



## NIGP- Utah Chapter

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### NIGP- Utah Chapter Officers:

President: Jared Gardner, C.P.M., CPPO

Vice-President: Kurt Prusse

Secretary: Kay Healey

Treasurer: Gayle Gayler

Past President: Glendon Mitchell, C.P.M., CPPO

### Board of Directors:

Greg Maynard, CPPO, C.P.M.

George Brinkerhoff

Adrian Ruger

## Chapter President's Message

Fellow Colleagues:

I would first like to express my gratitude for the opportunity I have to serve as the president of our chapter for the next year. I accepted the invitation to run for president because I believe in the mission, vision, and values of NIGP.

### **Mission**

Develop, support and promote the public procurement profession through premier educational and research programs, professional support, and advocacy initiatives that benefit members and constituents.

### **Vision**

NIGP is a vibrant international association creating a world in which public procurement practitioners are highly regarded members of a respected professional order.

### **Values**

We value:

#### Our members

All public procurement professionals and their contributions to public service

Professionalism

Ethical behavior

Customer service

Diversity and its benefits

Innovation

Collaboration and the synergy it provides

Excellence in leadership

It is also my pleasure to be working with our elected officers, committee chairs, and committee volunteers who have offered their time and talents to accomplish this mission, this vision and these values here in our Utah chapter. My commitment to you is as a board we will work this year to help strengthen our chapter in all aspects. Specifically this year we are focusing on increasing the involvement of our chapter members in accomplishing our mission.

I extend the invitation to each of you to become more involved than you have previously been. Seek out opportunities to serve in the chapter. Work towards and obtain certification. Certainly our mission is one worth working for and each of us can play a role in bringing it to pass. Together we can raise the value of our profession and together we can strengthen each other, offer additional value to our employers and the tax payers.

Finally, let me take the opportunity to wish each of you and your families an enjoyable holiday season. Relax and enjoy your time away from work and then come back invigorated for our January 18<sup>th</sup> chapter meeting.

Sincerely,

Jared Gardner, CPPO, C.P.M.

President, NIGP Utah Chapter



Jared Gardner- President



# Utah Chapter News

**CONGRATULATIONS** to Paul Kikuchi, UDOT, for receiving the chapter Professional Public Purchasing Manager of the Year award; and to Tonya Hodges, Salt Lake City School District, for receiving the chapter Professional Public Buyer of the Year award for 2010 at our September chapter meeting! Thanks for your dedication and hard work!

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

### Committee Chairpersons

- Honors & Awards: Kurt Prusse (Weber SD) kuprusse@weber.k12.ut.us
- Financial: Mark Parry (State Purchasing) mparry@utah.gov
- Historian: Kate Fotsch (U of U) kfotsch@purchasing.utah.edu
- Membership: Stephen Elms (Draper City) steve.elms@draper.ut.us
- Marketing/Public Relations: Trever Ward (UDOT) tward@utah.gov
- Education: Tracie Montano (UDOT) tmontano@utah.gov
- Nominating: Glendon Mitchell (SL County) gmitchell@slco.org

*"Slow down  
and enjoy life.*

*It's not only  
the scenery  
you miss by*

*going too*

*fast – you also  
miss the sense*

*of where you  
are going and*

*why."*

*-Eddie*

*Cantor*

## 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.)

### January 18, 2011:

*Improving Customer Service*  
- Sharon Hatz, Salt Lake County Employees' University

*Improving Vendor Relationships*  
- Merlene Wixon

*What's Your Problem?*  
- Kurt Prusse, Weber School District

*New UPPCC Certification Changes*  
- Trever Ward, UDOT

### March 15, 2011:

*Topic and Speakers TBD*

## 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](http://govpro.com/resource_center/procurement_prof/open-competition-201004-05/index.html) )

### Part 3 (Final): **Open Access for All- Preserving Procurement Integrity While Getting the Best Value From Suppliers-** by Paul Campbell and Richard Rector

#### Balancing Openness and Integrity

Admittedly, discretion must be exercised to balance the objectives of “openness” and “integrity.” We can all agree that a public official should not disclose a confidential government strategy. However, let’s say a state official meets with vendors before issuing a solicitation to understand leading practices and innovative new solutions. The state official may also wish to gather benchmarking information such as what has worked in other states and how those approaches may apply in her state. These discussions require the procurement official to share her high-level goals for the program, what will define success on the project and what the state perceives as the largest barriers to success. All of these are legitimate objectives for a meeting and do not disclose

a confidential government strategy.

