PROCUREMENT IMPROVEMENT COUNCIL (PIC)
March 14, 2023

Start Time: 1:04pm End Time: 3:01pm Location: Virtual

Members Present:

Chair, CPO	Mike Haifley	**Superintendent of Schools, Designee**	Jenna Meinl
State Treasurer, Designee, Deputy Treasurer	Cissy Blasi	**Senate Member Representative**	Karin White
Chancellor USM, Designee	Tom Hickey	**House of Delegates Member**	
Sec. DoIT, Designee	Carla Thompson	**Local Govt. Rep (w/Proc. Exp.)**	
Sec. MDOT, Designee, CPO	Valerie Radomsky	**Social Services**	
BPW Procurement Advisor	Gabe Gnall	**Social Services**	Sheryl Chapman
GOSBA, Designee	Alison Tavik	**Veteran Owned Business**	Joe Giordan
Sec. of Juvenile Serv., Designee, Procurement Director	Debbie Thornton	**General Public (w/State Proc. Exp.)**	Robert Dashiell
Sec. Human Serv., Designee, Procurement Director	Nneka Willis-Gray	**Minority Owned Business**	Wallace Sermons
Sec. of Health, Designee, Procurement Director	Jim Beauchamp	**Minority Owned Business**	Ed Tay

Guests/Attendees:

Harris Floyd

DGS Office of State Procurement (OSP) Staff Present:

Yasin Mohammed, Fred Payne, Leslie Shoenhard, Victoria Steeger, Jamie Tomaszewski, Judy Urban

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 Haifley, Acting Chief Procurement Officer (CPO), welcomed the members and guests to the first PIC meeting of 2023. Member attendance was taken.

Item A: Overview of PIC Statutory Responsibilities

Jamie Tomaszewski reviewed the responsibilities of the PIC that are listed at the bottom of each PIC meeting agenda. There was a discussion about Intergovernmental Cooperative Purchasing Agreements (ICPAs). Tom Hickey mentioned that it is one of many procurement methods and provides broad-based competition. USM sponsors a consortium, MEEK for K-20, where USM does the procurement – piggybacking versus leading the procurement. Robert Dashiell mentioned the "over use" of ICPAs and that "low price" is not always in the best interest of the state. He also suggested everyone look at the transition reports from the Governor and the Comptroller. We have a new Administration and the reports have items that may be the PIC should consider. Jim Beachamp shared that agencies have "previously been scared off of using ICPAs by the BPW" and need "policy/guidance" on when to use ICPAs, which could be in the state's best interest for efficiency. Gabe Gnall stated that the BPW has approved a lot of ICPA contracts, and the procurement method is not an issue with the BPW. Wallace Sermons mentioned the federal ICPAs – consolidation – free enterprise – small business access – who is being displaced – value. "Preferences and preferred vendor lists" – HBCU changes and flexibility in the lists.

Sheryl Chapman discussed the inclusion of nonprofit organizations and providing guidance to them on how to participate in procurements, basics of procurements, training and outreach, any process changes, etc. as a separate focus from Small Business Reserve "SBR" contracts, since SBRs are "for profit" businesses. Nonprofits have grant contracts with different agencies.

Item B: Establish Bi-Laws for the PIC

The question was raised at the previous PIC meeting about establishing bi-laws for the PIC and determining how to vote on recommendations. Mike asked the question: Are they needed? The majority of members favored maintaining the process that was done in the past and "if it's not broken, don't fix it". The former PAC did not have bi-laws. It was also suggested that policies or guidelines might provide some clarity on how things were voted on.

Item C: Work Group Volunteer Request and Updates

Terms and Conditions Workgroup – Judy Urban

Judy provided an update on what had happened in the workgroup since the last PIC meeting. There are some terms that will require more discussions to come to an agreement on what is in the best interest of the State and the vendor community for IT contracts. The relationship between the Primes and the subcontractors is also affected because the requirements for the prime are passed down to the subcontractors, and some small businesses cannot meet the requirements, for example insurance and bonding.

