

NIGP- Utah Chapter

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NIGP- Utah Chapter Officers:

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Procurement News

Procurement News

August 2010

Chapter President's Message

Fellow Colleagues,

Greetings to you this beautiful summer season, as it is winding down quickly; I hope that your summer has been full of rich experiences. Not just in your leisure time away from work, but in the workplace as well. The Utah Chapter of NIGP provides great opportunity for professional expansion. Our website at nigputah.org offers links to Certification information, Scholarship opportunities and various beneficial resources. Just to name a few under the Resources link; a Construction Overview PowerPoint, Purchasing's Role in Disasters, State of Utah Freight Program Overview, Utah Procurement Code, Protest Resolution – and the list goes on. If you have comments or suggestions regarding the chapter website or need the password for the Membership Services portion of the website, please contact myself at: gmitchell@slco.org or Paul Kikuchi (who is really the website guru!) at: pkikuchi@utah.gov.



Glendon Mitchell- President

In economic downturns, training budgets are often one of the first categories to be reduced or eliminated. Conversely, and now more than ever, our organizations depend heavily on us to stretch their dollars to find the best values. Increasing interest and pressures from the vendor community relative to your purchases often stretch purchasing resources and consume inordinate amounts of time. I suggest to you that training, certifications, continuing education, honing of skills and sharing best practices with your fellow purchasing colleagues have never been more needed than now. You may ask yourself, how do I find the time or financial resources for professional development? While the answers are not easy and vary between our various organizations, I encourage you to continue pressing for certification goals, include training dollars in your next budget request and, for those in management positions, please continue to focus on training opportunities for your staff. Our chapter continues to be committed to finding the best training and professional development resources within our means to assist you.

We look forward to networking with each of you and solicit your questions and recommendations at our next chapter meeting. Please remember the date change to Tuesday, August 31, 2010 from 9:00 am to 12:00 noon. Hope to see you there.

Keep Smilin'

Glendon Mitchell, President
NIGP Utah Chapter



“Success in business requires training and discipline and hard work. But if you’re not frightened by these things, the opportunities are just as great today as they ever were.”
-David Rockefeller

Utah Chapter News

DEADLINE for the UPPCC certification exam applications for the October 2010 testing period is July 19, 2010, with exam registration due September 13, 2010. Good luck to those choosing to take the exam in October!

VOLUNTEER to serve on a chapter committee! If you are interested, please contact the committee chairperson listed below:

Committee Chairpersons

Honors & Awards: Paul Worthen (Granite SD) paul.worthen@granite.k12.ut.us

Financial: *Currently Looking for a Volunteer!*

Historian: Mindi Bos (Sandy City) mbos@sandy.utah.gov; 801-568-7148

Membership: Stephen Elms (Draper City) steve.elms@draper.ut.us; 801-576-6514

Marketing/Public Relations: Greg Maynard (SLCSD) greg.maynard@slc.k12.ut.us; 801-578-8264

Education: Tracie Montano (UDOT), tmontano@utah.gov; 801-964-4534

Nominating: *Currently Looking for a Volunteer!*

WELCOME to our newest chapter members! We’re glad to have you join us!:

Paula Melgar, South Salt Lake City

Craig Buron, South Salt Lake City

Sandy Poll, Ogden City

Jill Ballard, Utah State University

Paul Bowman, Utah State University

Kim Flippence, Utah State University

Marsha Howell, Utah State University

Cindy Braegger, University of Utah

Upcoming Meeting Dates

(All meetings are held at 9:00 AM at the SL County Building, room S1007 [2100 S. State] unless otherwise posted. PUBLIC PARKING is available in the parking structure if outside lots are full.)

August 31, 2010:

(Replaces our Usual Sept. meeting)

Understanding the UCC

- Richard H. McGurk, CPSM, C.P.M

How Did I Get Here, and Where am I Going?

- Greg Maynard, CPPO, C.P.M., MBA, Salt Lake City School District

October 19, 2010:

Topic and Speakers TBD

November 4, 2010:

EdPAC Workshop

Classroom Corner

(Reprinted from GovPro.com, and April/May 2010 magazine, p. 16-22: http://govpro.com/resource_center/procurement_prof/open-competition-201004-05/index.html)

Part 1: Open Access for All- Preserving Procurement Integrity While Getting the Best Value From Suppliers- by Paul Campbell and Richard Rector

A fundamental goal of any public procurement process is to obtain the "best value" for the public agency — in other words, to obtain high-quality commodities and services at a reasonable cost and under terms that meet a government entity's needs. When pursuing strategic sourcing, today's procurement professionals often depend on suppliers to identify and present creative solutions that meet state and local governments' needs and that require minimum upfront investment.

But do pre-solicitation meetings and discussions with vendors — critical to creative sourcing — have the "appearance of impropriety," or could they be seen as favoritism for a particular company? How do we promote such meetings while helping public officials maintain the integrity of the procurement process?

