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Procuring technological solutions comes with a unique set of challenges, but through preparation and thoughtful consideration, pitfalls can be avoided

PLUS:

New year, new priorities

**Energy contract
termination fees**

Language matters

Virtual “brown bags”

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> CONTENTS

FEBRUARY/MARCH 2018

VOLUME 26, NO. 1

PERSPECTIVES

2 Procurement Ponderable

Dropping the baton is not a good thing

HOT TOPICS

4 Which Priorities Should Drive Your Agency's Procurement Actions This Year?

A new set of "horizon" priorities encourages more aggressive use of advanced technologies to manage the overall procurement function.

8 Five Keys to Negotiating Energy Supply Agreements

It's frustrating when you think you've procured the best energy price, but because of poorly negotiated contract terms, you end up paying much more.

14 Language Matters

As procurement matures as a profession, so does the language used to carry out its responsibilities.

16 Oklahoma Central Purchasing Division's Virtual Brown Bags

Technology-centric knowledge management systems from a decade ago have given way to less formal methods of creating conversations.

22 New Certifications

Congratulations to those receiving their new certifications

BACK PAGE

24 Darin Matthews

People are the heart and soul of procurement

IN DEPTH

18 Digital Dollars

Procuring technological solutions comes with a unique set of challenges, but through preparation and thoughtful consideration, pitfalls can be avoided.

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PROCUREMENT PONDERABLE

Dropping the Baton is Not a Good Thing

Stephen B. Gordon, PhD, FNIGP, CPPO

As you and I know, procurement statutes, codes, and ordinances typically require public entities to re-compete expiring term contracts with annual dollar values that meet or exceed stipulated thresholds for competitive procurement. Therefore, it is not unusual for a public procurement operation to be faced with a need to effectuate a transition from an incumbent supplier or service provider to a new, incoming supplier or service provider. How and how well an entity manages a transition process can be extremely important, because a poorly executed transition can set in motion a chain of highly undesirable consequences. Although the greatest attention should be given to transitions that involve contracts which support risk-laden enterprise activities such as IT, contracts that support services of seemingly less criticality also must be given the needed level of attention. As the old proverb begins, "For want of a nail, the shoe was lost ...".

The first link in the chain of potential adverse consequences comprises degradations in the level, quality, cost and continuity of the services during the transition period. The subsequent links comprise the consequential impacts on service recipients and, in turn, on the officials whom service recipients, both outside and inside government, hold accountable for the breakdown in services. Those who may be held accountable for a breakdown in supply or service provision during a transition include elected officials, senior general administrators, department heads, and yes, the procurement official who was responsible for handling the transition. Front-line deliverers of services and their supervisors also may join the blame game as may budget and finance officials. Would you like to hazard a guess about who the winners and losers will be when the internal finger-pointing ensues? I urge you to ponder the following:

- > Are you aware of an instance in which your procurement operation did not manage an incumbent contractor to new contractor transition as well as it should have?
- > If so, who was adversely impacted by the failure to handle the transition properly, and how were they impacted?
- > If your procurement operation were to be given an opportunity to do over the poorly handled transition, what would it do differently?
- > If you personally were charged with drafting a policy and a set of procedures for properly handing an incumbent contractor to new contractor transitions, what would you include in the policy and the procedures? (Keep in mind the need to address both the human aspects and the business aspects.)

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WHICH PRIORITIES SHOULD DRIVE YOUR AGENCY'S PROCUREMENT ACTIONS THIS YEAR?

By Jean Clark

> Once again, state procurement leaders across the United States have set some lofty goals for our profession this year. NASPO's Top 10 Priorities for 2018 call for more effective sourcing strategies and better performance monitoring, but a new set of "horizon" priorities encourages more aggressive use of advanced technologies to manage the overall procurement function. The industry is clearly signaling a shift towards more advanced data analytics as well. So, what does that mean for you and your agency?

For starters, you need to take time now to:

- > Understand your agency's business goals and then align your procurement priorities accordingly;
- > Closely evaluate the effectiveness of existing procurement systems, including your commodity and services code structure;
- > Accept that some strategic changes will likely need to occur in business processes and technologies this year if you are going to keep pace with organizational and industry standards; and then

Take decisive actions to implement those changes, especially with your procurement technology utilization and code updates.

Without conducting an honest assessment of your procurement function's performance now, it will be impossible for you to support the rapid rate of program and services growth that your organization may experience in the future.

It will also be challenging to effectively manage spend or, at a minimum, eliminate waste if you don't have access to clean, easy-to-analyze data. NASPO's priorities prove that data is king, and the only way to capture clean data in real-time is with an eProcurement platform that integrates with your ERP and other business systems, automates workflows and provides real-time tracking of every transaction cradle-to-grave. Trying to extend the life of legacy procurement systems or rely on ERP modules alone will result in missing, outdated or corrupted data at some point, assuming you've been one of the



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fortunate ones and avoided these issues to date.

