PROCUREMENT IMPROVEMENT COUNCIL (PIC)

October 13, 2020

Start Time: 1:03pm End Time: 2:52pm Location: Virtual through Google Meet

Members Present:

Chair/CPO	Robert Gleason	**Local Govt. Rep (w/Proc. Exp.)**	Mary Jo Childs
BPW Procurement Advisor	Gabe Gnall	**MDOT Secretary**	Mike Zimmerman
DBM Secretary	Joan Peacock	**Public Member (w/Proc. Exp.)**	Patrick Vizzard
GOPI Director	Allison Cordell	**Treasurer**	Bernadette Benik
GOSBA Special Secretary	Alison Tavik	**UMS Chancellor**	Thomas Hickey

Other Attendees:

Andrea Mansfield	April Weimer	Brandi Naugle	Calvin Gladden
Christa Stolarik	Danny Mays	Debbie Groat	Ellen Robertson
Emily Soontornsaratool	Ethan Kazi	Fred Payne	Howard Barr
Jamie Tomaszewski	Justin Jung	Karen Myers	Keith Gagnon
Kshirajaa Ramesh	Leslie Shoenhard	Mark Riesett	Michael Powell
Michael Rubenstein	PJ Hogan	Sachin Bhatt	Tonya Webb
Victoria Steeger			

Statutory responsibilities - Powers and duties. -- The Council shall:

1. *Ensure use of most advanced methods, techniques, policies, procedures and forms for procurement and contract management*
2. *Communicate between State units on procurement matters, emphasizing current developments and advances in procurement methods and management*
3. *Discuss specific emerging procurement issues and problems, including…*
    a. *Procurement officer training*
    b. *Risk analysis and insurance requirements*
    c. *eMMA and other online procurement resources*
    d. *Intergovernmental cooperative purchasing agreements and use*
    e. *Other identified issues or problems*
4. *Advise BPW on problems in the procurement process and recommend improvements*
5. *Review existing procurement regulations to:*
    a. *Determine if they meet purpose and intent of law, especially fostering of broad–based competition*
    b. *Make recommendations on regulations, if revising and restructuring results in easier understanding and use*
6. *Advise General Assembly on legislation to enhance efficiency and transparency of state procurement*

ITEM #	AGENDA
1	Welcome
2	Member Attendance
3	Topics for Discussion
4	Open Discussion
5	Closing Remarks
6	Adjournment

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Meeting Notes, Decisions, Issues:
Bob Gleason, Chair, briefed the Council on the Office of State Procurement (OSP) and strides made since the last PIC meeting and continue to make during COVID. OSP attendees were introduced and member attendance was taken.

Item A: DLS Review of Emergency Procurements
Michael Powell, Dept. of Legislative Services, Office of Program Evaluation and Government Accountability. This office was put in place to look at what the return is on money appropriated, they look at efficiency, effectiveness, and economy. They were asked to look at and evaluate Emergency Procurements, going back years, looking at the value they provide to the State and if needed, make recommendations to improve. With the help of Bob, Jamie, and others, came up with "research" project plan questions that would be helpful in making better recommendations:

1. How does the process work and how is it different than other procurement methods the State of Maryland has?
2. The percentage of emergency procurement dollars that go to MBEs and VSBEs.
3. The percentage of emergency procurements that get remanded by the BPW and why.
4. The differences between how State Agencies use emergency procurements.
5. Determine the value emergency procurements have and what they provide.
6. What could be changed that would increase the value of the emergency process?

Mike expressed his appreciation of Bob and Jamie, other agencies, and input from throughout the State. It has been very helpful, and to please reach out if you have questions.

Item B: HB1021 CPO Report
Bob Gleason reported on what we've done in the past year as it pertained to the report submitted Oct. 1 from DGS, final step in long progression of improvement. eMMA will help in having transparency. Discussed the "Tiered Performance Measures" that will be worked through eMMA to have standard reporting; Strategic Performance Measures will measure results, Key Performance Indicators will measure the process, and System Health Indicators will measure the input. Discussed the MSSI (Maryland Strategic Sourcing Initiative) and how certain categories are common to all public bodies of the State, will move forward on figuring out how we work together across the State. In closing, Bob invited everyone to look over the HB1021 Report and contact him directly with any questions, suggestions, etc. This is a journey and the destination takes some time and steps.

Tom Hickey thanked Bob for a very well written report, and stated that USM fully supports some of these reporting requirements to make them more effective.

The report is available on the State Procurement website on the Office of State Procurement web page. The direct link is https://procurement.maryland.gov/wp-content/uploads/sites/12/2020/10/2020CPOReport_HB1021_Chapter_590_2017.pdf

Item C: eMMA Update
Sachin Bhatt, DGS Director of the OSP eCommerce Management Bureau, discussed the eMMA Scorecard slide and the eProcurement system implementation; testing has begun, training will begin later in October, will be using eSignatures for the program, will have the ability for reverse auctions, etc. Working on how to incorporate MDOT and their systems. IV&V (independent verification and validation) - eMMA will commence an IV&V beginning late next week and once we have more information on how that's going, will be happy to share. Release 1.1 is intended to go live around Nov. 20th, and Release 2.0 in the fourth quarter of 2021.