However, unless the state official reads from the same script for every vendor meeting, and every vendor asks exactly the same questions, she may share information with one competitor that she does not share with another. Does this mean she has allowed one vendor to improperly acquire information that other competitors do not have?

The only reasonable answer to this question is no. The metric of providing “equal information” to all, if strictly construed, would be impossible to meet or enforce. Moreover, it would prevent the kind of discussions that lead to the best, most cost-effective solutions. The standard for a fair process is not “equal information” for all, but equal access for all. This concept is captured at the federal level as follows: “All contractors and prospective contractors shall be treated fairly and impartially but need not be treated the same.”<sup>9</sup>

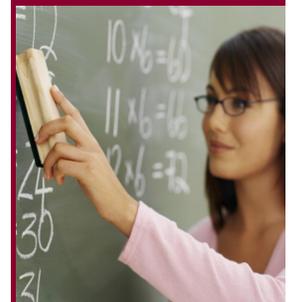
Providing equal access to potential vendors is also consistent with the goal of greater transparency. It is easier to monitor and document and, therefore, permits greater accountability. When access is the standard for fairness, the procurement official is not at risk of improperly meeting with a

vendor regarding an upcoming procurement or of disclosing information that is not precisely the same to each vendor. Rather, as long as the procurement official treats all potential vendors impartially and provides equivalent access to all, the process is fair.

We recognize that smaller staff, greater workloads and compressed timeframes can make these meetings an additional burden for already strained resources. But we submit that the right kind of dialogue with industry is a cost-effective and even essential tool to good government.

An informed understanding of current industry capabilities and practices results in both better RFP’s and better contracts. As Steven Kelman from Harvard’s Kennedy School of Government recently wrote: “When government doesn’t take advantage of [industry] knowledge before issuing an RFP, it loses. Failure to get early, honest feedback results in many misunderstandings in contract language, which bedevil contracts after they are signed and lead to disappointments or even litigation. In addition, lack of pre-RFP communication often leads to requirements that are unnecessarily expensive to meet but could have been made more economical with small changes.”<sup>10</sup> More communication with industry promotes more competition, better (cont.)

*“Lack of pre-RFP communication often leads to requirements that are unnecessarily expensive to meet but could have been made more economical with small changes.”*  
- Steven Kelman



## Classroom Corner (cont.)

Solutions and better pricing. Ambiguity in the final RFP translates to misaligned solutions or risk for a vendor who responds with higher pricing. The latest developments, especially in such complex fields as information technology, health-care and environmental sciences, are difficult to harness unless you put industry competitors to work for you.

In addition, the FAR's bright-line test on when these open exchanges should stop — after release of the solicitation — is an excellent form of protection for procurement officials. If criticized for agreeing to meet with a particular vendor prior to the RFP, the explanation is greater transparency and accountability. A best practice would be to note in the contract file the date of the meeting and everyone who attended. In addition, include a copy of whatever studies or other materials were provided to the government official. This is easy to monitor and document and therefore, permits greater transparency to protect the integrity of the process.

### Standard: Open Access

We realize that all the bright-line tests in the world will not always protect procurement officials or companies from baseless allegations. Competitive posturing and sensational journalism can produce allegations that cast pre-RFP discussions as improper. If anyone challenges the selection process, and it's determined that a procurement official met the company before the RFP was released, there may be a suggestion, albeit pure speculation, that something improper occurred "behind closed doors."

But fear of these kinds of allegations should not limit the competitive process. In the final analysis, every public official has to strike a balance between "openness" and "integrity." They have to use whatever tools are reasonably available to ensure that they are issuing an RFP that will result in best value for their constituents. This article merely suggests a possible standard that they and their colleagues may choose to adopt.

We believe an "open access" policy fosters the most productive competitions and contracts between the public and private sector while providing a balanced approach to all vendors. It allows public officials to not just obtain the best value but also obtain the best value while preserving the integrity of the procurement.

