

DRAFT

New York State Procurement Council Meeting | Minutes of the Meeting

August 4, 2020 | 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.

Mr. Carroll noted that consistent with Executive Order 202.1, dated March 12, 2020, which suspended Article 7 of the Public Officers Law, various members of the Procurement Council were attending the meeting by conference call and the meeting was webcast and recorded to allow the public to view or listen to the meeting.

Mr. Carroll introduced Many Tadesse as the New Chief Diversity Officer Designee.

Old Business

Meeting Minutes: Mr. Carroll called for a motion to adopt the minutes of the January 30, 2020 meeting. The motion passed by a vote of 17-0-1.

Rules Workgroup Update: Mr. Carroll reported that the Rules Workgroup had met and reviewed the draft rules provided by the OGS staff. The Rules Workgroup identified some potential changes and staff to the Procurement Council are working on making those changes. When the revisions are complete the Rules Workgroup will report back to the Procurement Council.

Presentation – Overview of the OGS Buy Desk: Kim Miller, OGS, gave a presentation on the Business Service Center Buy Desk. Ms. Miller reported that the Buy Desk provides a shared services model for State Agencies that streamlines their purchasing processes, improves organizational efficiencies, and achieves savings.

Legislative Update: Marc Hiller, OGS, reported there were no updates.

Approval of Preferred Source Designation Applications Under OGS Standing Authority: Mr. Carroll reported that on May 20, 2020, OGS, under OGS Standing Authority along with ESD’s analysis and concurrence, approved NYSID’s new product line commodity application for an Ice and Floor Scraper.

NYSID Report on Mail Fulfillment: Mr. Carroll stated that NYSID filed the required report and the report has been posted to the Procurement Council Website.

Mr. Carroll invited questions from Procurement Council members on the report. Winifred Schiff, Interagency Council of Developmental Disability Agencies, asked about an OTDA contract for mail fulfillment that was denied. Mr. Carroll invited Maureen O’Brien, NYSID, who was physically present at the meeting, to respond to the Procurement Council Members’ questions. Ms. O’Brien stated that NYSID was told by OTDA that DOB denied the contract and DOB further indicated to OTDA that it would be more cost effective for ITS to continue to do the printing of the pieces that are to be inserted. Ms. O’Brien stated that in a subsequent call with DOB, NYSID showed DOB that the prices were no different on the printing of the pieces to be inserted, and asked if there could be a review and reconsideration of the determination.

Jason DiGianni, DOB, stated that DOB does not approve or reject contracts and that he currently had no specific information regarding that procurement.

Jaclyn Brilling, Esq., Jaclyn A. Brilling, Attorney at Law, and John T. Evers, Director of Government Affairs, NYS Business Council, had similar questions regarding the OTDA contract and the impact of DOB’s action on the Procurement Council’s approval of Mail Fulfillment as a Preferred Source Offering. There were also questions as to whether “rejection or approval” was the proper characterization of DOB’s action and whether the contract could still move forward.

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Mr. Carroll thanked the Members for their questions and promised to follow-up with the DOB representative to get responses on the open questions.

Dennis Quinn, ITS, requested updates on a New York City Department of Housing Preservation and Development contract, which was returned to NYSID on October 9th, 2019. Ms. O'Brien responded and explained why the contract was returned.

Single Source Annual Reporting: Mr. Carroll reported that OGS had currently received 15 Single Source Reports from New York State Agencies for the 2019 – 2020 period. The reports were submitted to OGS pursuant to NY State Finance Law §163 (15).

Report on Denied Services SFL 162 (8) (b): Mr. Carroll reported that the Procurement Council did not deny any Preferred Source applications for new services or products during the 2019 calendar year.

New Business

Provisional definition of Mail Fulfillment: Mr. Carroll reported that OGS had provided a memorandum to the Procurement Council detailing the Procurement Council's responsibilities, the actions the Procurement Council took, and the Procurement Council's responsibilities at the next meeting regarding the provisional definition of Mail Fulfillment.

