PROCUREMENT IMPROVEMENT COUNCIL (PIC)

February 15, 2022

Start Time: 1:01pm End Time: 2:28pm Location: Virtual

Members Present:

Chair, CPO	Mike Zimmerman	**Superintendent of Schools, Designee**	Jenna Meinl
State Treasurer, Designee Deputy Treasurer	Jonathan Martin	**Senate Member**	Karen White, for Senator Griffith
Chancellor USM, Designee	Thomas Hickey	**House of Delegates Member**	Delegate Nicholas Charles
Sec. DoIT, Designee	Susan Howells	**Local Govt. Rep (w/Proc. Exp.)**	Mary Jo Childs
Sec. MDOT, Designee, CPO	Valerie Radomsky	**Social Services**	Nancy Hall
BPW Procurement Advisor	Gabe Gnall	**Social Services**	Sheryl Brissett Chapman
		Veteran Owned Business	Joseph Giordano
GOSBA, Designee	Alison Tavik	**General Public (w/State Proc. Exp.)**	
Sec. of Juvenile Serv., Designee		**Minority Owned Business**	
Sec. Human Serv, Designee, Deputy Sec.	Gregory James	**Minority Owned Business**	
Sec. of Health, Designee, Procurement Director	Jim Beauchamp		

Guests/Attendees:

Howard Barr	Debbie Groat	Cathy Meyers	Karen Myers
Joan Peacock	Bellal Shaaban	Nneka Willis-Gray	

DGS Office of State Procurement (OSP) Staff:

Sachin Bhatt	Mike Haifley	Lisa McDonald	Yasin Mohammed
Mark Riesett	Leslie Shoenhard	Victoria Steeger	Jamie Tomaszewski
Judy Urban	Ellen Robertson		

PIC Statutory Responsibilities -- The Council shall:

(1) Ensure that the State's procurement system is utilizing the most advanced procurement methods and management techniques, including policies, procedures, and forms for all procurement activity and contract management;

(2) Effect and enhance communication between State units on procurement matters, with an emphasis on disseminating information on current developments and advances in procurement methods and management;

(3) Provide a forum for the discussion of specific procurement issues and problems that arise, including:
- *i. Procurement officer training;*
- *ii. Risk analysis and insurance requirements;*
- *iii. Management of eMaryland Marketplace and other Internet procurement resources;*
- *iv. Use of eMaryland Marketplace and compliance with State Finance and Procurement Article (SFP) §17–502;*
- *v. Use of intergovernmental cooperative purchasing agreements; and*
- *vi. Any other issues or problems identified by the Council;*

(4) Advise the Board on problems in the procurement process and make recommendations for improvement of the process;

(5) Review existing procurement regulations to:
- *i. determine whether they fulfill the intent and purpose of the law, especially as it relates to fostering broad–based competition; and*
- *ii. make recommendations on the regulations, if revising and restructuring them will result in easier understanding and use; and*

(6) Advise the General Assembly on proposed legislation in order to enhance the efficiency and transparency of State procurement.

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

Welcome:

Mike Zimmerman, Chief Procurement Officer (CPO), welcomed the members and guests to the PIC meeting. Member attendance was taken.

Item A: IT Terms and Conditions Workgroup Update

Sachin Bhatt, Director, DGS OSP eCommerce Management Bureau. The workgroup is initially working on changes to the mandatory terms and conditions, specifically the "Delays and Extensions of Time", as well as the "Suspensions of Work", "Limitation of Liability" and "Indemnification" provisions. The workgroup aims to modify these provisions and will bring recommendations to the May PIC meeting for discussion.

Item B: Maryland Procurement Academy (MDPA) / Certified Maryland Procurement Officer (CMPO) Training Program Update

Dr. Victoria Steeger, Chief Learning Officer, DGS OSP. As of January 1, 2021, DBM confirmed there were 190 State employees in the Procurement Officer (PO) classification series. All 190 POs took the CMPO training with 171 passing the course and obtaining their CMPO certification, a 90% success rate. The CY 2022 CMPO sessions have started; the first course has 36 enrollees. The Certified Maryland Procurement Associate (CMPA) series will begin as a pilot program and has a waiting list of enrollees. The Maryland Procurement Academy has two new employees: Ryan Bibeault, Instructional Program Manager, and Shae Cronin, Certification Program Administrator. eMMA buyer and vendor training classes are held online (virtual and instructor led), recorded, then uploaded for viewing later. The recordings have had over 1,050 views. User guides continue to be created and updated with links on how to use eMMA with resources to other offices.

