New York State Procurement Council Meeting | Minutes of the Meeting

May 21, 2025 | 11:30 a.m.
Meeting Room 6 | North Concourse | Empire State Plaza | Albany, NY

Call to Order

Welcome and Introductions

Dhanraj Singh, 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 the NYS Office of General Services ("Commissioner"), called the meeting to order.

Mr. Singh opened the meeting, took attendance, and recognized OGS Commissioner, Jeanette Moy; Chief of Staff, Deanna Ewart, and Deputy Commissioner and General Counsel, Vanessa Perry.

Ms. Perry thanked Mr. Singh and provided comment to the Council showing appreciation for joining OGS Legal Services, as well as the Office of Procurement Services team.

Old Business

Meeting Minutes: Mr. Singh called for a motion to adopt the draft minutes of the February 5, 2025; meeting as presented. The motion to approve was made by Jaclyn Brilling and seconded by Paul Murray. The Council approved the minutes unanimously.

Legislative Updates

Tyler Feane, OGS, reported:

The 2025 Budget recently passed, and provided for the following statutory additions/changes:

1. Part J of the Public Protection and General Government Bill, regarding gender-based violence and workplace certification was signed into law as Chapter 55 of the Laws of 2025. The bill was part of the State of the State initiative to create safer workplaces for victims and survivors of gender-based violence. It amends the State Finance Law by adding a new Section, 139(M) that will require a certification from every bidder where competitive bidding is required. Bidders will be required to certify that they have implemented a written policy addressing gender-based violence in the workplace, that they have provided such policy to all their employees, and that such policy meets the requirements of Subdivision 11 of Section 575 of the Executive Law.

   This part also amends the Executive Law by adding a new Section, 170(I) that requires each State agency to formulate and issue a gender-based violence in the workplace policy. The law directs the New York State Office for the Prevention of Domestic Violence to publish a model gender-based violence in the workplace policy for agencies to model their policy after. The law will become effective on November 6th, 2025.

2. Part MM of the Transportation, Economic Development and Environmental Conservation bill increased the procurement discretionary thresholds. This was signed into law as Chapter 58 of the Laws of 2025. It amends the State Finance Law, and the Public Authorities Law, to increase the discretionary purchasing thresholds for MWBEs and SDVOBs from $750,000 to $1.5 million. This bill also requires some additional reporting from State agencies and public authorities showing a year-by-year comparison of MWBE and SDVOB discretionary purchases under the threshold amount. This act is effective immediately.

3. Part Z of the Health and Mental Hygiene bill in Chapter 57 of the Laws of 2025 extends the Preferred Source program, authorized by State Finance Law, Section 162 for an additional three years. This law is effective immediately and is due to sunset on October 4th, 2028.

Dhanraj Singh asked the Council if they had any questions.

Paul Murray asked if there is model language for the gender-based certification.

Tyler Feane replied that there will be a presentation at the next Procurement Council meeting, and at that time model language will be provided.

Approval of Preferred Source Designation Applications Under OGS Standing Authority

David Keneston reported:

1. NYSPSP Application 2547C - Highway Traffic Signs

These new commodities are two sign stands and four variations of roll-up signs, non-reflective or super bright reflective, size 36 or 48 inches. The roll-up signs will be offered with the customer's choice of one of the following legends: road work ahead, mowing ahead, end mowing, right lane closed, and left lane closed. The new commodity components are manufactured by Eastern Metal Signs and Safety. NYSPSP's affiliated agency, Goodwill, contacted five (5) suppliers within New York State to inquire if those businesses would be interested in becoming a supplier for Goodwill. Finger Lakes Eastern Metal Signs and Safety was the business that expressed interest. Workers who are legally blind perform 100% of the following general labor steps for each commodity

- Assembly;
- Quality control;
- Inventory goods; and
- Preparation for shipment to the customer.

This new product line is expected to provide 141.88 direct blind labor hours annually, which equates to 0.08 FTEs. The first-year sales are estimated at $120,267.

