



**STATE OF DELAWARE
CONTRACTING AND PURCHASING ADVISORY COUNCIL**

MINUTES

April 10, 2024
GSS Landing Square
Dover, DE 19901
(Teams)

Present: Council Members: MG Michael Berry (DNG), Jennifer Biddle (DHR), Dir. Cerron Cade (OMB), Michelle Campbell (DHSS), Lanie Clymer (DelDOT), Sec. Karryl Hubbard (DOL), Kimberly Klein (DOE), Melissa Marlin (DOF), Leslie Reese (DNREC), Jordan Schulties (DTI), Comm'r. Terra Taylor (DOC), Anthony Williams (DSHA), Sec. Steven Yeatman (DCYF), Stephanie Young (DSHS)

Other Participants: Michael Bacu (OMB), MaryPage Bailey (DOJ), Steven Carroll (DOF), Kimberly Cooper (DOC), Victoria Daniels (UDEL), Carrie Erickson (DNREC), Peter Korolyk (OMB), Wendal Lundy (DOC), Courtney McCarty (OMB), Larry Reed (OMB), A J Schall (DEMA), Courtney Stewart (OMB), Shavonne White (DOS)

CALL TO ORDER

The meeting was called to order at 10:03 a.m.

APPROVAL OF MINUTES

Secretary Yeatman motioned to approve the minutes; Secretary Hubbard seconded. There were no objections. The minutes were approved.

NEW BUSINESS

1. 3 Quote Requirement for Procurement below Threshold – Professional Services

Director Cade provided background relating to this topic. With the determination that an increase in formal procurement thresholds was approved by the Bond Bill committee in 2023, the Council previously recommended increasing the professional service threshold from \$100,000 to \$150,000. The proposal put forth before the Council, going forward, OMB would like to implement the three-quote requirement for procurement with the expectation to obtain at least one bid from an Office of Supplier and Diversity Certified vendor.

By way of Executive Order, this approach was similarly done during Governor Markell's administration. Governor Carney's administration would like to refocus its efforts to give more exposure to firms on the Office of Supplier Diversity Certified Vendor list.

OPEN DISCUSSION

Several agencies asked questions and/or expressed concern about hard to fill professional service needs. This proposed policy could impact an agency's ability to procure and might otherwise delay the agency's attainment of services.

Mr. Korolyk shared that the intent is to make a reasonable effort to include participation and access to opportunity, that otherwise may be denied to the underutilized and diverse community. The ask is to document and share information with the Office of Supplier Diversity to build up performance gaps to meet future expenditure opportunities. Being aware of the need will inform Government Support Services and Office of Supplier Diversity's marketing efforts.

Further, Director Cade shared, the initiative is driven in part as a response to the Disparity Study findings.

Follow up questions were asked about procedural processes and providing feedback to the Office of Supplier Diversity (OSD). In response, OMB identified an intent to provide procedural overview to give agencies general guidance but final determinations and/or waivers were going to be left up to the individual agency determination. Each agency will determine the most efficient means of communicating with the OSD, unless the OSD creates a formal procedure.

Several specific follow-up questions were asked:

- If an agency has a direct line item where a vendor is referenced in epilogue, is this an automatic waiver?
Response: Yes.
- Is a waiver needed for each quote?
Response: No, only for the industry where a professional service is needed.
- Who is going to monitor this to ensure the integrity of the process?
Response: Each agency should have a Supplier Diversity plan in place where the information may be aggregated to.
- Does this create a Private Right of Action by a minority contractor, after the fact, who was not contacted?
Response: No; this is an internal policy. Additionally, agencies should follow current processes in place, to include documentation. While OMB does not maintain authority to police agencies after the fact, the Auditor's Office does have the authority.

PUBLIC COMMENT

The meeting was opened for public comment. No public comment was brought forth.

APPROVAL OF 3 QUOTE REQUIREMENT BELOW THE THRESHOLD

Ms. Young motioned to approve the 3 Quote Requirement Below the Threshold, with inclusion of the waiver language; Ms. Campbell seconded the motion. The motion passed with 13 votes in favor and 1 against.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 10:42 a.m.

Respectfully submitted,

Larry D. Reed
Office Manager
Government Support Services