

State Of Illinois
State Use Committee Meeting
Minutes
April 19, 2013

Video Conferencing sites:

SIU-C	CMS	CMS	IDOT
Morris Library 184-A	Room 715	JRTC, Room 4-404	Room 120
Carbondale, IL	Springfield, IL	Chicago	Springfield

I. Call to Order

Chairman Roberts welcomed Committee Members and guests and called the meeting to order at 1:30 P.M.

II. Roll Call

Present at the meeting were the following members: (see attached)

Sharla Roberts, Chairman
Seymour Bryson in Carbondale
Christine M. Dickey
Richard W. Gloede
Audrey McCrimon
Dan Strick
David Dailey

Chairman Roberts stated there was a quorum present. She also provided an update on the process of the meeting with the Chief Procurements Officer – General Services (“CPO-GS”) Office to discuss the process of investigating and warding State Use contracts.

Question: Member McCrimon asked why the application for State Use did not have the term “DRAFT” written on it, and asked if this was this a follow up and open for discussion?

Answer: Chairman Roberts indicated that this issue will be discussed later in the agenda.

III. Approval of the Minutes of the February 26, 2013 Meeting

Chairman Roberts called for a motion to approve the Minutes from the February 26, 2013 meeting.

Motion to Approve: Member Dr. Bryson

Second: Member Daley

Voted: All members approved the motion.

Chairman Roberts announced that the minutes from the February 26, 2013 were approved.

IV. Review of and Vote on Proposed Contracts (see attachment for list of contracts)

Chairman Roberts stated that only the Rest Area contracts and one lawn care contract would be voted on. Chairman Roberts directed CMS staff to send an updated list of contracts.

CMS Deputy General Counsel – Strategic Sourcing Ellen Daley stated that CMS is seeking approval for only the rest area contracts, IDOT janitorial contracts and one CMS Lawn Care contract if they all have the supporting documents including applicable Small Business Waiver. She reported that CMS was asking the Committee to only vote on the contracts for approval, but we will not execute them until we get the supporting documents.

Executive Ethics Commission (“EEC”) Senior Procurement Compliance Manager Joel Meints asked if the lawn care contract had a Small Business Waiver and whether a cost analysis was completed.

CMS staff replied that it did have a Small Business Waiver.

Joel Meints stated that if it had a signed Small Business Waiver and had a cost analysis he would not have a problem with it; he has not seen the cost analysis however.

Deputy General Counsel Daley stated that she spoke with Matt Brown from the CPO-GS’s office and at this time it would be sufficient to enter into a contract, but not execute them until all the supporting documents were including the Small Business waiver.

Joel Meints stated that he does not understand how the committee can approve these contracts without seeing the analysis.

Deputy General Counsel Daley stated that that is a question for the Committee to determine.

Member Gloede asked what the role of the Executive Ethics Commission is and secondly why is this coming up now?

Joel Meints stated that he is the EEC Senior Compliance Manager and he works for the Chief Procurement Office of General Services and Matt Brown is his Supervisor. Joe Kim brought this issue up in several meetings and has asked for these documents, the fair market price analysis. The EEC has nothing to do with this; his staff is part of the Ethics Commission but is under the CPO’s office under General Services. The CPO-GS’s office reviews all the procurements and State Use is a procurement. His office is not picking on State Use; they also are looking at Small Business. His job is to insure that it’s with the code and to make sure it complies with the code.

Member Gloede remarked so it is the process and not the prices?

Joel Meints stated that was correct -, in the law it says that it must be a fair market price.

Member Dickey stated that historically, we have not seen the fair market analysis before. I assume that it's done by Corrie and Brynn and then presented to us.

Chairman Roberts stated that at this time we have an agreement with Matt Brown and will be voting on the contracts that were read. She also stated that we are moving back to the Agenda.

Deputy Director of CMS of Strategic Sourcing Mitzi Loftus asked the Chairman if CMS can add this issue to the next agenda, since there is still some confusion on the issue.

Chairman Roberts replied yes.

Joel Meints said for the record that he is not sure what Matt Brown agreed on.

Chairman Roberts asked Brynn to read the contracts without any interruptions.

Brynn read the IDOT contracts and one lawn care contract (see attached)

Chairman Roberts asked for a 5 minute recess.

Chairman Roberts asked for the meeting to come back to order and would like for everyone to introduce themselves around the table. (see attached)

Chairman Roberts announced that we did have an agreement with the CPO's office but there must have been some confusion and we do not have an agreement.

Member Strick asked what happens if we do not vote?

Corrie Smith stated that the rest areas could be shut down.

Member Strick asked if we have a drop dead date?

Staff answered yes, last week, lots of signatures are required for a contract to be executed and it takes a long time.

Member Dailey asked no rest areas will be voted on?

Chairman Roberts stated that we thought we had an agreement, but we do not. We could call for a special meeting with the 48 hours to be able to post it.

Member Strick asked if we knew what the information we need to satisfy the CPO's office.

Ellen Daley stated that I would refer that question to Mr. Meints, perhaps get something in writing.

Member Dailey stated that he does not understand this, what is going on? In the 15 years I've been a Member, I have never seen this.