Better Vendor Communications Workgroup - Valerie Radomsky
Valerie provided an update on what had happened in the workgroup since the last PIC meeting. Wallace Sermons inquired if we had a list of trusted sources that we leverage to push out information. Alison Tavik responded that GOSBA pushes out a monthly newsletter, and that sources within the State help each other promote; however, there is no specific distribution list. (There is also a distribution list within eMMA.) Wallace suggested we reexamine the process for putting out information in general, not necessarily for the PIC but procurement overall. Mike Haifley sees this as an opportunity to reach out to the federal side and asked Wallace to serve on this workgroup. Harris Floyd offered to get information tied into what she's doing with the Minority Supply Council and offered to help on the workgroup as well.

eMMA User Entities Workgroup – Jamie Tomaszewski
Jamie went over the workgroup members and the need for new volunteers as well as reiterated the workgroup's mission to provide a forum for discussion of specific procurement issues and problems, etc.

Last year there was a statute change where the "or" for "posting a solicitations notices ***or*** awards" was changed to "and" so all entities in the State are required to use eMMA to post both solicitations *and* awards. The workgroup is currently working on establishing how they'll follow up with those entities to make sure they are using eMMA as required by the law. The workgroup is also creating a list of entities through our eCommerce Management Bureau as well as working with different organizations within the state; MACo, MML, MPPA, and others, to make sure we have everyone included. This list will be routinely updated. A year-end report was filed on what our guidelines and recommendations were for how to identify entities using eMMA and how to identify entities that don't comply, to include a strategy for enforcement. A communications plan is being drafted to make sure using entities are aware of their requirements to use eMMA for both solicitations and awards.

On a side note, Sheryl Chapman asked for an update on a conversation the PIC had at one point on contracts over $1M and meeting diversity standards. Tom and Alison responded that businesses must file their corporate documents with the State Dept of Assessments and Taxation (SDAT) and file an annual report which includes a Corporate Diversity Addendum, to remain in good standing. The report is due every April.

Item D: Maryland Procurement Academy (MDPA) Update
Victoria Steeger introduced the newest staff member at MDPA. Gennadiy Shoykhedbrod is the new Training and Development Coordinator. As of this date, there are 309 Certified Maryland Procurement Officers (CMPOs), 185 Certified Maryland Procurement Associates (CMPAs) – with a waiting list well over 100, 19 Repurchasing Certifications, and 19 Contracting Management Certifications. The certification program has been updated from the compressed classes for the CMPO. The CMPA is a prerequisite for the CMPO. Certifications are now separated out and offered in sequence for procurement officers. Additionally, there are over 70 other continuing education/training programs with over 8,000 enrollments and over 3,600 accesses to the online training. MDPA has also had over 850 Maryland State enrollments for NASPO training and education. MDPA has created, updated, and published over 97 different training pieces for the eMMA users, and is deeply involved in the Organizational Change Management (OCM) for eMMA.

Ed Tay wondered if there was training for contractors on how to do business in the State of Maryland, and the differences between federal and state. Alison said there is training, as well as awesome videos in the MDPA area, and will discuss in the Open Discussion portion of the meeting. Discussion on differences between federal and State, nonprofits, SBRs, and more.

A suggestion was made to create a new MBE workgroup to address these topics, legislative crosswalk, MBEs, goals, etc. Volunteers: Robert Dashiell, Wallace Sermons, Ed Tay, Harris Floyd, Jamie Tomaszewski, Mike Haifley, and Yasin Mohammed.

Joe Giordano wanted to make sure Veteran-owned Small Businesses (VSBEs) did not get lost in the discussions.

Item E: Open Discussion

Alison presented on the basic understanding of business, "if you do not understand how your customer buys you are at a competitive disadvantage." Federal, State, Local, Private, Public, everyone has different procedures and processes for how they buy, follow the money and the rules for how they purchase. The Governor's Office of Small, Minority, and Women Business Affairs (GOSBA) website has helpful information (gomdsmallbiz.maryland.gov) called Mining Public Data, all videos are under 10 minutes. Training (T.I.P.S.) is also located here, skills that small business can learn from.

Workgroup meetings should be held as needed prior to the next PIC meeting. Most likely on a monthly basis. Please let Jamie know if you want to join one of those workgroups.

Mike suggested forming an email chain for any conversations in between the quarterly PIC meetings.

Closing Remarks

Mike Haifley thanked Jamie and everyone for their participation and is excited about PIC this year and the path forward for 2023. As follow-up from the meeting, we will establish a formal communication between the meetings and set up the new MBE Workgroup to have some action items and new initiatives.

Meeting adjourned at 3:01pm.