PROCUREMENT IMPROVEMENT COUNCIL (PIC)

August 23, 2022

Start Time: 1:05pm End Time: 2:58pm Location: Virtual

Members Present:

Chair, CPO	Mike Zimmerman	**Sec. of Health, Designee, Procurement Director**	Jim Beauchamp
State Treasurer, Designee Deputy Treasurer	Jon Martin	**Superintendent of Schools, Designee**	Jenna Meinl
Chancellor USM, Designee	Tom Hickey	**Senate Member**	Senator Melany Griffith
Sec. DoIT, Designee	Susan Howells	**House of Delegates Member**	Delegate Nicholas Charles
Sec. MDOT, Designee, CPO	Valerie Radomsky	**Local Govt. Rep (w/Proc. Exp.)**	Mary Jo Childs
BPW Procurement Advisor	Gabe Gnall	**Social Services**	Nancy Hall
GOSBA, Designee	Alison Tavik	**Social Services**	Sheryl Chapman
Sec. of Juvenile Serv., Designee	Debbie Thornton Dieudonne Mwaha	**Veteran Owned Business**	Joseph Giordano
		General Public (w/State Proc. Exp.)	Robert Dashiell
Sec. Human Serv., Designee, Deputy Secretary	Gregory James	**Minority Owned Business**	Wallace Sermons
		Minority Owned Business	Ed Tay

Guests/Attendees:

Elizabeth Moss	Ellen Robertson	Howard Barr	Valerie Green
Joan Peacock	John Gontrum	Keith Gagnon	Lindsay Rowe
Nneka Willis-Gray	Phillip Anthony	PJ Hogan	Queen Davis
Emily Soontornsaratool	Karen White		

DGS Office of State Procurement (OSP) Staff:

Jamie Tomaszewski	Judy Urban	Mike Haifley	Leslie Shoenhard
Lisa McDonald	Victoria Steeger	Yasin Mohammed	

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 by Jamie Tomaszewski, Chief Administration Officer (CAO) for the Department of General Services Office of State Procurement (DGS OSP).

Item A: Maryland Procurement Academy (MDPA)

Victoria Steeger, Chief Learning Officer, DGS OSP, provided the following MDPA updates:

- Since January 2021, the Certified Maryland Procurement Officer (CMPO) program had 273 graduates.
- The first Certified Maryland Procurement Associate (CMPA) program training session began in June 2022 with 123 students graduating as of August. The CMPA program is for staff who do some procurement or supervise procurement, but are not full-time procurement officers.
- MDPA added a specialty certification for a CMPO Green Purchasing Specialist program, having a CMPO certification is a prerequisite. The pilot launched in July with 20 people completing this program. This "add on" course will be offered quarterly.
- The next training program being developed is a Maryland Contract Management Certification and Training program. The goal is to have the training courses ready to pilot by the end of year.
- eMMA training for procurement officers and vendors, as well as other training outreach continues.

Additionally, Jamie Tomaszewski announced that DGS OSP is holding in-person "Prime and Subcontractor Networking" events on August 24th with two sessions, and another is planned for September. Alison Tavik announced the "Ready, Set, Grow Procurement Connections Workshops" through the Governor's Office of Small, Minority & Women Business Affairs (GOSBA) will be in-person September 21st with participation from eleven agencies. Tom Hickey announced the "7th Annual Business Opportunities & Entrepreneurial Training Summit" for Small, Minority, Women & Veteran-Owned Businesses will be held on Monday, October 31st, at Turf Valley. It's sponsored by the University System of Maryland and the Departments of Transportation and General Services. Which all tied into the next agenda item…

Item B: Better Vendor Communication Work Group Update/Recommendations

Valerie Radomsky, Work Group Chair, the workgroup has met multiple times and discussed how to improve communications with our vendor community as well as how to improve training. They learned that GOSBA provides many training opportunities, teaching vendors how to read solicitations, how to develop outlines for their responses, brings vendors in who have experienced working with the state to answer questions, technical training classroom webinars are monthly and include classes like Business Networking, Procurement 101, Navigating eMMA, and Rights and Responsibilities. These are all recorded and available on GOSBA's YouTube site. DGS continues to offer more and more in the way of training. One of the suggestions of the Workgroup was/is to increase connections between the different agencies; DGS, GOSBA, UMS, MDOT, SDAT, etc., already happening organically as we're working together. An issue noted through the discovery process is registering as a business, they are registering for eMMA and attending available trainings but not registering to do business with the State first. Still investigating how we can work through this. As part of its vendor outreach efforts, DGS conducted a survey for those vendors registered in eMMA and received over 600 responses.