Member Bryson stated that he has been here since the first meeting of State Use back in the 80's, it seems like the process was working, but maybe there is a procedural policy change, that all of a sudden the process for the last 30 years have been called into question. I would like an explanation as to why all of a sudden we have issues. The Committee always assumed the issues of price were handled by the staff, they are the professionals, we accepted their recommendations, the Committee does not have time to deal with those kind of issues. It seems like it's been working for the last 20 or 30 years, now it's been called into questions. Why do we all of a sudden have these issues?

Chairman Roberts stated that this is a question that we will now refer to the CPO-GS's office, as she stated, we had meeting prior to this meeting, we know it's required by law and I do understand that the duty we assume done by the State Use Coordinators.

Member McCrimon stated she has a couple of things; on the second sheet of the vote sheet about "Fair Market Price", it places the responsibility on the requesting Agency, the State Agency that is identified to have a service done to assure to CMS State Use staff that these price qualifications are met. From prior experience when she worked in State government, it was my responsibility when she wanted to use State Use for a contract there was back up documentation to Corrie and crew that said I did my due diligence, that perhaps maybe the information that conceded the change in the procurement code. I understand changes in law, and processing the State Use Committee proceeded the existence of the CPO's, SPO's the whole 9 yards, so she can understand the belief this Committee has had discussions in the past as to what are our responsibilities that are set forth in the Statute as related to transparency and responsibility. She'll speak for herself, we always think the Committee can do better, but I am disconcerted by the dialogue today because it's something that if I'm to sign my name to something she would hope that the State would speak as one when they came to the table to speak to me. She would hope that part of the discussion today includes respect of the roles and responsibilities of the Public Members have taken to sign their name. The Committee is engaged with the respect to out statutory responsibility. She is feeling very uncomfortable today; she always believes in improvement and bureaucratic process, this makes me very uncomfortable. My name is important to me, no one else may know it, but my name is important to me. Secondly, she would hope this process looks at how we efficiently use our time and respect that these contracts represent both lives and employment, who are both staff of the Agency and you know how hard I am about staying for the Agency, how much they get paid, number of staff verses number of people with disabilities, but these represents folks lives, so I hope we respect that as well in these discussions. Her last point would be, to receive a form that says something on the State Use Application Form that I as a Committee Member, she doesn't see draft on, don't see due delivered on, a process that engaged to the Committee. It's upsetting to her, she didn't come here to be a rubber stamp, she doesn't travel downtown for a meeting, when she can attend most electronically. In deliberation of a revision of an application that is the core of the program and I am especially upset by the language used "services of severely disabled person". This is a people first state, ae: people with disabilities, not this!

Member Gloede stated we are talking about 415 persons with disabilities and we're delaying their jobs because the Committee doesn't have their procedure in place. H doesn't want to put 415 people out of work.

Member Dailey stated not to mention he doesn't want the rest areas to close, which we need. The people need their jobs and we need their service.

Member Gloede, states that he is uncomfortable with this, for this to just come up at the last minute. He stated he is with Audrey.

Member Dailey stated he is not voting it.

Deputy General Counsel Ellen Daley stated that she would like to read Illinois Procurement Code 500/45-35 under section 8; to review all bids submitted under the provisions of this Section and reject any bid for any purchase that is determined to be substantially more than the purchase would have cost had it been competitively bid. You are suppose to reject one that is determined more if bid. Now, that is what it says, that is what your duties are, if you want to vote, understand that that's what your responsibilities are under the code, you may ask your Chairman to call the vote, but she just wanted to make sure everyone understood what the code says about what your responsibilities are.

Motion: Member Bryson stated for 30 years we've been accepting the recommendations from staff. The Committee doesn't think it had any problems with this process, on that basis until the Committee changes the procedures and have a lot more discussions, he would like to accept that the staff has done due diligence and accept the same process we have used for the last 30 years and he would request that the Committee vote and then deal with these other issues at a later date.

Member Gloede asked Dr. Bryson if that was a motion.

Member Dr. Bryson replied; that is a motion.

Motion: Member Gloede stated that he will second that.

Motion: Chairman Roberts calls for a motion to vote.

Member Gloede asked if we are voting on the contracts.

Chairman Roberts said we are going to vote on whether to vote.

Motion: Member Strick stated that he would like to make a motion on the contracts that were read aloud by Brynn.

Member Gloede asked, what about the rest of them?

Chairman Roberts called for a vote to vote to vote on the contracts that were read aloud by Brynn (see attached).

Chairman Roberts asked Brynn to take a roll call to vote.

Chairman Roberts	Present
Member Dr. Bryson	Yes
Member Dickey	Yes
Member Gloede	Yes
Member McCrimon	Yes
Member Dailey	Yes
Member Strick	Yes

Motion: Chairman Roberts stated that the motion passed and asked that we now would like to make a motion to vote on the contracts.

Motion: Member Strick asked for a motion to vote on the contracts that were read aloud by Brynn, the rest areas, janitorial contract and one lawn service contract.

Chairman Roberts asked all in favor that were read by Brynn say Aye..

