PROCUREMENT IMPROVEMENT COUNCIL (PIC)
March 14, 2023

Start Time: 1:10pm End Time: 2:31pm Location: Virtual

Members Present:

Chair, CPO	Mike Haifley	**Superintendent of Schools, Designee**	
State Treasurer, Designee, Deputy Treasurer	Cissy Blasi	**Senate Member Representative**	Senator Melony Griffith
Chancellor USM, Designee	Tom Hickey	**House of Delegates Member**	Delegate Nick Charles
Sec. DoIT, Designee	Carla Thompson	**Local Govt. Rep (w/Proc. Exp.)**	
Sec. MDOT, Designee, CPO	Valerie Radomsky	**Social Services**	Nancy Hall
BPW Procurement Advisor	Gabe Gnall	**Social Services**	Sheryl Chapman
GOSBA, Designee	Alison Tavik	**Veteran Owned Business**	
Sec. of Juvenile Serv., Designee, Procurement Director		**General Public (w/State Proc. Exp.)**	Robert Dashiell
Sec. Human Serv., Designee, Procurement Director	Nneka Willis-Gray	**Minority Owned Business**	
Sec. of Health, Designee, Procurement Director		**Minority Owned Business**	

Guests/Attendees:

Harris Floyd
Scott Livingston
Dave Bohanan
John Gontrum
Delegate Kerr
Jasmine Clemons

DGS Office of State Procurement (OSP) Staff Present:

Yasin Mohammed
Fred Payne
Leslie Wodday
Victoria Steeger
Jamie Tomaszewski
Judy Urban
Lisa McDonald
Sean Stinnett
Lauri McGuire
Valerie Green

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 members and guests to the meeting and announced the addition of the Comptroller and Attorney General becoming members effective October 1, 2023, but may attend anytime, since this is a public meeting. Scott Livingston was introduced as our guest speaker, Lisa McDonald as the Department of General Services (DGS) Office of State Procurement (OSP)'s Director of Strategic Sourcing & Procurement Diversity, and Sean Stinnett as DGS OSP's MBE/VSBE/SBR Liaison and Compliance Manager. Member attendance was taken.

Item A: Judicial Reform, Scott Livingston

Scott specializes in Procurement Law and shared some of what he deemed as efficiency inadequacies with the Maryland State Board of Contract Appeals (MSBCA) process, he wants to make MBEs more accessible, have attorney's fees reimbursed if the vendor wins their claim, and equal access to justice for all. He is suggesting having a sub-committee work on a preliminary report to present at the September meeting. Delegate Charles would like to see comparisons of those cases that did go to circuit court and what were the outcomes, and what we can learn from this – maybe training for judges. Tom Hickey doesn't see this topic as a PIC responsibility, and Bob Dashiell said everyone should have access to legal representation and disagrees that the PIC shouldn't be involved. Senator Griffith agreed this is a serious issue needing conversation.

Item B: 2023 Legislation and Regulation/Policy Changes Needed, Dave Bohanan

David shared the presentation given at the Senior Procurement Advisory Group (SPAG) meeting, giving an update on the 18 bills that passed for procurement, including HB0429 PIC Membership Bill adding the Comptroller and Attorney General as PIC members, HB0543 Small Procurement Delegations, and SB0773 Liquidated Damages – Policies and Requirements and the BPW creating a "model template".

Item C: PIC Work Groups

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. They are gathering both internal and external data and will continue to have meetings over the summer. If anyone is interested in joining the workgroup, they are looking for additional members. judy.urban@maryland.gov

Better Vendor Communications Workgroup - Valerie Radomsky

Valerie provided an update on what had happened in the workgroup since the last PIC meeting, discussing collaborative documents. They look forward to continued meetings and opened it up to anyone who is interested in joining. vradomsky@mdot.maryland.gov

Tom Hickey shared that the next Business Summit for Small Business Outreach is being held on Tuesday, September 26, 2023 at most likely Turf Valley.

eMMA User Entities Workgroup – Jamie Tomaszewski

Jamie asked for new volunteers as some are no longer with the PIC and have dropped off, their last meeting was in February. The workgroup has an extensive list of eMMA entities, will need to make sure each has a "user" in the system. The workgroup is needed to create a communications plan and ensure that all required State government entities are using eMMA. The next workgroup meeting is July 10, 2023 at 2 PM. If you are interested in joining, contact Jamie at jamie.tomaszewski@maryland.gov.

MBE Workgroup – Jamie Tomaszewski

Their initial meeting followed the last PIC meeting where they decided, with everyone's input, to create short-, mid- and long-term goals. In May, they prioritized the short-term goals to include tools, socio-economic programs, and crosswalk and guidance to assist Vendors. A sub-group is being created to work on the short term "Tools and Training" goals. Also discussed, in order #2 Regulations, #3 Outreach, #4 Internal Procedures, and finally #5 Policies. The next workgroup meeting is on July 11, 2023 at 3 PM and the topic will be mid goals.

Item D: Maryland Procurement Academy (MDPA) Update – Victoria Steeger, PhD

Victoria gave an update of the training attendees for the month of May; 682 Vendors, 381 State employees, 1929 OnDemand classes, and there were 34 Certifications. Top Five Classes taken are Small Business Reserve (SBR) Certification and Recertification, Responding to Solicitations, Vendor FAQs, Vendor Registration and Veteran-owned Small Business Enterprise (VSBE) Certification and Recertification.

The Green Purchasing Specialist certificate program, which is an elective add on to the Certified Maryland Procurement Officer (CMPO) class, is ongoing this month in addition to the Certified Maryland Procurement Associate (CMPA) Section 7 and CMPO Section 10 classes. They've also published a Maryland Procurement 101 online which is an interactive training class for the State and are developing an outline of a "How to do business with the State" for Vendors. There's also a yearly Procurement Needs Assessment in the field and due back by June 30.

Item E: Open Discussion

Alison Tavik shared feedback received regarding the time gap from the apparent awardee to the time it goes to the Board, and then before they receive final notice to proceed. They can lose MBEs that were supposed to work on the project, key personnel, and are suggesting the Board more often. People can't "not" work while they wait for the process. Substitutions and the 72 Hour Rule would come into play. Mike Haifley said we should drill down to find out the circumstances of when this is happening and make suggestions to send to the Board of Public Works for regulation changes. Nancy Hall mentioned that the job market is part of this issue.

Alison also mentioned the gratitude she had to DGS and Jamie for getting forms PDF fillable, and GOSBA is working on updating the MBE forms first but are also looking at amending all forms. Gabe Gnall suggested including auto-calculations in the forms. The goal is to have uniformity between the MBE and VSBE forms and the MDOT sub-tiers for all agencies to use.

Harris Floyd wanted to reiterate the need to review unduly restricted RFPs; maybe a topic for SPAG or training – the challenge of writing specifications and responsibilities? Valerie suggested we also look at cancellations to update specifications.

Closing Remarks

Mike Haifley thanked everyone for their participation, reiterated the need for volunteers for the workgroups, and asked for any future PIC discussion topics to be sent to jamie.tomaszewski@maryland.gov

Meeting adjourned at 2:31pm