Mr. Carroll explained that the "Conditions for Approval of NYSID to provide Mail Fulfillment Services" requires the Procurement Council to discuss next steps at the third Procurement Council meeting in 2020, which is the September 10, 2020 meeting. Among the options the Procurement Council may consider are the following: (i) to add Mail Fulfillment Services permanently to the List of Preferred Source Offerings ("the List"); (ii) to extend the provisional effectiveness of Mail Fulfillment Services, or (iii) to eliminate Mail Fulfillment Services from the List.

Open Council Discussion: There was no open Council discussion.

Mr. Carroll requested Procurement Council Members provide feedback to staff to the Procurement Council on the new meeting format adopted pursuant to Executive Order 202.1, and to highlight aspects of the format that worked well and those that could be improved.

Mr. Carroll also announced that Procurement Council Member Margaret Becker, Office of State Comptroller, would be retiring from state service and her ten-year tenure on the Procurement Council in September 2020. She will be replaced on the Procurement Council by Patty Warrington, Office of State Comptroller.

Meeting Closure

Procurement Council Members voted unanimously to adjourn the meeting at 12:42 p.m.

Next Meeting

Proposed 2020 Procurement Council meeting dates:

Thursday, September 10th, 2020

Alternate date- Tuesday, September 29th, 2020.

Also in Attendance

Marc Hiller - OGS

Noreen VanDoren - OGS

Webcast Location: <https://ogs.ny.gov/event/nys-procurement-council-meeting-september-10-2020>

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| New York State Procurement Council Meeting August 4 th , 2020 Meeting Room 6 North Concourse Empire State Plaza Albany, NY Procurement Council Member Attendance at the August 4, 2020 Meeting |
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| Member Type | Organization | Role | Name | ATTENDANCE | |
|-----------------------|--|---------------|---------------------|---------------|-------------------|
| | | | | In Attendance | Not in Attendance |
| Ex-Officio Member | Office of General Services (OGS) | Council Chair | Sean Carroll | X | |
| Ex- Officio Member | Division of the Budget (DOB) | Primary | Jason DiGianni | X | |
| Ex- Officio Member | Office of the State Comptroller (OSC) | Primary | Margaret Becker | X | |
| Ex- Officio Member | Empire State Development (ESD) | Primary | Pravina Raghavan | X | |
| Ex- Officio Member | Chief Diversity Officer (CDO) | Primary | Julissa Gutierrez | | X |
| Legislative Appointee | Local Government Representative | Primary | Shawn Cullinane | X | |
| Legislative Appointee | Local Government Representative | Primary | Carra Wallace | X | |
| Legislative Appointee | The Kasarda Law Group, LLC | Primary | Steven Kasarda | | X |
| Legislative Appointee | NYS Business Council | Primary | John T. Evers, PhD | X | |
| Legislative Appointee | Interagency Council of Developmental Disability Agencies, Inc. | Primary | Winifred Schiff | X | |
| Legislative Appointee | Jaclyn A. Brillling, Attorney at Law | Primary | Jaclyn A. Brillling | X | |
| Governor's Appointee | Cornell University College of Agriculture & Life Sciences | Primary | Julie M. Suarez | X | |
| Agency Designee | Dept. of Corrections & Community Supervision (DOCCS) | Primary | John Behrle | X | |
| Agency Designee | Office for People with Developmental Disabilities (OPWDD) | Primary | Lisa Davis | X | |
| Agency Designee | Dept. of Agriculture & Markets | Primary | Lisa Brooks | X | |
| Agency Designee | Department of Health (DOH) | Primary | Andrew Ruby | | X |
| Agency Designee | State University of New York (SUNY) | Primary | Thomas Hippchen | X | |
| Agency Designee | Office of Mental Health (OMH) | Primary | Daniel Clark | | X |
| Agency Designee | Information Technology Services (ITS) | Primary | Dennis Quinn | X | |
| Ex-Officio Member | Division of the Budget (DOB) | Alternate 1 | Stuart Poole | | X |

