manager of Government Affairs, NYS Business Council	Primary	Amber L. Mooney	X			X			
Legislative Appointee (Voting Member)	Interagency Council of Developmental Disability Agencies, Inc.	Primary	Winifred Schiff	X			X			
Legislative Appointee (Voting Member)	Board Member, NYSPSP	Primary	Ronald Tascarella	X			X			
Legislative Appointee (Voting Member)	Cornell University College of Agriculture & Life Sciences	Primary	Julie M. Suarez	X			X			
Agency Designee (Voting Member)	Dept of Corrections	Primary	John Behrle	X			X			
Agency Designee (Voting Member)	OPWDD	Primary	Lisa Davis	X			X			
Agency Designee (Voting Member)	Dept. of Agriculture & Markets	Alternate 1	Paula Clark	X			X			
Agency Designee (Voting Member)	Dept. of Health	Primary	Marybeth Hefner	X			X			
Agency Designee (Voting Member)	State University of New York	Primary	Thomas Hippchen	X			X			
Agency Designee (Voting Member)	Office of Mental Health	Alternate 1	Jason Wilkie	X			X			
Agency Designee (Voting Member)	Office of Information Technology Services	Primary	Joel Lombardi	X			X			
Totals:				18			17		1	