2. NYSID Application 2557C – Speedy Swab 3-in-one Rapid Self-Test for COVID-19 & Flu A&B Antigen

ARC Herkimer provides this unique employment opportunity to one member of its highly trained workforce. The client will have an opportunity to work on all the steps required to complete the kit with 100% of the work hours provided by disabled individuals.

The labor steps for the commodity are as follows.

- Remove the test from incoming bulk shipment;
- Verify the acceptable expiration date;
- Assemble the master carton;
- Place 10 test kits in a master carton and close the carton; and
- Tape and label each master carton.

The test kits are supplied through Unite Medical, which NYSID reported has a longstanding relationship with ARC Herkimer, providing cutting edge products, and was selected for that reason. The test kits will be sold in cases of 10, and this new product line is expected to provide 182.3833 direct disabled labor hours annually. That equates to 0.0935 FTEs. 100% of the direct labor will be provided by the disabled employee. First year sales are estimated at $149,777.90.

3. NYSID Application 2583C – Individually Wrapped 10-hour Regular Hand Warmer

The hand warmer is an air activated, unscented, ready to use hand warmer with a maximum heat of 160 degrees. The 3.7 inch by 2.7-inch hand warmer has a maximum duration of 10 hours and comes in a case of 60 hand warmers. The disabled workforce at Liberty Enterprises will unpack the shipment from the distributor, which includes cases of a hundred hand warmers in boxes of 10. After assembling the master carton, the disabled workforce will place six (6) boxes of 10 hand warmers in the master carton, then seal and label the master carton and prepare for shipping. One disabled individual will be employed as a result of the sale of this product. This new product line is expected to provide 20.3297 direct disabled labor hours annually, which equates to 0.0104 FTEs and 50.99% of the direct labor will be provided by the disabled employee. First year sales are estimated at $5,714.

4. NYSPSP Application 2616C – Cable Gun Locks 15 Inch Red

The individual locks have a 15 in. cable, and each lock is keyed differently. A hard copy of the safe and secure gun storage from John Hopkins Bloomberg School of Public Health is added to each cable lock package. A QR code sticker leads the purchaser to a John Hopkins website and is added to each lock's outside package. The gun locks will be sold in cases of fifty (50). The gun locks are available for purchase by all State agencies but are currently expected to be purchased by the State Office of Children and Family Services. They are supporting child welfare case workers by purchasing and distributing gun locks to each local Department of Social Services and authorized Veterans Affairs (VA) locations statewide. These items will be distributed free of charge AVRE is the NYSPSP affiliated agency, and they've been manufacturing and offering quality products to New York customers through NYSPSP for many years. This affiliated agency is an established manufacturer and supplier of preferred source goods and services. The scope of the labor steps for this new commodity is similar to other established product lines that AVRE currently provides. Workers who are legally blind perform 100% of the following labor steps:

- Bulk product from the manufacturers, received and inspected
- Removal of the lock and key from the original packaging.
- Placement of the lock, keys, and safety literature on film and seal it with a L-sealer
- Placement of a QR code sticker on a bag
- Packing fifty (50) units in a carton, and tape the carton shut
- Preparing of that shipment to the end user.

This new product line is expected to provide 68.33 direct blind labor hours annually, which equates to 0.0364 FTEs. 100% of direct labor will be performed by legally blind employees and the first year estimated sales are $23,080.36.

Dhanraj Singh: Mr. Singh asked the Council if any members had any questions or needed further clarifications on those approvals that were granted under OGS standing authority. There were none.

NYSID Copy Paper Reporting

David Keneston reported:

Background:

When the expansion to zone one was approved for NYSID, there were three (3) conditions that were put in place. The first condition was that NYSID had to develop internal controls to prevent sales to non-approved zones and then present those at the next Council meeting. That was done at the August 2024 Council meeting. The Council approved their internal control plan. The second condition was they had to provide sales reports to the Procurement Council for the next four meetings after receiving this approval. This is the

fourth meeting and NYSID has complied with the second condition. The third condition was that at the fourth meeting, the Procurement Council would vote on whether to remove or continue these conditions of approval. The reports provided the following:

1. NYSID Copy Paper 100% - NYSID reported zero sales for this time period.
2. NYSID Copy Paper 30% - OGS found zero out-of-zone sales.

