

DRAFT

New York State Procurement Council Meeting | Minutes of the Meeting

January 27, 2021 | 11:30 a.m.

Meeting Rooms 2-3 | 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.

Old Business

Meeting Minutes: Mr. Carroll called for a motion to adopt the minutes of the November 5, 2020 meeting. The motion passed by a vote of 16-0.

Rules Workgroup Update: Mr. Carroll reported that this item remains on the agenda to provide an update to the Council, and though many of the staff involved in the Rules Workgroup have been working on COVID activities, the Rules document remains a priority. Mr. Carroll encouraged Procurement Council Members to continue to raise topics for the Procurement Council to discuss.

Presentation – Overview of Labor Rate Requirements: Mike Paglialonga, Department of Labor (DOL), gave a presentation on the effect of changes in labor rates or labor mandates on existing contracts.

Legislative Update: Tyler Feane, OGS, reported that the suspension of State Finance Law Sections 112 and 163, as provided in Executive Order 202, dated March 7, 2020, continues in effect until January 29, 2021.

Mr. Feane also reported on procurement related items from the Governor's Budget Bill:

- a. Part BB, New York Medical Supplies Act. This bill would require that for the purchase of Personal Protective Equipment (PPE) and medical supplies in all State contracts over \$50,000 the PPE and medical supplies must be produced or made in the United States, unless a waiver is issued by the head of the agency.
- b. Part FF, Comprehensive Technology Service contracts. This bill would authorize the Director of the Office of Information Technology Services to issue design and build contracts for the purchase of technology.
- c. Part GG, Standard Clauses and Authorized Signatories Act. This bill would limit unfavorable terms in State contracts, disallow unauthorized obligations, and ensure transparency concerning who may bind State agencies to contracts.

Mr. Feane also reported that the New York State Senate has established a standing committee on Procurement and Contracts.

New Business:

Mr. Carroll reported on the following standing reports:

- a. On December 31, 2020, in accordance with State Finance Law § 162(8)(b) the Preferred Source Application Denials report was submitted to the Governor. The report stated that during the 2020 calendar year the Procurement Council did not deny any Preferred Source applications.

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- b. On December 31, 2020, in accordance with State Finance Law § 161(2)(k), the Procurement Council Biennial Significant Findings Report for 2019-2020 was submitted to the Governor. This report addresses significant findings of the Procurement Council including, but not limited to, substantial savings generated by Procurement Council initiatives and the recommendations of the Procurement Council concerning the State's procurement process.

Approval of Preferred Source Designation Applications Under OGS Standing Authority: Judy Dorsman, OGS, reported that as of January 26, 2021, OGS had not approved any new items for addition to the Preferred Source List under its standing authority since the last report given on November 5, 2020.

Open Council Discussion:

Mr. Carroll asked the Procurement Council if they had any topics to discuss. There were none.

Meeting Closure: Procurement Council Members voted unanimously to adjourn the meeting at 12:02 p.m.

