

FINAL
New York State Procurement Council Meeting | Minutes of the Meeting
April 17, 2019 | 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.

Old Business

Meeting Minutes: Mr. Carroll called for a motion to adopt the minutes of the January 30th, 2019 meeting. The motion to adopt the minutes passed by a vote of 13-0-1.

Rules Workgroup Update: Mr. Carroll requested additional volunteers to staff the Rules Workgroup. Several dates during the week of June 4th, 2019 are being considered as potential meeting dates for the workgroup. Procurement Council members who had already volunteered were to notify Sue Filburn of dates they would be available to meet. Mr. Carroll requested volunteers to consider the various formats in which the workgroup could meet (in person, conference call, WebEx, or other format) and gave a summary of the topics the workgroup will be addressing.

Procurement Guidelines Workgroup Update: Mr. Carroll reported that the workgroup has shifted the focus of its work from discussions of types of solicitations to discussions of the steps in the solicitation process. Mr. Carroll anticipates having a complete draft of the Procurement Guidelines (“Guidelines”) to the workgroup by May 20th, 2019 for feedback. Mr. Carroll then hopes to have a subsequent draft of the Guidelines to the Procurement Council by the week of June 28th, 2019 for comments, and then a final draft of the Guidelines to the Procurement Council to vote on at the September 5th, 2019 meeting.

New Business

Legislative Update: Marc Hiller, OGS Legal, reported that Article 17b of the executive law, “The Service Disabled Veterans Act,” has been extended for five years through March 31st, 2024.

Approval of Preferred Source Designation Applications Under OGS Standing Authority: John Normile, OGS Procurement Services, reported that OGS has not approved any new items for addition to the Preferred Source List under its standing authority since the last report given on January 30th, 2019.

NYSID Report on Mail Fulfillment: Mr. Normile stated that the NYSID Report was provided to Procurement Council members on April 1st, 2019. The report indicated that there was no action. Procurement Council members had no comments on the NYSID Report.

Call for New Procurement Opportunity Requests: Mr. Carroll stated that the Procurement Council is open to Procurement Council members’ requests to discuss various subject matters of interest during Procurement Council meetings.

Presentation - New Procurement Services and Procurement Council Website: Cheska Lynn, OGS Procurement Services, gave a presentation on the new Procurement Services and new Procurement Council websites launched on March 12th, 2019.

Introduction of new Procurement Council Member: Mr. Carroll introduced and welcomed John Evers, representing the Business Council of New York State, to the Procurement Council as a new member.

Discretionary Purchases Bulletin: Mr. Carroll discussed that the draft Procurement Guidelines will address a number of issues (e.g. “order of priority” and “existing/multi-agency contracts”) that have also arisen in the development of the

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Discretionary Purchases Bulletin. Once the Procurement Guidelines have been finalized, OGS, as staff to the Procurement Council, will revisit the issues with the Discretionary Purchases Bulletin.

Application Review Timeframe/90-Day Language Proposal: Beth Warren presented the New York State Procurement Council Resolution 2019-01 (“Resolution”), which establishes a 90-day period for both OGS and the Empire State Development (“ESD”) concurrent review of Preferred Source applications for new commodities and services. By establishing identical review timeframes for OGS and ESD, the Resolution eliminates the conflict that existed in the Guidelines where OGS has 45 days but ESD has 120 days to complete the concurrent review of Preferred Source applications for new commodities and services.

Paul Murray made a motion to move the Resolution forward and Shawn Cullinane made a motion to second.

Mr. Carroll opened the floor for discussion. A discussion ensued regarding a request to create a rule that would require resolutions scheduled to be discussed at Procurement Council meetings (such as the Resolution at hand) to be sent to the Procurement Council at minimum seven days prior to the Procurement Council meeting at which such resolution is to be discussed, to allow the Procurement Council members time to prepare meaningful commentary. The request will be forwarded to the Procurement Council’s Rules Committee for consideration and drafting.

Mr. Carroll proposed that resolution documents be provided to the Procurement Council by August 29th, 2019 (seven days before the next Procurement Council meeting), with a note indicating any missing portions or items still pending.

Steven Kasarda made a motion to approve. John Behrle seconded the motion to approve.

Mr. Carroll stated there was a motion on the floor to approve the Resolution and called for a vote. The motion passed. The Procurement Council staff will notify the Preferred Sources of the changes.

Open Council Discussion:

Mr. Carroll asked if there were any subjects for open Procurement Council discussion. There were none.

