

## Procurement Council Rules DRAFT 1-14-20

### I. Administrative rules

#### a. Chair appointments

- i. The chair may appoint a clerk to serve as the chief steward of communication, documents, minutes, quorum reports and other documents and administrative tasks as directed by the chair.
- ii. The chair may appoint a technology coordinator who will be responsible for the physical space and technology needed for Council meetings or Council operations.
- iii. The chair may appoint a sergeant at arms who, at the direction of the chair, will assist the chair in enforcing the Council rules, code of conduct and orderly conduct of meetings
- iv. OGS legal counsel will serve as counsel to the chair and as the de facto parliamentarian for Council meetings.
- v. The chair may appoint additional support staff to assist the chair in managing the operations of the Council. The chair may request staff support from permanent state agency Council members if needed.

b. Agendas and materials: All agendas and supporting documentation will be delivered to the Council no later than one week before the meeting. All documents that support an agenda item must be provided to the clerk of the Council no later than 10 days before the meeting.

c. Meetings of the Council: The Procurement Council is subject to the Open Meetings Law (Public Officers Law, Article 7). Notice of the scheduled meetings will be provided in compliance with the Open Meetings Law.

d. Workgroups: The chair may from time to time convene a workgroup to discuss specific matters before the Council to facilitate in depth discussion from varied viewpoints to enable the Procurement Council to act in an informed way. The chair may appoint a workgroup leader who shall be responsible for reporting back to the Council at large about progress on the discussion items. Workgroups will remain in effect until a final report has been delivered to the Council, or where appropriate, the Council has been presented with a voting item to resolve the open issue. While a workgroup is constituted, reports shall be presented under old business at each Procurement Council meeting. The Council may by way of a successful motion create a workgroup for a specific purpose, the business of which will be conducted consistent with this paragraph once created.

e. Attendance: Any Council member who cannot attend a meeting must notify the clerk of the Council. The chair of the Council may notify any appointing authority when a Council member misses two or more consecutive meetings.

### II. Voting rules

a. The Procurement Council is created in statute (State Finance Law, Article XI, Section 161) without any specific guidance regarding quorum and majority.

- b. In accordance with General Construction Law § 41, which governs quorum and majority requirements of public bodies, for a motion to pass it must receive approval by a majority of the total number of Procurement Council members (i.e., at least 11).

III. Proposing Business for the consideration of the Council

- a. The chair and staff to the Council will make sure that agendas are prepared for each meeting, and that all of the required responsibilities of the Council are satisfied by the development of informational, reporting, new business and voting items.
- b. Council members who wish to propose an action for the Council must submit a written proposal to the clerk of the Council no later than 14 days prior to the meeting in advance of the meeting. Proposed actions must be consistent with the Council's statutory authority. Each submission will include the following:
  - i. the proposal;
  - ii. an executive summary of the proposal (no longer than two pages);
  - iii. justification, explanation and supporting documents (if necessary); and
  - iv. the name and contact information of the Council member proposing the action and the name and contact information of a Council member who has agreed to second the proposal for purposes of consideration by the body.

The chair of the Council and/or staff to the Council will work with any member to make sure the proposal is within the statutory authority of the Council. Proposals not submitted timely may be distributed to Council members as time allows.

IV. Discussion rules

- a. Proposals:
  - i. All proposals require a motion and a second to be considered by the Council. After receiving a motion and a second, the Council member who has put forward the proposal will be allowed to present the proposal or application to the Council.
  - ii. In the case of a preferred source application or a voting item related to a preferred source application, a non-Council member representative of the preferred source member or facilitating entity will be allowed to present the proposal or application to the Council. OGS and ESD will be required to present their analysis and will automatically be added to the agenda. The Preferred Source presentation and the OGS and ESD presentation of their required analysis will all be limited to the time provided under Paragraph (a)(iii) of this Section.
  - iii. Presentations will be limited to 7 minutes.
- b. After the presentation(s), the Council will enter discussion.
  - i. Each Council member will be afforded 3 minutes or 2 questions and associated follow-up questions during each opportunity to speak. Council members who wish to participate in the discussion multiple times will be added to the speaker list after all Council members who wish to speak have participated the first time. Council members may not yield their time to change the speaking order, or to allow non-Council members to speak.
  - ii. Response to questions: The original speaker(s) (either Council members or preferred sources) will be allowed to answer any questions which arise during the

Council discussion. If a speaker has a question for another Council member, that Council member will be allowed to respond immediately outside the speaking order, provided that the question is directed through the chair and is consistent with the code of conduct and meeting procedures.

- iii. All presenters in support of proposals or applications shall file a written copy of all prepared comments and supporting documents, where possible in advance of the relevant Council meeting.
  
  - c. Guest speakers: The chair, on their own or at the recommendation of Council members or staff, may invite guest speakers to Council meetings as appropriate to brief the Council on issues relevant to the Council's mission. These speakers will be limited to 15 minutes
  
  - d. Comments: Any written comments about agenda items provided at least 48 hours in advance of the Council meeting will be provided to Council members prior to the meeting. Any comments received less than 48 hours before a meeting will be provided to the Council members if possible and practicable.
  
  - e. Effective dates: These rules will be effective at the close of the meeting of the Council at which the rules were approved by the Council, with the exception that the chair may act to make appointments identified in Section I, Administrative rules immediately upon the passage of the rules.
  
  - f. Rules workgroup: The rules workgroup may be convened periodically as determined by the Council to review the effectiveness of the current rules and make recommendations to the Council for any modifications.
  
  - g. Modification of the rules: Rules modifications can be proposed by the chair directly to the agenda or by any Council member following the rules for proposals in section IV. The Council may choose to act on the proposed rule change immediately or to refer the proposed rule change to the next meeting of the rules workgroup.
- V. Exhibits
- a. Exhibit A, Procurement Council Motion Rules, attached hereto, is incorporated into these rules as if fully set forth herein.
  - b. In the event of any conflicts or inconsistencies, the rules of this document will take priority, then the rules contained in Exhibit A.
  - c. In the absence of governing rules or procedures outlined in this document or the attached Exhibits, the Council will defer to *Robert's Rules of Order Newly Revised*, 11th ed. (Da Capo Press, 2011).