Next Meeting

Thursday April 22, 2021

Alternate date – Wednesday April 28, 2021

Also in Attendance

Tyler Feane - OGS

Ian MacCallum - OGS

Webcast Location: <https://ogs.ny.gov/procurement/nys-procurement-council>

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New York State Procurement Council Meeting January 27, 2021 Meeting Room 2-3 North Concourse Empire State Plaza Albany, NY Procurement Council Member Attendance at the January 27, 2021 Meeting						
Member Type	Organization	Role	Name	ATTENDANCE		
				In Attendance In Person	Remote	Not in Attendance
Ex-Officio	Office of General Services (OGS)	Council Chair	Sean Carroll	x		
Ex-Officio	Office of the State Comptroller (OSC)	Primary	Patricia Warrington		x	
Ex-Officio	Division of the Budget (DOB)	Primary	Jason DiGianni		x	
Ex-Officio	Chief Diversity Officer (CDO)	Primary	Julissa Gutierrez			x
Ex-Officio	Chief Diversity Officer (CDO)	Alternate 2	Many Tadesse		x	
Ex-Officio	Empire State Development (ESD)	Primary	Pravina Raghavan		x	
Agency Representative	Department of Agriculture & Markets (DAM)	Primary	Lisa Brooks			x
Agency Representative	Department of Agriculture & Markets (DAM)	Alternate 1	Paula Clark			x
Agency Representative	Department of Corrections & Community Supervision (DOCCS)	Primary	JP (John) Behrle		x	
Agency Representative	Department of Health (DOH)	Primary	Andrew Ruby		x	
Agency Representative	Information Technology Services (ITS)	Primary	Dennis Quinn	x		
Agency Representative	Office of Mental Health (OMH)	Primary	Daniel Clark			x
Agency Representative	Office of Mental Health (OMH)	Alternate 1	Paul Murray		x	
Agency Representative	Office for People with Developmental Disabilities (OPWDD)	Primary	Lisa Davis			x
Agency Representative	Office for People with Developmental Disabilities (OPWDD)	Alternate 1	Deborah Grieco		x	
Agency Representative	State University of New York (SUNY)	Primary	Thomas Hippchen		x	
Governor's Appointee	Cornell University College of Agriculture & Life Sciences	Primary	Julie M. Suarez		x	
Legislative Appointee	Local Government Representative	Primary	Shawn Cullinane		x	
Legislative Appointee	Optimized Diversity Solutions, LLC	Primary	Carra Wallace		x	
Legislative Appointee	The Kasarda Law Group, LLC	Primary	Steven Kasarda			x
Legislative Appointee	Interagency Council of Developmental Disability Agencies, Inc	Primary	Winifred Schiff		x	
Legislative Appointee	Jaclyn A. Brilling, Attorney at Law	Primary	Jaclyn A. Brilling		x	
Legislative Appointee	The Business Council of New York State, Inc	Primary	John T. Evers, PhD		x	
TOTALS				17 Including Chair		6

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New York State Procurement Council Meeting January 27, 2021 Meeting Room 2-3 North Concourse Empire State Plaza Albany, NY Motion to Approve the Meeting Minutes for the November 5, 2020 Meeting										
Member Type	Organization	Role	Name	ACTION		VOTE				
				Motion	2 nd	Aye	Nay	Abstain	Recuse	Absent for Vote
Ex-Officio	Office of the State Comptroller (OSC)	Primary	Patricia Warrington			x				
Ex-Officio	Division of the Budget (DOB)	Primary	Jason DiGianni			x				
Ex-Officio	Chief Diversity Officer (CDO)	Alternate 2	Many Tadesse			x				
Ex-Officio	Empire State Development (ESD)	Primary	Pravina Raghavan			x				
Agency Representative	Department of Corrections & Community Supervision (DOCCS)	Primary	JP (John) Behrle			x				
Agency Representative	Department of Health (DOH)	Primary	Andrew Ruby			x				
Agency Representative	Information Technology Services (ITS)	Primary	Dennis Quinn			x				
Agency Representative	Office of Mental Health (OMH)	Alternate 1	Paul Murray			x				
Agency Representative	Office for People with Developmental Disabilities (OPWDD)	Alternate 1	Deborah Grieco							X*
Agency Representative	State University of New York (SUNY)	Primary	Thomas Hippchen			x				
Governor's Appointee	Cornell University College of Agriculture & Life Sciences	Primary	Julie M. Suarez			x				
Legislative Appointee	Local Government Representative	Primary	Shawn Cullinane	x		x				
Legislative Appointee	Optimized Diversity Solutions, LLC	Primary	Carra Wallace			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	x				
Legislative Appointee	The Business Council of New York State, Inc	Primary	John T. Evers, PhD			x				
Ex-Officio	Office of General Services (OGS)	Council Chair	Sean Carroll			x				
TOTALS						16	0	0	0	1

*Present for vote, but unable to participate due to technical issues.