Moreover, how do we protect public officials who are trying to do the right thing by striving to obtain best value? This article will seek to answer those questions and to suggest a simple metric for fair and open competition.

Current tough economic times present an even more urgent need to embrace strategic approaches. "The budget crisis is so severe that it's now possible to do some things that everyone knew were smart but couldn't get done because of political considerations," John Thomasian, director of the Center for Best Practices at the National Governors Association, told USA Today in March. Getting the most value from the supplier community while preserving procurement integrity is one such strategy.

The Public Trust

Just as important as the quest for best value is the need to protect the public trust and to fulfill public policy objectives.¹ Because federal, state and local government procurements use public funds, they must be conducted with integrity, openness and fairness.² Here is how this goal is articulated at the Federal level: "An essential consideration in every aspect of the [acquisition] System is maintaining the public's trust.

Not only must the System have integrity, but the actions of each member of the [acquisition] Team must reflect integrity, fairness, and openness...Fairness and openness require open communication among Team members, internal and external customers, and the public."³

The "open" nature of procurement processes is a critical feature of public acquisition.⁴ Public entities throughout the United States have "freedom of information" and "public records" laws that provide access to government-held information, and these laws are routinely applied — particularly at the State level — to maximize public access to contract information.⁵ Public agencies also have an affirmative obligation to share information with potential vendors, prior to award, to ensure a fair procurement process. This obligation includes providing "clear, adequate, and sufficiently definite information about public needs to allow offerors to enter the public acquisition on an equal basis."⁶

Benefits of Market Research

For state and local governments, as for any sophisticated buyer, market research is a key component of communicating openly and clearly with potential vendors. (cont.)

"The budget crisis is so severe that it's now possible to do some things that everyone knew were smart but couldn't get done because of political considerations "
- John Thomasian



Classroom Corner (cont.)

All states and local governments strive to research technology alternatives and best practices thoroughly before issuing a solicitation. This research is particularly important when a state or local government is acquiring complex supplies or services. Unfortunately, public officials often have limited resources to conduct this research or, in some cases, lack the technical expertise needed to compare and discern the sometimes subtle differences among competing products and services.

As a result, communication with potential vendors is an essential part of the market research process. This communication often occurs through written exchanges of information (e.g., submission of marketing materials or responses to Requests for Information), but face-to-face meetings between public agencies and potential vendors are also common. Most state and local officials are comfortable with these exchanges of information, as they understand their critical importance to the procurement process.

But occasionally state and local officials decline one-on-one meetings with vendors,

expressing concern about perceptions of unfair bias or conflicts of interest that may arise from such meetings. They question, for example, if a state official meets with vendor A, but not other vendors, does that mean the official is biased toward vendor A's solution? Similarly, if a local government official attends a demonstration of vendor B's technology while developing a Request for Proposal (RFP), is there a conflict of interest?

This concern can have a chilling effect on communication with vendors. In response to a request for a meeting prior to release of an RFP, one state official recently wrote: "If I meet with them even as an introductory meeting, then I assume they understand they will be precluded from bidding on any project we bid out the next six months." Is this level of concern by state and local officials warranted? We think clearly it is not.

(The remainder of this article will be reprinted in future newsletters)

End Notes

1. Federal Acquisition System is to deliver on a timely basis the best value product or service to the customer, while maintaining the public's trust and fulfilling public policy objectives."

2. See, e.g., FAR 1.102-2(c). See also American Bar Association (ABA) Section of Public Contract Law, Principles of Competition in Public Procurements, www.abanet.org/contract/admin/poc.html (setting forth 10 principles of competition in public procurement, including that "all parties involved in the acquisition process must participate fairly, honestly, and in good faith.")

3. FAR 1.102-2(c)(1).

4. ABA Section of Public Contract Law, Report to Accompany Principles for Resolving Controversies in Public Procurements, www.abanet.org/contract/admin/roc.html ("A hallmark of public acquisition is an 'open' contracting process in which the business of public entities and their contractors is conducted, to the maximum extent practicable, using processes that are subject to public scrutiny.")

5. See 5 U.S.C. § 552 et seq. (providing public access to information of the federal government, subject to certain exemptions and limitations); Model Procurement Code for State and Local Governments §1-401, cmt. 1 ("The purpose of this provision is to achieve maximum public access to procurement information consistent with appropriate consideration of safeguards for contractors and employees.") See also ABA, Principles of Competition in Public Procurements, note 3 supra (stating that public entities should provide "maximum public access to procurement information consistent with the protection of trade secrets, proprietary or confidential source selection information, and personal privacy rights.")

6. ABA, Principles of Competition in Public Procurements, note 3 supra.

Special Notes/Announcements

Please Note:

Our next chapter meeting will be Tuesday, August 31, 2010 due to scheduling conflicts with the conference room in September!



Special Notes / Announcements (cont).