I recommend that you focus on fulfilling the fifth priority on NASPO's list first. Once you have an integrated eProcurement/ERP solution in place, you will have the technology tools needed to achieve nearly every other NASPO – and likely organizational – procurement priority for 2018. Especially these:

NASPO PRIORITY #3: MEASURING SUCCESS AND PROCUREMENT METRICS

Government agencies are under immense scrutiny right now regarding spend management, and that is driving efforts to improve procurement's tracking and measurement of performance in critical success areas. It is necessary to achieve complete transparency and easily identify areas where you can eliminate waste to maximize spend. Establishing well-defined performance metrics – and frequently gauging progress against those performance goals – is also essential if you want to create a more customer-focused enterprise (another NASPO priority).

The quality of your reports – and, therefore, the quality of your policy and operational decisions – is solely dependent on the quality of the data populated within your procurement system. Trying to extract meaningful trends from old data, even if that data has been converted into a new procurement system, is not effective. You certainly can't act on such information with confidence. Any report generated using a blend of old system and new system data will be misleading since historical data was either manually entered (a higher risk of inaccuracy) or limited to the scope of input fields available in legacy systems. In other words, the only way to measure cradle-to-grave procurement performance and confidently act on the “big picture” spend analysis is to implement an eProcurement system that boasts complete tracking and reporting functionality. Strong data validation tools are also key to ensuring data cleanliness at the time of input and during workflow handoffs.

NASPO PRIORITY #4: PROCUREMENT PLANNING AND EFFECTIVE SOURCING STRATEGIES

Each year, government procurement leaders challenge agencies to implement more effective and innovative procurement methods that will, hopefully, will drive greater savings and operational efficiencies. This year is no different. However, the emphasis is shifting towards improved category management and more strategic sourcing. I can't stress enough how important it is to utilize a commodity and services code structure to classify your vendors and manage categorical spend.

Data consistency is the key to tracking and analyzing every good and service your organization buys – which is the first step in identifying

shortfalls, planning for future requirements and improving sourcing efficiency. The true value of the NIGP Commodity/Services Code lies in the uniformity that it provides to your record-keeping system, the accountability it affords you when every purchase made is under a microscope, and the visibility it delivers into the impact of your supplier diversity efforts.

NASPO PRIORITY #6 - RISK MANAGEMENT STRATEGIES, SUPPLIER RELATIONSHIPS AND CONTRACT MANAGEMENT

An improved contract management process is one of the primary payoffs of an eProcurement technology investment. With greater workflow automation and tracking, it's easy to pinpoint your process pain points, expedite requisition submittal, and introduce process improvements like electronic invoicing. The increased collaboration that occurs among internal stakeholders within eProcurement systems can accelerate the creation and award of contracts and improves project deadline compliance. At the same time, such systems facilitate greater collaboration with suppliers during the sourcing and delivery phases to ensure mutual obligations are satisfied and potential issues are resolved quickly – both of which influence the quality of supplier relationships.

The implementation of eProcurement technology also enables you to extend the reach of your solicitations and simplify vendor participation to increase competition from a diverse set of sources. Even better, it is easy to track inventory, monitor supplier performance and strengthen regulatory compliance for both buyers and suppliers when you manage contracts through an eProcurement platform. As a result, you're able to eliminate inefficiencies that increase your risk of waste, delays, or oversights during contract award or administration.

And, don't forget eProcurement technology – and the detailed data sets exclusively produced by such systems – are a necessity if you hope to meet NASPO's three new Horizon goals. Blockchain, IoT, augmented reality and other emerging tech platforms are no longer visionary-type buzzwords. Nor are they simply technology ambitions. They have become hard-and-fast requirements for public sector entities that expect to increase security and trust in procurement functions, lower transaction costs, speed up transaction times even more, or simply elevate efficiency standards beyond today's levels.

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Five Keys to Negotiating Energy Supply Agreements

PART TWO: TERMINATION FEES

By Bob Wooten

> There is nothing worse than unmet expectations. When procuring energy supply, the expectation is always that you will get the best price. The frustration starts when you think you've procured the best price, but because of poorly negotiated contract terms, you end up paying much more.

In our initial installment to this series, we investigated the successful negotiation of payment terms and the impact on your overall supply and price if the terms are poorly written. It really has more to do with which party (the buyer or the seller) is shouldering the risk. The assessment and extent of termination fees – the focus of this installment – are no different.

Termination fees assessed by an energy supplier don't just apply to the overall contract, but typically

apply on an account-by-account basis. So even if your situation involves 300 electricity accounts, closing just one account (due to something like a move or demolishing a building) can subject your organization to early termination fees for that one account. Under most circumstances, an early termination fee would be calculated as the cost of all the unused energy remaining under your contract plus additional administrative costs.