Per the third condition, and considering the reported sales, the Council then voted on whether to remove or continue the conditions of that approval.

OGS, at this time, makes the following recommendations: The requirement to continue reporting should be removed. OGS did not find any reason to believe that the internal control plan that NYSID had put in place is not working. OGS had not seen any out-of-zone sales. However, OGS believes that the internal control plan that was put in place needs to remain to prevent any out-of-zone sales, especially if there's not going to be any reporting going forward. OGS also recommended, as Staff to the Procurement Council; the right to request sales reports from NYSID in the future.

Dhanraj Singh: asked Mr. Keneston to clarify to the Council that these conditions, recommendations, and vote would only pertain to NYSID copy paper – 30%.

David Keneston: confirmed. He stated that this is only the second meeting since NYSID Copy Paper – 100% had been reported.

Mr. Singh asked the Council if any members had any additional questions or comments. There were none. He then entertained a motion to adopt the recommendations that were outlined. Motion from Jonathan Fanning. Seconded by Marc Kleinhenz. The motion to adopt passed unanimously.

New Applications

David Keneston reported: We have no new applications for a vote today.

Preferred Source Definitions

David Keneston reported:

OGS received two new service applications from NYSID and are currently reviewing them. OGS believes that the best course of action is to develop a workgroup for these applications, to develop new definitions for the new services being proposed and applied for. As the Chair, Mr. Singh was asked if he wanted to handle calling forth the workgroup.

In response, Mr. Singh said, "Yes," and gave some context. Although the creation of the workgroups would not necessarily be up for vote, OGS would receive updates about the applications that included updated definitions of services. To examine these proposed definitions, members would be requested to volunteer to join workgroups. These members would then be expected to present their findings and recommendations to the entire Council, and they would then vote on whether to pass the proposed definitions.

He explained that members could indicate now if they wanted to participate, or they could reach out to OGS after the meeting if they were willing to volunteer. If members did not volunteer, or the number of volunteers was too low to indicate full representation, the members would receive an email from OGS asking members

to participate. He thanked the members in advance, and asked if there were any questions, comments, or clarifications.

Maire Ullrich: asked what is the subject?

Mr. Keneston explained that the agenda had the titles of these new services. One is temporary personnel financial positions, the other is temporary personnel miscellaneous positions. The financial positions include accountants and different types of accounting financial positions. The miscellaneous positions include positions, such as computer operators, computer sports specialists, paralegals, legal assistant positions, all different positions that have not been part of the Preferred Source Program previously.

Mr. Singh confirmed with Ms. Ullrich that Mr. Keneston answered her question.

Mark Kleinhenz asked, for the accounting positions, can the members check back with their people, because the titles are more specialized than other positions and definitions that are on the preferred sources list currently. He would like to see if some of the people in his agency would be interested in participating.

Dhanraj Singh responded that that was not an issue. He then referred to Tyler to provide more details of how the process and workgroups would work.

Tyler Feane reported:

When the council last developed the definitions for the Preferred Source titles currently included on the list of Preferred Source Services, OGS established a working group to examine and develop those highly specific definitions. With the arrival of new applications, OGS believed that certain components now require new definitions because they don't fit neatly within the existing ones.

In some cases, certain exclusions in the current definitions could apply to these new positions. To avoid having an exclusion inadvertently preclude specific titles, OGS believed the best course of action is to convene another workgroup, as was done previously, to develop new definitions for these two title applications.

Dhanraj Singh asked if there were any further questions or comments. There were none.

Procurement and Preferred Source Guidelines

Tyler Feane reported:

There were no updates to these guidelines at the present meeting. However, based on the legislative updates reviewed that morning, some changes will be necessary for the next meeting. OGS will highlight the proposed changes in the guideline documents and send them out to the members in advance, allowing time for review. At the next meeting, the council may vote on whether to approve these revisions.