Mr. Carroll announced the GovBuy OGS event. He also requested consistency regarding Procurement Council members’ responses to calls for quorum. OGS, as staff to the Procurement Council, will send a call out to all Procurement Council members in August, to help any interested members review items on the September meeting agenda.

Meeting Closure

Procurement Council members voted unanimously to adjourn the meeting at 12:24 PM.

Next Meeting:

Proposed 2019 Procurement Council meeting dates:

1. September 5th, 2019 with an alternate of September 12th, 2019;
2. November 7th, 2019 with an alternate of November 13th, 2019.

Webcast Location: <https://ogs.ny.gov/event/nys-procurement-council-meeting-april-17-2019>

Members in Attendance:

Sean Carroll- OGS
Marybeth Hefner – Department of Health
Steven Kasarda – Legislative Rep.
James Iwaneczko – Office of the State Comptroller

Shawn Cullinane – Legislative Rep.
Jason DiGianni – Division of Budget
Paul Murray – Office of Mental Health
John Behrle – Department of Corrections

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Beth Warren – Empire State Development
 Valerie White – Division of MWBE
 John Evers – Legislative Rep.

Lisa Davis – OPWDD
 Lisa Brooks – Department of Agriculture and Markets
 Ronald Tascarella – Legislative Rep.

Also in Attendance:

Marc Hiller - OGS

Noreen VanDoren - OGS

John Normile - OGS

Members not in Attendance:

Robert Drummond – Legislative Rep.
 Tom Hippchen – State University of New York
 Joel Lombardi – Information Technology Services
 Winifred Schiff – Legislative Rep
 Julie Suarez – Governor Appointee

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 Motion to approve the Meeting Minutes for the January 30, 2019 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				
Ex-Officio Members (Voting Member)	Division of Budget	Primary	Jason DiGianni				x				
Ex-Officio Members (Voting Member)	Office of the State Comptroller	Alternate 1	James Iwaneczko				x				
Ex-Officio Members (Voting Member)	Empire State Development	Alternate 3	Beth Warren			x	x				
Ex-Officio Members (Voting Member)	Division of MWBE	Alternate 1	Valerie White		x		x				
Legislative Appointee (Voting Member)	Local Government Representative	Primary	Shawn Cullinane							x	
Legislative Appointee (Voting Member)	The Kasarda Law Group	Primary	Steven C. Kasarda				x				
Legislative Appointee (Voting Member)	Director, Government Affairs, NYS Business Council	Primary	John Evers				x				
Legislative Appointee (Voting Member)	Board Member, NYSPSP	Primary	Ronald Tascarella				x				
Agency Designee (Voting Member)	Dept of Corrections	Primary	John Behrle				x				
Agency Designee (Voting Member)	OPWDD	Primary	Lisa Davis				x				
Agency Designee (Voting Member)	Dept. of Agriculture & Markets	Primary	Lisa Brooks				x				
Agency Designee (Voting Member)	Dept. of Health	Primary	Marybeth Hefner				x				
Agency Designee (Voting Member)	Office of Mental Health	Alternate 1	Paul Murray				x				
Totals:							13	0	1		

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New York State Procurement Council Meeting April 17, 2019 Meeting Room 6 North Concourse Empire State Plaza Albany, NY Resolution Vote

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			
Ex-Officio Members (Voting Member)	Division of Budget	Primary	Jason DiGianni					x			
Ex-Officio Members (Voting Member)	Office of the State Comptroller	Alternate 1	James Iwaneczko					x			
Ex-Officio Members (Voting Member)	Empire State Development	Alternate 3	Beth Warren					x			
Ex-Officio Members (Voting Member)	Division of MWBE	Alternate 1	Valerie White					x			
Legislative Appointee (Voting Member)	Local Government Representative	Primary	Shawn Cullinane					x			
Legislative Appointee (Voting Member)	The Kasarda Law Group	Primary	Steven C. Kasarda			x		x			
Legislative Appointee (Voting Member)	Director, Government Affairs, NYS Business Council	Primary	John Evers					x			
Legislative Appointee (Voting Member)	Board Member, NYSPSP	Primary	Ronald Tascarella					x			
Agency Designee (Voting Member)	Dept of Corrections	Primary	John Behrle				x	x			
Agency Designee (Voting Member)	OPWDD	Primary	Lisa Davis					x			
Agency Designee (Voting Member)	Dept. of Agriculture & Markets	Primary	Lisa Brooks					x			
Agency Designee (Voting Member)	Dept. of Health	Primary	Marybeth Hefner					x			
Agency Designee (Voting Member)	Office of Mental Health	Alternate 1	Paul Murray					x			
Totals:								14			