DO YOU ANTICIPATE MOVING OR SELLING SITES WITHIN YOUR "PORTFOLIO"?

For a client with a small number of accounts, with little to no anticipation of moving or selling, the termination fee language is not that important. However, if your portfolio consists of many



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The object is simplicity.

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different accounts and locations, the possibility of having to move, close down, or otherwise vacate a particular location is much more a reality.

For large organizations that have multiple locations throughout a particular region, leaving a facility or opening up operations in a new building can be commonplace. But this can create a lot of stress when synchronizing with utility supply through an electricity or natural gas contract.

One key factor to negotiate into your agreement is that the supply contract addresses “substitutions.” In other words, if you move from one location to another, be sure that you can “move” that energy supply contract along with you. This ability to substitute keeps you from paying what would otherwise be a potentially high fee for deleting that account from your contract. Without this substitution clause, even a move could be considered an early termination of that account. You don’t want to negotiate a great rate for your electricity or natural gas, all to have it undone because you sold a couple locations, or demolished a particular building, or took down a series of street lights.

HOW OFTEN DO YOU ADD OR DELETE ACCOUNTS?

In our next installment of the “Five Keys to Negotiating Energy Supply Agreements,” we will discuss add/delete clauses in contracts. However, adding or deleting accounts could easily impact your costs in the form of early termination fees. Start by honestly assessing your organization’s potential need to add or delete accounts within your “portfolio.” If sites are being added or deleted on a regular basis, you want to first address this through an appropriate add/delete clause.

At the same time, you need to see what kind of fee you would pay when you delete a site. The point is that if you anticipate deleting a significant number of sites, you need to push very hard for termination fees on the lower end of the range – combined with a robust add/delete clause that will allow you to delete a larger number of sites at no penalty.

HOW IS THE EARLY TERMINATION FEE CALCULATED?

Even after addressing this clause with a full understanding of your particular needs, it is important to understand how the supplier will calculate an early termination fee should the issue arise. The fees can range all the way from payment of all unused energy plus significant administrative costs on one end to no fees at all, given certain conditions are met, on the other end.

In general, you should push for language that reflects

the actual process of the supplier “selling” the unused energy back in to the market. If the supplier sells back for a gain, your fees are very minimal (typically just involving the administrative costs). But if the supplier sells back for a loss, you as the buyer are subject to paying for the loss. Be sure that your contract terms don’t leave you responsible for the full value of the unused power, without taking in to account the net position the supplier has once it sells back in to the market. Negotiate a fee reflective of what happens when the unused power is sold back in to the market.

Another key aspect to negotiate into your contract is whether the supplier will agree to waive early termination fees under certain conditions. For instance, if you are in the business of buying and selling properties, you may want to push for a clause that states you are not assessed fees if in fact you sell the property to a new owner. The supplier will need to approve the credit of the new buyer and will always push for that new buyer to assume the existing contract – but in some cases, you can get contract language that gets you off the hook in the case of a sale.

FOCUS ON MIDDLE GROUND

Negotiating favorable termination fee language into your energy contract is always a good move. However, it will be significantly more important to those organizations that anticipate having certain accounts deleted from the contract or potentially the termination of an entire contract. Entities like municipalities or large national companies with many locations will want to really focus on this language. Likewise, real estate companies that frequently buy and sell properties will also want to pay close attention to this language.

Like all other factors we are evaluating, termination fee language is either favorable to the supplier or the customer – and the end goal is to find language somewhere in the middle. You don’t want to end up paying too much of a premium for shifting the risk back on the supplier, but at the same time, get the kind of language you need to keep your costs in check.

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Top three procurement technology gaps that you need to address for 2018

By Omar Salaymeh, *Director of Client Success*

Today's procurement teams are under pressure to deliver more value and drive higher cost savings. Meanwhile, your bid and RFx project volumes continue to grow and resources remain scarce.

Many teams have significant technology gaps that prevent them from better meeting this challenge. These gaps force teams to rely on manual and hard-copy processes that consume resources and negatively impact their ability to make better supplier selections.

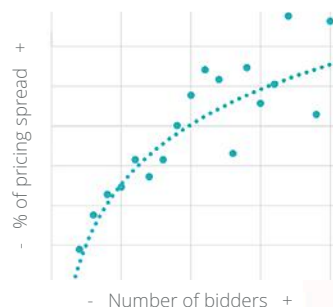
Solving these technology gaps is more critical in 2018 than ever before. Here are three of the key procurement technology gaps you need to address:

1) You're still using paper or basic bid tools.

If there is a single technology priority for 2018, it needs to be replacing your paper submissions and basic bid tools. Dealing with high volumes of paper or difficult bidding tools can consume much of your team's time and resources, and it can also damage the competitiveness of your suppliers.