Other Business/Open Council Discussion

Dhanraj Singh reported**:**

OSC Audit Correction Plan for Emergency Procurement Guidelines:

The State Comptroller released an audit report titled State Public Health Emergency Medical Stockpile, and in that report, there is a recommendation to develop and issue Statewide guidance for State agency procurement during declared State emergency disasters in conjunction with the State Procurement Council.

In response to that recommendation, OGS asked for volunteers to participate in a workgroup to come up with those guidelines. He asked the members to indicate during the meeting, or shortly thereafter via an email whether they were interested in volunteering. He informed the Council that if there are not enough volunteers, OGS will reach out to them specifically to ask for their participation. Mr. Singh then referred to Tyler for additional announcements.

Tyler Feane asked Dhanraj if the members were provided with a copy of the report, and Mr. Singh confirmed from the OGS administrator that the Members had not seen the report, but OGS would be sure to send a copy to the members after the meeting.

Tyler Feane reported:

At a prior Procurement Council meeting, there was discussion about Executive Order 32. The Order aims to increase the purchase of New York State food products and sets various goals by year. New York State agencies are required to purchase 15% of New York State food by the end of 2024, 20% by the end of 2025, 25% by the end of 2026, and 30% by the end of 2027. There is also an annual reporting requirement for New York State agencies. The report needs to record the state agencies' purchase of New York State foods, and the first report is due on March 31st, 2025. OGS reminded those agencies that had not submitted their report on EO 32 food purchases, to please do so as soon as possible.

Additionally, another reminder to the Procurement Council was made regarding legislation that was passed in 2023 and discussed in a previous Procurement Council meeting. The statute gave the authority to state agencies to require electronic submission of bids as their sole means for bid submissions. This authority was granted in 2023 but is scheduled to sunset in 2027, and as part of that law, there is a reporting requirement, specifically requiring OGS to submit a report to the legislature by the end of 2026. The report requires certain information, including the number of procurements by agencies that required electronic bid submissions, any estimated savings, the composition of bidders participating, and recommendations on the future use of electronic bid submissions.

OGS is on that path; and put out a reminder to the Council that all of the members' agencies are required to submit their reports by the end of next year. OGS needs to report back to the legislature as to how this authority has been working and what OGS recommendation is for the future. OGS wants to avoid being in a situation where they don't have anything to report, prompting the legislature to remove the authority because state agencies are not reporting its use.

Lastly, Mr. Murray asked if there was model language yet based on the new gender-based violence and workplace certification requirement. The New York State Office for the Prevention of Domestic Violence, or OPDV, is the state agency that has been charged with and is responsible for the implementation of this initiative. They have kindly offered to do a presentation at the next Procurement Council Meeting in August to provide some details about the implementation and address any questions. OGS appreciates them offering to do a presentation and to answer any questions. The law will take effect in November, and by that time we will have model language; agencies will have to either adopt that language, or have their own policies and language in place.

Mr. Singh asked if any other members had any further questions.

Paul Murray stated that the Office of Mental Health (OMH) was interested in participating in both workgroups. He also asked if OGS will be sending out a template for agencies to collect data on their electronic bid submissions.

Mr. Singh thanked Mr. Murray for volunteering for the workgroups. He stated that OGS can provide some guidance as the date that the report is due comes closer, and OGS would combine the information they receive from members and state agencies into one report. He asked if there were any additional questions or updates.

Richard Mayfield stated that this will be his last meeting with the Procurement Council. He thoroughly enjoyed it and thinks this is a wonderful organization and the Council does great work for the future of the state of New York. Mr. Singh thanked Mr. Mayfield for his input and leadership he had provided to the council over the years.