Motion To Approve: Member Gloede said no, we are not voting on all the contracts. I would like to make a motion to vote on all the contracts that were not read aloud.

Second: Member Dr. Bryson to second the motion.

Chairman Roberts asked all in favor of contracts not read aloud.

Member McCrimon stated that she respects her fellow Committee Members, and respect the job issues, she feels that the ones we just voted on had whatever is the difference and interpretation were items that had been held up staff by a state entity, she doesn't know the issues that made the other contracts side items, she would hope that our earlier discussion about to resolve the rest of the list would be done expeditiously in mindful of the start of the fiscal year, which is the only reason I would have to abstain from a vote from the remainder of the list.

Member Dickey asked why the list in its entirety not being voted on?

Chairman Roberts stated it was our intent to vote on the complete list that was sent by Corrie, we thought we had an agreement with the CPO-GS's office but apparently we do not have an agreement. The Committee is trying to protect everyone on the committee, because it is their role as the CPO-GS's office that they have final procurement authority.

Motion To Approve: Member Gloede asked for a motion to approve all the contracts.

Second: Member Dr. Bryson to second.

Chairman Roberts asked for a roll call to vote.

Chairman Roberts	Present
Member Dr. Bryson	Yes
Member Dickey	Yes
Member Gloede	Yes
Member McCrimon	Abstain
Member Dailey	Yes
Member Strick	Abstain

Motion: Chairman Roberts announced 4 yes's and 2 abstains, the motion past.

Member Dr. Bryson states that we are getting in the middle of this and make me uncomfortable, I've always gone by the recommendation of the staff.

Member Dailey stated that we should not be fighting this out.

Member Gloede stated that he is all in favor of working with the CPO's but not at the last minute.

Member Dailey stated that this is people's lives.

Motion To Approve: Member McCrimon stated that she would hope that in the effort to improve the program, if there are specific procedural questions that some work effort would be identified that addresses the cause as stated earlier before our signature of who does the fair market analysis that is attested above to our signature of what documentation we needed to verify that. She would hope that would be resolved. She would make a motion that no documents come to the State Use Committee members that are to be voted on without draft on it. She is feeling strongly about this.

Motion: Member Dr. Bryson makes a motion to have a subcommittee with Audrey representing the committee, someone representing the State use staff and someone representing CMS staff identifying some of these issues.

Second: Member Gloede to second.

Chairman Roberts asked all in favor say aye.

Chairman Roberts announced the ayes have it; Audrey will be the chairman for the subcommittee.

Deputy Director Mitzi Loftus stated that State Use is CMS, you expect 2 people from our side?

Member Dr. Bryson responded, no, the Staff of CMS and whoever is having an issue with this.

Joanne Gunderson Legal Counsel for the Executive Ethics Commission stated that there are two members from the Ethics Commission here today -, they are happy to work with CMS on these issues.

V. New Business:

Deputy Chief Operating Officer Lynn Carter would like to apologize to the committee that this meeting was not handled appropriately. We believe we had an agreement with the CPO's office on a certain subset of contracts, we knew the CPO's office had objections to contracts we thought we reached a compromise with them where certain contracts would be voted on, but not executed until all proper documents were in place. We would not execute contracts until proper documents are in place. Apparently there was a misunderstanding about what the actual agreement was with the CPO's office, which led to the disorganization here today, which I hope will not happen again. We are going to work very diligently to have a process in place that every contract that comes before you has all the proper documentation, we will put together what we feel is a appropriate package, when we have done that, we will then discuss it with the CPO's office to make sure that they are in accordance with what we are doing, we will include Audrey and other members of the Committee who want to be involved in the process and going forward we will be in a much better place. I apologize to you and also Sharla as the Chair for what has occurred here today and as I said we had a misunderstanding and it won't happen again.

Chairman Roberts thanked Lynn and asked if Joel Meints would like to say something.

Joel Meints is the Senior Procurement Compliance Manager for the Ethics Commission; he wanted to comment that Matt Brown wanted to call in to the meeting and it wasn't allowed.

Lynn Carter stated that members of the public normally do not call in.

Chairman Roberts asked if there were any other public members that wanted to talk.

Member Daley wanted to know if there was anything they can do to help.

Chairman Roberts stated that you are doing a great job; it's our responsibility as Committee members to insure that we have fair guidelines in the process. At this time Committee already declared Audrey to be the Chairman for the subcommittee; would any other member want to participate?

Member Dailey announced that he would like to participate.

Chairman Roberts stated that we have Audrey, Dan, Dave and Sharla Roberts to insure we have a process in place. We will discuss the application form during the subcommittee; we will try and meet as soon as possible.

VI. Future Meeting Dates:

Next future meeting date is May 22nd

Motion To Approve: Member Dickey
Second: To second by Member Strick

Chairman Roberts announced that the motion passed to have the next meeting on Wednesday May 22nd.

VII. Adjournment

Chairman Roberts called for motion to adjourn

Motion To Approve: Member McCrimon
Second: To second by Member Dailey

Chairman Roberts announced the motion to adjourn was unanimously approved and adjourned the meeting at 2:45P.M.

Respectfully submitted,

Corrie Smith
State Use Coordinator