### End Notes

9. FAR 1.102-2(d).
10. Kelman, Steve, "Agencies Should Not Fear Talking to Contractors," *Federal Computer Week*, Feb. 17, 2010

### About the Authors

*Paul J. Campbell has public sector experience as a Federal Agent investigating contract fraud and as District Attorney and Chief Purchasing Officer for the State of Illinois.*

*Richard Rector chairs DLA Piper's Government Contracts practice and focuses his practice on federal, state, and local procurement issues.*

## Special Notes / Announcements

***Please Note:***

**Our next chapter meeting will be Tuesday, January 18, 2011. See you there!**



## 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](mailto: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'.

### 2011 Chapter Membership Drive

The end of the year is approaching like a runaway freight train and the new officers for Utah Chapter NIGP have been sworn in and are busy preparing for a great new year!

Invoices for the 2011 Membership Drive are being prepared. Current members will be receiving their invoice for 2011 membership dues via email during the month of December. Annual dues are only \$50.00 and they are due and payable by January 31, 2011. Others interested in joining this great organization, please find included with this Newsletter an application form for your convenience. Mail your check and application to the post office box listed on the application.

The Utah Chapter NIGP works to provide educational, developmental and motivational type classes; membership is a great value to your organization. Annual dues generally include five meetings and six informative newsletters throughout the year. In addition, our website provides access to procurement certification information, resources, scholarship information and a link to the National NIGP website. We encourage all to consider this organization as a source for networking, procurement training and a tool for professional advancement. We look forward to a new and successful 2011.

Gayle Gayler

Treasurer

### Upcoming NIGP Webinars

**(\$75 for Members/\$105 for Non-Members. Register at [www.nigp.org](http://www.nigp.org) )**

Thursday, Dec 16, 2010:	<i>Procurement Benchmarks: Where Does Your Organization Fit?</i>
Thursday, Jan 13, 2011:	<i>Risk Assessment by Contract Type</i>
Thursday, Jan 27, 2011:	<i>Contract Administration: Closing the Deal!</i>
Tuesday, Feb 15, 2011:	<i>Green Roof Construction: A New Meaning to "Plant and Equipment"</i>
Thursday, Feb 17, 2011:	<i>Performance Measurement</i>

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

*Phone:: 801-578-8261 ; Email: [tonya.hodges@slcschools.org](mailto:tonya.hodges@slcschools.org)*

## Speaker Biographies (Selected)

### Sharon Hatz



Sharon currently serves as the Education Consultant for the Salt Lake County Employees' University and is responsible for assisting in the design, development and delivery of education and learning programs for County employees as well as marketing and evaluating the County's education initiatives. Sharon manages the County's Supervisory and Management Certificate Programs and helped produce the County's on-line New Employee Orientation as well as the 2009 and 2011 on-line sexual harassment prevention programs. Sharon has worked for Salt Lake County for 29 years and her love of education is reflected in the fact that she possesses a BA, MS,

### Merlene Wixon

#### Education

Colorado Springs Community College, Salt Lake Community College, Ogden Weber Technology College,

Tate University, Davis Community College.

Certificate in Business Administration, Certificate in Business Management, Certificate in Communication,

Certificate in Supervision, Certificate in Purchasing, Certificate in Finance.

#### Career Information

I have served Public Education for 44.5 years. I worked in Colorado Springs for 11 years, Ogden School District for one year, and Weber School District in Ogden, Utah for 32.5 years. I have worked in all areas of K-12 education.

I have had a phenomenal Career in Purchasing. It has been a great journey. I have had the opportunity and privilege over the last 32.5 years to open my office door in the Purchasing Department of Weber School District and experience new challenges and the pure joy of helping schools and administrators because the end result was helping children. It has also provided me an opportunity to give back to society.

Although circumstances didn't allow me the opportunity to become a teacher it didn't stop me from pushing on to work in education and for children. When I think back over the years I am amazed at how much teaching I have actually been involved in and how much curriculum I have helped develop. I have continued to go to school since I graduated from High School. I am looking forward to going to school when I retire.

#### Hobbies, Interests, and accomplishments

I love to read and I love to write. I love music and cannot contemplate a world without music. I am in the process of writing two books now. I love going to the mountains, travel, and spending time with my children and grandchildren.