Next Meeting:

The next meeting is scheduled for Wednesday, August 13, 2025, and the alternate date is Wednesday, August 20, 2025

Meeting Closure:

The Chair welcomed a motion to close the meeting. A motion to close was made by Paul Murray and seconded by Lisa Brooks. The vote was unanimous.

ATTENDANCE FOR THE NYS PROCUREMENT COUNCIL MEETING HELD MAY 21, 2025				
ORGANIZATION	**ROLE**	**NAME**	**IN ATTENDANCE**	**NOT IN ATTENDANCE**
Office of General Services (OGS)	Council Chair	Dhanraj Singh	X	
Office of the State Comptroller (OSC)	Primary	Melody Goetz		X
Office of the State Comptroller (OSC)	Alternate 1	James Iwaneczko		X
Office of the State Comptroller (OSC	Alternate 2	Brian Fuller	X	
Division of the Budget (DOB)	Primary	Michelle Heaslip	X	
Office of Governor Kathy Hochul	Primary	Julissa Gutierrez		X
Office of Governor Kathy Hochul	Alternate 1	Priya Nair	X	
Empire State Development (ESD)	Primary	Elizabeth Lusskin		X
Empire State Development (ESD)	Alternate 1	Earl Thomason Jr	X	
Department of Agriculture & Markets (Ag & Mkts)	Primary	Lisa Brooks	X	
Department of Corrections & Community Supervision (DOCCS)	Primary	Pamela Kulyniak		X
Department of Corrections & Community Supervision (DOCCS)	Alternate 1	John (JP) Behrle	X	
Department of Health (DOH)	Primary	Jonathan Fanning	X	
Information Technology Services (ITS)	Primary	Elaine Blanchet	X	
Office of Mental Health (OMH)	Primary	Paul Murray	X	
Office for People with Developmental Disabilities (OPWDD)	Primary	Marc Kleinhenz	X	
State University of New York (SUNY)	Alternate 1	Glenn Massey	X	
Cornell University College of Agriculture & Life Sciences	Primary	Maire Ullrich	X	
Village of Lindenhurst Business Improvement District Executive Board	Primary	Shawn Cullinane	X	
Optimized Diversity Solutions, LLC	Primary	Carra Wallace	X	
The Kasarda Law Group, LLC	Primary	Steven Kasarda		X
Interagency Council of Developmental Disability Agencies, Inc	Primary	Winifred Schiff		X
Jaclyn A. Brilling, Esq	Primary	Jaclyn A. Brilling	X	
Central Services Dutchess County	Primary	Richard Mayfield	X	
		Total in Attendance	**17**	

VOTE TO APPROVE THE MEETING MINUTES AT THE PROCUREMENT COUNCIL MEETING HELD FEBRUARY 5, 2025							
ORGANIZATION	**ROLE**	**NAME**	**MOTION**	**2ND**	**AYE**	**NAY**	**ABSTAIN/ RECUSE**
Office of the State Comptroller (OSC)	Alternate 2	Brian Fuller			X		
Division of the Budget (DOB)	Primary	Michelle Heaslip			X		
Office of Governor Kathy Hochul	Alternate 1	Priya Nair			X		
Empire State Development (ESD)	Alternate 1	Earl Thomason Jr			X		
Department of Agriculture & Markets (Ag & Mkts)	Primary	Lisa Brooks			X		
Department of Corrections & Community Supervision (DOCCS)	Alternate 1	JP Behrle			X		
Department of Health (DOH)	Primary	Jonathan Fanning			X		
Information Technology Services (ITS)	Primary	Elaine Blanchet			X		
Office of Mental Health (OMH)	Primary	Paul Murray		X	X		
Office for People with Developmental Disabilities (OPWDD)	Primary	Marc Kleinhenz			X		
State University of New York (SUNY)	Alternate 1	Glenn Massey			X		
Cornell University College of Ag & Life Sciences	Primary	Maire Ullrich			X		
Village of Lindenhurst Business Improvement District Executive Board	Primary	Shawn Cullinane			X		
Optimized Diversity Solutions LLC	Primary	Carra Wallace			X		
Jaclyn A. Brilling, Esq	Primary	Jacqueline Brilling	X		X		
Central Services Dutchess County	Primary	Richard Mayfield			X		
Office of General Services (OGS)	Council Chair	Dhanraj Singh					A
				Totals	**16**	**0**	**1**