NIGP Chapter Meeting Attendance Roll

As you know, attendance at NIGP Utah chapter meetings is self reported on a roll that is at each meeting. If you missed marking the roll at a past meeting, you are welcome to mark your attendance at an upcoming meeting, or you can email Steve Elms (Draper City) at: steve.elms@draper.ut.us .

Please take a minute to review your information as listed on the roll for accuracy including email address, phone numbers, etc.

Thank you in advance for checking the 'details'.

What's Your Problem?

As many of you may recall in a previous meeting we held a discussion session where we discussed problems being faced by some of our organizations lead by Glendon Mitchell. We had many positive responses to this session and so we are implementing this discussion opportunity as a standing event in our membership meetings. This session will be known as "What's Your Problem?".

I will be leading this discussion session and would like to have input from our membership regarding what issues you are currently struggling with. Please email me (jbgardner@graniteschools.org) any issues you would recommend by September 18th.

Note: if I do not here from you, then I will simply use this as my own personal problem session. Trust me, you do not want to see this.

Jared Gardner

Board of Directors

Upcoming NIGP Webinars

(\$75 for Members/\$105 for Non-Members. Register at www.nigp.org)

- Wednesday, Aug 25, 2010: *What to Know Before You Go: Preparing for the UPPCC Certification Exam*
- Thursday, Sept 16, 2010: *Effective Negotiations: A Framework for Planning and Execution*
- Tuesday, Sept 28, 2010: *Does it Really Say That? The Law and Public Procurement*
- Tuesday, Oct 19, 2010: *Do I Have to Take the Low Bid? Tools for Obtaining Qualified Contractors*

For newsletter submissions or comments, please contact Tonya Hodges, Newsletter Editor:

Phone:: 801-578-8261 ; Email: tonya.hodges@slc.k12.ut.us

Speaker Biographies (Selected)

Richard H. McGurk, CPSM, C.P.M.

Rick McGurk began his career in supply chain management as a supply officer in the Army during the Viet-Nam war. After six years in the Army, attaining the rank of Captain, Rick turned his sword into a plowshare and went to work in the Purchasing Division of the LDS Church, where he spent the next 29 years. He became a CPM (Certified Purchasing Manager) in 1984, and was then appointed manager of professional development and began teaching first his co-workers, then others in government and industry how to prepare for and pass the CPM exams. In 2008, he was asked by the University of Utah to teach a series of classes on how to prepare for and pass the new CPSM-Certified Professional of Supply Chain Management exams, even before the pilot test was introduced. He taught the seminar, then took the tests along with his students the following week, and became one of the first few hundred in the nation to attain the CPSM designation. He continues to conduct CPSM Exam Prep Seminars for government, business and non-profit organizations throughout the intermountain west.



He has been a member of the adjunct faculty at Weber State University, Salt Lake Community College and the University of Utah. He has conducted seminars for Iomega, Nu-Skin, Boeing Douglas, Franklin-Covey, ATK, BYU Purchasing, ISM-Idaho, ISM- Orange County, and ISM- Western Wyoming. Rick retired in 2003, and has spent his time consulting, fly-fishing, and hanging out with the grandkids. He's been married for 43 years, has five children, seventeen grandchildren and one great granddaughter.

Rick has degrees in French, Marketing, Logistics Management, and has done graduate work toward an MBA at Utah State. He was named NAPM-Utah Purchasing Man of the Year in 2002.

Greg Maynard, CPPO, C.P.M., MBA

Gregory (Greg) Maynard is currently the Purchasing Supervisor for the Salt Lake City School District. Prior to joining the School District, Greg worked for PacifiCorp for twenty one years where he specialized in the purchase of computer hardware and software. He has also worked for the Utah Transportation Authority and South Jordan City.

He holds the C.P.M. lifetime certification from The Institute of Supply Management and the CPPO certification from The National Institute of Governmental Purchasing. He also has an MBA from Brigham Young University.

Greg was instrumental in the founding of the Utah Chapter of NIGP and has been very active in promoting the chapter's mission: "The Utah Chapter aspires to benefit both its members' personal growth and their employers by inculcating best practices of the profession and increasing the member's value to their respective organizations through education, networking and extended services and activities." Greg served as the Chapter's President from 2005 to 2008.

Greg is also a member of the Education Purchasing Advisory Committee, EdPAC since 2002. He has served as secretary, vice-chair and chairman of this important K-12 public education, cooperative to the State of Utah.

Greg also has an extensive background in Emergency Management. As a Plans Officer for the Utah Army National Guard, he helped write many of the Guard's emergency response plans and co-directed several joint emergency training exercises involving Guard and State personnel. He is a 1996 CAPSTONE graduate in Emergency Management for the State of Utah. He also served for six years on the South Jordan Safety Committee where he helped re-write the city's emergency response plan. Additionally, Greg has given several presentations on individual emergency preparedness and currently serves on the SLCSO Emergency Planning Committee. He is also trained in CERT, Community Emergency Response Team.