Alison Tavik thanked Victoria and the eMMA Communications Team for stepping up their game; an area that needed improvement, to keep the vendors in the loop and continuing with purpose and focus.

Item D: HB583 – Construction Contracts – Employer Healthcare Benefits

Jamie Tomaszewski, DGS OSP Chief Administrative Officer, reported that Gabe Gnall, Procurement Advisor to the Board of Public Works (BPW), had sent draft regulations to DGS OSP and MDOT for their review and recommendations. DGS OSP and MDOT met and worked with their respective AAGs to submit recommendations to the draft regulation to Gabe and the BPW and shared those in the PIC agenda packet.

There was general discussion on how PIC will provide feedback for new draft regulations that still have to be vetted through the BPW and submitted to the Joint Committee on Administrative, Executive & Legislative Review (AELR), posted for public review and comment (Maryland Register) and final approval by the BPW. It was decided that the conversation would be taken off line to establish a process for PIC to appropriately assist in the review process. There was also concerns about clarification with the statute as to who the law applies to; currently it seems to be only DGS OSP and MDOT for IFB construction procurements. Gabe also noted that the BPW Counsel still had to review the draft regulations.

As part of the PIC, we have 10 out of 12 members in attendance to vote on the submitted draft for Gabe and the BPW to move forward with next steps. It was decided that members wanted more time to review the draft regulations before voting, so a survey will be sent to the members to vote on the draft regulations. A copy of the draft regulations along with the current statute will be sent to the members for their vote.

Item E: Workgroup Recommendations to the IT Terms and Conditions

Sachin Bhatt explained the group, which comprises of both private sector and government people, had two meetings with substantial discussion on IT terms and conditions. They will make recommendations to the PIC, if it's a COMAR revision to the BPW, etc. Topics of the discussions include limitations of liability; recognizing it's a business decision, need a training element so they have the ability to negotiate, the ability to severe the liability between the implementation phase and the O&M phase. The group will put together a recommendation to present to the PIC to include draft regulations.

Discussion among the PIC determined that the January PIC meeting would be good timing for the draft regulations, etc. to be reviewed and then submitted to the BPW to follow the process as discussed with the HB583 draft regulations.

Sachin expressed that he and the group would also like to put together a procedure for a proof of concept procurement. It was discussed that this may not require any regulations changes and would prefer if it didn't. Maybe it would be a best practice with a policy and procedures that could be included in the State Procurement Manual. More to follow on this.

Item F: MDPA's CMPO Program

Dr. Victoria Steeger, Chief Learning Officer, opened with "We're not just talking about training, we're looking at the basics, where we are now, where we want to be, what are the gaps, and how are we going to get there." The foundation is a three-level certification program; the Associate, the Officer, and the Master level. We put a curriculum together according to our gap analysis, combining the first two levels of Associate and Officer for the Pilot classes. The first pilot class was made up of 16 OSP Procurement Officer (PO) participants and was completed in September. For the second pilot, some of the curriculum was revised, and there are 20 OSP PO participants and will wrap up in December. These pilots are a Hybrid model, participants have to complete work ahead of time, have live virtual training, and have post class work to apply what they've learned to what they're being asked to complete. Procurement Law begins Wednesday and Gabe Gnall is the

instructor.

We have planned the State of Maryland certification program around the ability to get it accredited, no other State program has this! Everything we're planning is based on ethics, leadership, and procurement value.

Victoria explained the Program document included in today's packet - steps between Associate, Officer, and Master Levels, as well as additional programs. She then explained the framework for the Certification of Maryland Procurement Officers and the different Levels - the gray boxes are the Associate Level leading up to the Officer, then up to the Master. "You are not just completing a class, you also have to demonstrate you know it and can apply what you've learned to your every day." The strategy was to complete a comprehensive model that can be built upon and are planning to launch Statewide in January 2021.

Bob emphasized to the PIC that "we've come a long way and we're on a great path; very exciting stuff!"

Open Discussion

Mary Jo Childs, Anne Arundel County government PIC member, stated in the chat "Very exciting to know that we will be working closer together....local government and the State".

Jamie mentioned a couple of comments in chat that some counties, Anne Arundel and Harford, are interested in working with Victoria on Statewide (local government) training. Joan Peacock, DBM PIC Designee, asked about the timeline for completing the State Agency PO training. As stated in HB1021, everyone should have their certification one year from when the program is developed; the end of next year is our goal. However, Bob did want to note that the State has no budget, so we're pulling staff from the front lines to participate as well as teach, so we're doing the best we can with what we have and are aiming for the end of next year.

Final comment, Bob thanked Danny Mays, Director of the OSP Procurement Bureau, and his team for the effort and dedication shown and their receipt of the Governor's Citation for their work during this pandemic.

Meeting adjourned at 2:52pm