# PROCUREMENT IMPROVEMENT COUNCIL (PIC)
## December 12, 2023

Start Time: 1:04pm End Time: 2:46pm Location: Virtual

**Members Present:**

| | | | |
|---|---|---|---|
| **Chair, CPO** | Mike Haifley | **Senate Member Representative** | Senator Nick Charles |
| **State Treasurer, Designee, Deputy Treasurer** | Cissy Blasi | **House of Delegates Member** | |
| **Chancellor USM, Designee** | Tom Hickey | **Comptroller or Designee** | Brooke Lierman |
| **Sec. DoIT, Designee** | Carla Thompson | **Attorney General or Designee** | Zenita Hurley |
| **Sec. MDOT, Designee, CPO** | Valerie Radomsky | **Local Govt Member** | Ash Shetty |
| **BPW Procurement Advisor** | Gabe Gnall | **Social Services** | Nancy Hall |
| **Special Sec. GOSBA, & Designee** | Maria Martinez / Alison Tavik | **Social Services** | |
| **Sec. of Juvenile Serv., Designee, Procurement Director** | Ronald Colbert / Tiffani Johnson | **Veteran Owned Business** | Joseph Giordano |
| **Sec. Human Serv., Designee, Procurement Director** | Nneka Willis-Gray | **General Public (w/State Proc. Exp.)** | Robert Dashiell |
| **Sec. of Health, Designee, Procurement Director** | Alison Barry | **Minority Owned Business** | |
| **Superintendent of Schools, Designee** | Jenna Meinl | **Minority Owned Business** | |

**Guests/Attendees:**

Jasmine Clemons, Thomas Brenan, John Gontrum, Howard Barr, Melissa Leaman, Kim Pezza, Nish Thakker, Benjamin Weiser, Ben Seigel, Douglas Carrey-Beaver

**DGS Office of State Procurement (OSP) Staff Present:**

Jamie Tomaszewski, Judy Urban, Leslie Wodday, Wallace Sermons, Fred Payne, Shae Cronin

***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:**

Jamie Tomaszewski, Acting Deputy Chief Procurement Officer (DCPO), welcomed everyone and took member attendance.

Mike Haifley, Acting Chief Procurement Officer (CPO), welcomed members and guests to the meeting; reviewed topics including Technology, a brief update on eMMA, OSP workforce - filling vacancies and growing leadership under Governor Moore, and hiring Civic Initiatives for value stream mapping for process improvement; and thanked the BPW for all their collaborative work with the Office of State Procurement.

**Item A: New PIC Statute Changes and Introduction of new PIC Members**

Mike introduced two new seats to the PIC effective October 1, 2023. They are the Office of the Comptroller (Brooke Lierman) and the Office of the Attorney General (Zenita Hurley).

**Item B: Procurement Reform**

**Template Revisions** – working with Agencies to update and reformat base templates to include attachments, appendices, and exhibits to help streamline solicitation preparation by the procurement officers. The IFB template was tackled first. The RFP template will be updated in the spring.

**Value Stream Mapping** – will be reaching out to primary targets IFB, PRG, and BPW, with a pilot tentatively scheduled for the end of January 2024, future state will vary as we proceed.

**Item C: PIC Work Groups**

**eMMA User Entities Workgroup – Jamie Tomaszewski**

See attached presentation

**MBE Workgroup – Wallace Sermons**

See attached presentation

AAG, Zenita, would like to be on the workgroup, Joe suggests public hearings, and Robert suggested we disaggregate and also asked about the benefit of the program

**Pay for Success Workgroup – Jamie Tomaszewski**

This is a new procurement method for DNR, MDE, MDA, MDOT, and DGS. The challenge is how to establish a fund certification for the procurement when funding may not be required until several years later when the contract is successful. The workgroup is trying to come up with a process and best practices to successfully utilize the procurement method/contract type. MDE is willing to test the process developed by the workgroup.

**Terms and Conditions Workgroup – Judy Urban**

Delays and Extension of Time, Suspension of Work, Limitation of Liability, and Indemnification. Due to how burdensome these are, the workgroup was formed, and comments have been collected from the PIC, other agencies, and the public, and are in review.

**Better Vendor Communications Workgroup - Valerie Radomsky**

No updates for this meeting. This workgroup is being combined with the MBE workgroup.

**Item D: Maryland Procurement Academy (MDPA) Update – Shae Cronin**

See attached presentation

**Item E: eMMA Update**

See attached presentation

**Open Discussion**

- Brooke suggests a place where we save all the meeting information to include slides, etc. (Sharepoint), and also suggests an Annual Report
- Next PIC dates are March 12th, June 11th, September 10th, and December 10th from 1:00-3:00pm
- Legislative Session is coming, Tom suggested a workgroup to review Bills for input. If you are interested in participating, please send an email to Mike.Haifley@maryland.gov, we'll look at a meeting to discuss and set up a process.

**Closing Remarks**

Mike Haifley thanked everyone for their participation and asked for any future PIC discussion topics to be sent to jamie.tomaszewski@maryland.gov

Meeting adjourned at 2:46pm

Additionally, after the PIC meeting, David Bohanon sent an email to share with the PIC members as follows:

"Thank you to all the stakeholders who participated in the workgroup and reviewed the draft Liquidated Damages Model Policy. It was approved by the BPW for publication at its meeting yesterday (12/13/2023), and has been published on the "all publications" page of the Board's website as the "Model Liquidated Damages Policy" (see https://bpw.maryland.gov/Pages/publications.aspx). A final version is also attached here. It would be prudent for state agencies and other units to consult with their respective counsel on how SFP § 15-113 may apply to them for next steps."