The Workgroup is reviewing the responses to several of the survey questions pertaining to communications between procurement and the vendor community.

Item C: eMMA User Entities Work Group Update/Recommendations for the CY2022 PIC Responsibilities

Jamie Tomaszewski stated this Workgroup met in June, July, and August. It was confirmed with the passage of HB723, CH.527 (2022) that the word "or" was changed to "and" in the statute pertaining to requiring all entities to post both solicitation notices and contract award notices in eMaryland Marketplace (known as eMMA) effective July 1, 2022. The Workgroup sent out communications to the Baltimore Regional Cooperative Purchasing Council (BRiCPaC) on August 16th letting other State of Maryland government entities – local governments, school systems, and universities – know about the new eMMA posting requirement. The link to the Quick Reference Guide (QRG) for Posting a New Contract Award on eMMA was included in the communication. Additional training for this specific user group in eMMA is being developed.

Recommendations from the Workgroup include:

- Updating the regulations for the entity exceptions and the requirement to post solicitation and contract award notices on eMMA to match the change in the statute.
- Notifying those entities that are exempt from COMAR Title 21 that they will need to update their individual policies and procedures.
- Creating a Communications Plan (and tracking system) for training and outreach to all groups that would use eMMA – the Maryland Public Purchasing Association (MPPA), the Maryland Association of Counties (MACo), the Maryland Municipal League (MML), and the BRiCPaC.

Item D: Corporate Diversity – Board, Executive Leadership, and Mission – HB1210, CH.795 (2021): Statute and Pending Regulations

Yasin Mohammed, DGS OSP Director of Procurement Operations, reported that a workgroup was created and met after the passage of this legislation to compose the wording for the regulations, as well as develop a Corporate Diversity Addendum to be used by those applying for a "State benefit" over $1 million annually that includes procurements, tax benefits, awards, etc. The Corporate Diversity Addendum (Affidavit/Form) was finalized on August 12, 2022. Yasin shared the form with the PIC and explained that for a vendor to qualify for this benefit it needed to answer positively to at least four of the twelve questions on the form. The statute went into effect July 1, 2022 with the final regulations being posted in the Maryland Register on August 26, 2022 with the adoption being final on September 5, 2022.

Alison Tavik added that the development of these regulations was an arduous process, posted several weeks for public comment, then the final version was reviewed by the Administrative, Executive & Legislative Review (AELR) with a positive response for legal sufficiency, before the final version was posted in the Maryland Register. Once published, 10-days later they are officially adopted (dates noted above). She also added this is "Phase I" of the implementation of the Corporate Diversity Regulations. SDAT will be responsible for maintaining the database once corporate taxes have been filed in April 2023 and must make documents available to State employees. Each Agency will have the responsibility of determining whether a vendor is considered Diverse. Clarification on when this takes effect and on what contracts (between 7/1 and now) will be coming.

DGS OSP has posted the Corporate Diversity Addendum (Affidavit/Form) on its website for inclusion by all Bidders or Offerors with Bids or Proposals for procurement contracts estimated to be $1M or more. If the contract isn't initially $1M or more, but through a modification becomes $1M or more, the form would be required documentation with the modification.

Item E: Approved Recommendations to reduce the number of Procurement Reports

- The SBR Strategic Plan and the MBE Strategic Plan reports to GOSBA have been combined into one report.
- The Report on Green Purchasing Activities & Progress will be combined with the Green Purchasing Annual Report.
- Pending - 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

Item F: Open Discussion

John Gontrum, Board of Public Works (BPW) Executive Secretary, asked to confirm the timing of the Corporate Diversity regulations effective date and publication for final adoption as early as 8/26, 10 days later they become effective. What does this mean for the BPW at the 9/14 meeting? Will it be a requirement that will be reflected coming to the Board for more than $1M? Yasin said they were discussing the 9/14 BPW meeting and will discuss after this PIC meeting for clarification. Alison said she's contacted the Department of Commerce for their clarification. Valerie is passing it through her Assistant Attorney General (AAG) for Procurement at Transportation for clarification and guidance, as are GOSBA and DGS OSP. The Corporate Diversity Addendum (Affidavit/Form) Yasin shared with the PIC is final approved version, and Gabe Gnall, Procurement Advisor to the BPW, shared the link to the Maryland Register.

Closing Remarks

Mike Zimmerman thanked everyone for their input in the discussions.

Meeting adjourned at 2:58pm.