Item C: Proposal to Create Working Teams for PIC

Mike Zimmerman, CPO and Chair, proposed the need for better communications and training with and for our vendor base, so they know how to do business with the State. Looking for input and intel on how we can do better. Suggested new workgroups made up of the agencies, including DGS and MDOT, as well as partner vendor community to come up with enhancements and tools to succeed. Members should work with Jamie Tomaszewski, DGS OSP Chief Administrative Officer (CAO), and report back at the next PIC meeting. As part of the PIC team, members and guests, if you have suggestions or ideas, please share them with Jamie.

A second Team for Risk Management – headed by OSP and made up of State Agencies and private sector individuals to discuss what makes sense with regard to mitigating risk, insurance limitations, bonds, etc. and still making it a viable contract for all to participate in. If you'd like to participate, please contact Jamie Tomaszewski.

Item D: Procurement Reporting Recommendations

Tom Hickey, USM Chancellor Designee, reviewed the recommendations shared following the November PIC meeting:

- Seek legislation to delete SF&P 15-111(a). On the chart this is listed as #7-#11. The rationale is that with the new eMMA system, this information is publicly available, as well as on BPW agendas for emergency and expedited procurements. See link to chart from 2020 CPO Report: https://procurement.maryland.gov/wp-content/uploads/sites/12/2020/10/2020CPOReport_HB1021_Chapter_590_2017.pdf
- Suggest that the SBR Strategic Plan and the MBE Strategic Plan reports to GOSBA be combined into one report.
- Suggest that the Report on Green Purchasing Activities & Progress could also be combined with the Green Purchasing Annual Report.

Thoughts on alternatives were that the BPW meets approximately every two weeks and all contracts discussed are published and kept online, forever. The Maryland Transparency portal, operated by DBM, has all vendor payment data on a fiscal year basis available. eMMA, once fully implemented, will have detailed reporting available online. The open discussion resulted in the following suggestions and comments:

- Create a document to teach people where and how to look up information within the available resources so they don't have to rely on the reports.
- Redundant reporting should be removed for efficiency's sake.
- GOSBA agreed that creating one report out of the SBR Strategic Plan and the MBE Strategic Plan has been discussed internally, and they see no policy or legislative roadblock to make that happen. The main thing is for agencies to submit their reports. Currently, VSBE does not require a strategic plan. GOSBA is working internally to map out how to give proper direction/instructions for the "toolkit" that should be ready for the June 2022 reporting.
- GOSBA is not in favor of removing the Procurement Forecast, however, wouldn't object to it being included in eMMA so it "lives" there, need info to be somewhere as a standard. DGS OSP will coordinate with GOSBA to create links from eMMA and/or the Procurement.Maryland.gov website to GOSBA's website.
- GOSBA is also working with MDPA to record all their technical training classroom sessions so they can launch a YouTube page/link. When the link is available, we need to communicate it out to everyone.
- SHARED KNOWLEDGE IS POWER! – Mike Zimmerman wants OSP to be open and transparent to make it easy for everyone to work with OSP and the State.
- Combine the reports on Green Purchasing Activities & Progress and the Green Purchasing Annual Report. Tom Hickey is on the Green Purchasing Committee and had shared it with them, and they saw no issues with combining the two reports.
- Suggested PIC go back to the entire list of statutory and regulatory reports and review to see if they're still being used, understand if eMMA would be able to handle some, etc. If anyone has ideas or suggestions, please contact Jamie or Mike.
- The PIC statutory responsibilities are on the agenda for review.

Item E: PIC Annual Report

Jamie Tomaszewski reviewed the submitted combined FY 2021 Procurement Improvement Council and the Council for the Procurement of Health, Educational and Social Services Annual Report. Noted were the membership seats still to be filled and the responsibilities of the PIC for CY 2022:

(1) Guidelines on how to identify entities that are required to publish notices of procurement and awards of procurement on eMaryland Marketplace under SFP § 17–502(a);
(2) Guidelines on how to identify entities that do not comply with the requirement to publish notices of procurement and awards of procurement on eMaryland Marketplace and the reasons why the entities do not publish the required notices and awards; and
(3) Recommendations on strategies and enforcement mechanisms to improve compliance by entities required to publish notices of procurement and awards of procurement on eMaryland Marketplace, including any necessary legislation to authorize or implement the strategies and enforcement mechanisms.

