

## FINAL

# 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<br>January 27, 2021<br>Meeting Room 2-3   North Concourse   Empire State Plaza   Albany, NY<br><b>Procurement Council Member Attendance at the January 27, 2021 Meeting</b> |   |               |                     |                              |        |                   |
|--|---|---------------|---------------------|------------------------------|--------|-------------------|
| Member Type  | Organization  | Role          | Name                | ATTENDANCE                   |        |                   |
|  |   |               |                     | In Attendance<br>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      |                   |
| <b>TOTALS</b>  |   |               |                     | <b>17</b><br>Including Chair |        | <b>6</b>          |

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| New York State Procurement Council Meeting<br>January 27, 2021<br>Meeting Room 2-3   North Concourse   Empire State Plaza   Albany, NY<br><b>Motion to Approve the Meeting Minutes for the November 5, 2020 Meeting</b> |   |               |                     |        |                 |           |          |          |          |                 |
|---|---|---------------|---------------------|--------|-----------------|-----------|----------|----------|----------|-----------------|
| Member Type   | Organization  | Role          | Name                | ACTION |                 | VOTE      |          |          |          |                 |
|   |   |               |                     | Motion | 2 <sup>nd</sup> | 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         |          |          |          |                 |
| <b>TOTALS</b>   |   |               |                     |        |                 | <b>16</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>1</b>        |

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