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|--------------------|---|-------------|-------------------|-----------|-----------|
| Ex- Officio Member | Office of the State Comptroller (OSC) | Alternate 1 | James Iwaneczko | | X |
| Ex- Officio Member | Empire State Development (ESD) | Alternate 1 | Chris McCann | | X |
| Ex- Officio Member | Empire State Development (ESD) | Alternate 2 | Beth Warren | | X |
| Ex- Officio Member | Chief Diversity Officer (CDO) | Alternate 1 | Dwight Flynn | | X |
| Ex- Officio Member | Chief Diversity Officer (CDO) | Alternate 2 | Many Tadesse | X | |
| Agency Designee | Dept. of Corrections & Community Supervision (DOCCS) | Alternate 1 | Michael Elmendorf | | X |
| Agency Designee | Office for People with Developmental Disabilities (OPWDD) | Alternate 1 | Deborah Grieco | | X |
| Agency Designee | Dept. of Agriculture & Markets | Alternate 1 | Paula Clark | | X |
| Agency Designee | Department of Health (DOH) | Alternate 1 | Sue Mantica | X | |
| Agency Designee | State University of New York (SUNY) | Alternate 1 | Michele Feathers | | X |
| Agency Designee | Office of Mental Health (OMH) | Alternate 1 | Paul Murray | X | |
| Agency Designee | Information Technology Services (ITS) | Alternate 1 | Clinton Rickards | | X |
| Totals | | | | 18 | 14 |

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Motion to Approve the Meeting Minutes for the January 30, 2020 Meeting

| Member Type | Organization | Role | Name | ACTION | | VOTE | | | |
|-----------------------|--|---------------|------------------|--------|-----------------|-----------|-----|----------|--------|
| | | | | Motion | 2 nd | Aye | Nay | Abstain | Recuse |
| Ex-Officio Member | Office of General Services (OGS) | Council Chair | Sean Carroll | | | X | | | |
| Ex- Officio Member | Division of the Budget (DOB) | Primary | Jason DiGianni | | | | | X | |
| Ex- Officio Member | Empire State Development (ESD) | Alternate 1 | Pravina Raghavan | | | X | | | |
| Legislative Appointee | Optimized Diversity Solutions, LLC | Primary | Carra Wallace | | | X | | | |
| Ex- Officio Member | Office of the State Comptroller (OSC) | Primary | Margaret Becker | | | X | | | |
| Ex- Officio Member | Chief Diversity Officer (CDO) | Alternate 2 | Many Tadesse | | | X | | | |
| Legislative Appointee | Interagency Council of Developmental Disability Agencies, Inc. | Primary | Winifred Schiff | | | X | | | |
| Legislative Appointee | NYS Business Council | Primary | John T. Evers | X | | X | | | |
| Legislative Appointee | Jaclyn A. Brilling, Attorney at Law | Primary | Jaclyn Brilling | | X | X | | | |
| Governor's Appointee | Cornell University College of Agriculture and Life Science | Primary | Julie Suarez | | | X | | | |
| Agency Designee | Dept. of Corrections & Community Supervision (DOCCS) | Primary | John Behrle | | | X | | | |
| Agency Designee | Department of Health (DOH) | Alternate 2 | Sue Mantica | | | X | | | |
| Agency Designee | State University of New York (SUNY) | Primary | Thomas Hippchen | | | X | | | |
| Agency Designee | Office for People with Developmental Disabilities (OPWDD) | Primary | Lisa Davis | | | X | | | |
| Agency Designee | Dept. of Agriculture & Markets | Primary | Lisa Brooks | | | X | | | |
| Agency Designee | Office of Mental Health (OMH) | Alternate 1 | Paul Murray | | | X | | | |
| Agency Designee | Information Technology Services (ITS) | Primary | Dennis Quinn | | | X | | | |
| Legislative Appointee | Local Government Representative | Primary | Shawn Cullinane | | | X | | | |
| Totals | | | | | | 17 | | 1 | |