Mary Jo Childs, Local Government Representative with Procurement Expertise (Anne Arundel County), has some ideas to increase participation and may have some ideas for language and navigation in the system - eMMA. She is working with MDPA on eMMA training for buyers based on previous discussion with Victoria on areas of struggle in the steps throughout the process with the goal of publishing the training on the website for ease of use.

Item F: Senior Procurement Advisory Group (SPAG)

Jamie Tomaszewski shared that the SPAG is comprised of the directors or managers of procurement in the different State Agencies and met once a month virtually for the past two years which allowed for other procurement officers to attend the meetings as well and has had over 300 participants during each monthly meeting. For CY 2022, OSP is taking a new approach for improvements and efficiency and is holding bi-monthly meetings with mini training sessions. Asking for PIC recommendations on training opportunities that could be done during SPAG meetings since it is a great platform for communicating with all Maryland Procurement Officers. Contact Jamie with your suggestions.

Item G: Department of Legislative Services (DLS) Evaluation of the MBE Program

Presentation to the Budget & Taxation Committee – DLS completed an evaluation of the MBE program, and the presentation is available on their website. The link to the presentation is here. Question posed: How can PIC enhance MBE, VSBE, DBE, SBR participation? Please review the recommendations made by DLS and think about how we might use those as the PIC to make improvements on how we work better with those business communities. Contact Jamie Tomaszewski with your suggestions.

Item H: Open Discussion

Bellal Shaaban, business community guest, inquired about electronic transactions. He looked at an IFB document and it speaks to electronic transactions but is not clear. Are we able to loosen restrictions on what can and cannot be gathered for electronic transactions? Mike Zimmerman mentioned some contracts, or portions of a contract, don't lend themselves to be electronic. OSP is working on updating the statewide templates and will review those sections. Yasin Mohammed, Director of OSP Procurement Operations, added that there are a lot of software packages that would allow us to reduce the need for someone to send out packages for signature and suggested that OSP could look at developers to help with efficiency and reducing administrative tasks. As we look at ways to make process improvements, small businesses need to be considered to make sure they are able to provide the information as required. As long as we are transparent and open with how the State does business, the vendors will be able to accept those parameters.

Delegate Nicholas Charles inquired about the status of the report to determine who is or who isn't using eMMA. There is no report yet; OSP is working on how to capture the information needed to make those determinations. One option discussed was if we should look at ways to have all the agencies required under the statutory requirement provide a report of all new contract awards so we would have data. The fear is the size of the reports from the agencies and what it would take to review. Another thought was to use OLA or an auditing group to review some random samplings. Question asked: What are the PIC members thoughts on viable options? Delegate Charles suggested setting financial thresholds, over $500K, etc. Mary Jo Childs agreed it was important that we use eMMA as required, however, just as an example, Anne Arundel County has over 900 contracts of which many are over $1M. With the help of the PIC, she's trying to connect "the disconnect" and believes it's the turnover in staff, the need to remind them of the statute, and offer some type of training. Delegate Charles stated his and the legislatures focus is making sure the MBEs are getting their fair share of opportunities. Mary Jo has offered to come back with suggestions for the next meeting.

Joe Giordano, Veteran-owned Business member, would like the PIC to begin including Veteran-owned Small Businesses (VSBEs) in the conversations as well. Mike Zimmerman agreed and confirmed it was a target for OSP. The percentages are even less for VSBEs than MBEs. Delegate Charles agreed and asked if there would be a break down between Veteran and Disabled Veteran, because SBA has different tracking systems. Alison Tavik, GOSBA Designee, confirmed all veterans are in the same group, disabled and non-disabled, they all register the same in eMMA.

Sheryl Chapman, Social Services Member, suggested a topic item for the next PIC meeting: "What are the specific issues that affect the non-profits around contracts and grants?" There is a bill in regard to "prompt payment" and some of these groups are not being paid right away.

Mike Haifley, Deputy CPO, mentioned Senator Griffith and Delegate Charles sponsored bills, in the Senate (SB461) and the House (HB723), respectively, for DGS, known as the "Clean Up Bill" to correct some statutes that were missed as part of HB1021 (2017). Looking for everyone's support.

Alison Tavik also mentioned that amendments to the regulations for the VSBE program went out on Friday. The comment period is now open for 45 days, key is a definition change that it is intended for "for profit" businesses, and the creation of a VSBE liaison at each agency or department that participates in the program to give them an advocate. Changes should take effect at the end of March.

Closing Remarks

Mike Zimmerman thanked everyone for their input in the discussions.

Meeting adjourned at 2:28pm.