VOTE TO APPROVE THE NYSID PREFERRED SOURCE APPLICATION #2370-C, RECYCLED 8.5 X 11" WHITE COPY PAPER – 30% POST CONSUMER RECYCLED CONTENT AT THE PROCUREMENT COUNCIL MEETING HELD MAY 21, 2025							
ORGANIZATION	**ROLE**	**NAME**	**MOTION**	**2ND**	**AYE**	**NAY**	**ABSTAIN/ RECUSE**
Office of the State Comptroller (OSC)	Alternate 2	Brian Fuller			X		
Division of the Budget (DOB)	Primary	Michelle Heaslip			X		
Office of Governor Kathy Hochul	Alternate 1	Priya Nair			X		
Empire State Development (ESD)	Alternate 1	Earl Thomason Jr			X		
Department of Agriculture & Markets (Ag & Mkts)	Primary	Lisa Brooks			X		
Department of Corrections & Community Supervision (DOCCS)	Alternate 1	JP Behrle			X		
Department of Health (DOH)	Primary	Jonathan Fanning	X		X		
Information Technology Services (ITS)	Primary	Elaine Blanchet			X		
Office of Mental Health (OMH)	Primary	Paul Murray			X		
Office for People with Developmental Disabilities (OPWDD)	Primary	Marc Kleinhenz		X	X		
State University of New York (SUNY)	Alternate 1	Glenn Massey			X		
Cornell University College of Ag & Life Sciences	Primary	Maire Ullrich			X		
Village of Lindenhurst Business Improvement District Executive Board	Primary	Shawn Cullinane			X		
Optimized Diversity Solutions LLC	Primary	Carra Wallace			X		
Jaclyn A. Brilling, Esq	Primary	Jacqueline Brilling			X		
Central Services Dutchess County	Primary	Richard Mayfield			X		
Office of General Services (OGS)	Council Chair	Dhanraj Singh					A
				Totals	**16**	**0**	**1**

VOTE TO APPROVE TO CLOSE MEETING AT THE PROCUREMENT COUNCIL MEETING HELD MAY 21, 2025							
ORGANIZATION	**ROLE**	**NAME**	**MOTION**	**2ND**	**AYE**	**NAY**	**ABSTAIN/ RECUSE**
Office of the State Comptroller (OSC)	Alternate 2	Brian Fuller			X		
Division of the Budget (DOB)	Primary	Michelle Heaslip			X		
Office of Governor Kathy Hochul	Alternate 1	Priya Nair			X		
Empire State Development (ESD)	Alternate 1	Earl Thomason Jr			X		
Department of Agriculture & Markets (Ag & Mkts)	Primary	Lisa Brooks		X	X		
Department of Corrections & Community Supervision (DOCCS)	Alternate 1	JP Behrle			X		
Department of Health (DOH)	Primary	Jonathan Fanning			X		
Information Technology Services (ITS)	Primary	Elaine Blanchet			X		
Office of Mental Health (OMH)	Primary	Paul Murray	X		X		
Office for People with Developmental Disabilities (OPWDD)	Primary	Marc Kleinhenz			X		
State University of New York (SUNY)	Alternate 1	Glenn Massey			X		
Cornell University College of Ag & Life Sciences	Primary	Maire Ullrich			X		
Village of Lindenhurst Business Improvement District Executive Board	Primary	Shawn Cullinane			X		
Optimized Diversity Solutions LLC	Primary	Carra Wallace			X		
Jaclyn A. Brilling, Esq	Primary	Jacqueline Brilling			X		
Central Services Dutchess County	Primary	Richard Mayfield			X		
Office of General Services (OGS)	Council Chair	Dhanraj Singh					A
				Totals	**16**	**0**	**1**