Without an intuitive and easy way for suppliers to participate in your bids or RFx online, your competitive supplier pool is significantly weakened. Eliminating hard-copy submissions and hard-to-use basic bidding portals help attract more qualified suppliers - a critical objective when you consider that each additional supplier brought to the table **results in 5-20% pricing spread**.

Using data from our \$5Bn case study, we can see how much pricing spread increases for every additional supplier submitting a bid:



2) Evaluation and scoring is done using Excel.

Your procurement decisions are too important to trust to a spreadsheet. Using Excel to capture scores, aggregate results, and make supplier decisions is time-consuming, limits your analysis abilities, and significantly increases the risk of errors or mistakes.

Today's supplier competitiveness highlights the need for more highly-structured data and powerful evaluation: in fact, the scoring difference between your winning supplier and second place can be as little as **8.3% on average**. You need to have the technology to easily optimize outcomes, proactively manage your evaluation process, and have the confidence that your decision is driving the best value.

3) Patchwork toolchains are a barrier to perfect compliance and auditability.

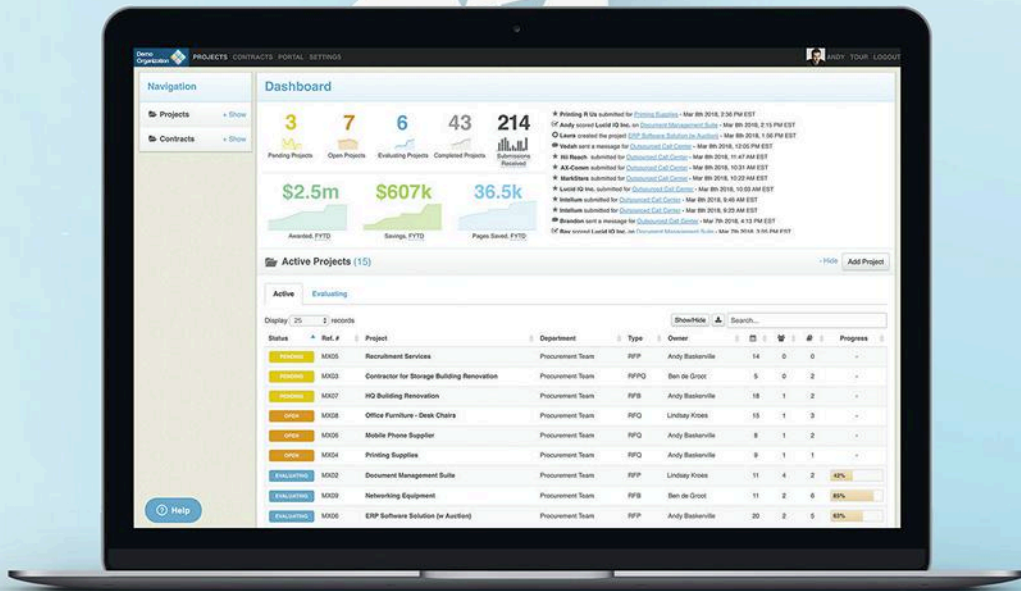
Without a streamlined platform, the evidence behind your decisions is scattered amongst email, pieces of paper, drop boxes, Excel-files, etc. This severely hampers your ability to quickly and easily maintain an audit trail and demonstrate full compliance. Internal audits and supplier debrief requests become a daunting and time-consuming task.

The best procurement technology delivers an air-tight audit trail automatically, capturing and recording all stakeholder activities, and giving you peace of mind knowing your decisions are fully justified and defensible.

Modern procurement teams need modern procurement technology, to eliminate time-consuming manual and paper-based processes and empower buyers to focus on what really matters: selecting better suppliers with certainty.



Omar Salaymeh is the Director of Client Success at Bonfire Interactive.



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LANGUAGE MATTERS

By Lisa J. Premo, MPM, and John O. Adler, CPPO

This series of articles takes a deep dive into public procurement practices to examine how they impact our professional language and procurement operations.

Who doesn't remember Abbott and Costello's famous "Who's on First" comedy routine? Whether it's pronouns, slang, or technical jargon, a shared understanding of language is essential to successful communication ... and successful procurement.

As procurement matures as a profession, so too does the language used to carry out its responsibilities. The days of referring to solicitations, responses, and the verb to do them as "bid" are gone. Doing so now could end up in a successful protest, especially if your "bid" turns out to be a request for proposals (RFP). Bid is not the only term that can cause confusion. Terms such as scope of work and statement of work were historically used interchangeably. Not so anymore.

NIGP's development of standardized public procurement practices has led to updated and improved definitions. Not only do public procurement practices provide useful guidance on procurement topics of interest, they offer clarity. Such is the case with our choice for today's discussion about the public procurement practice on Specifications.

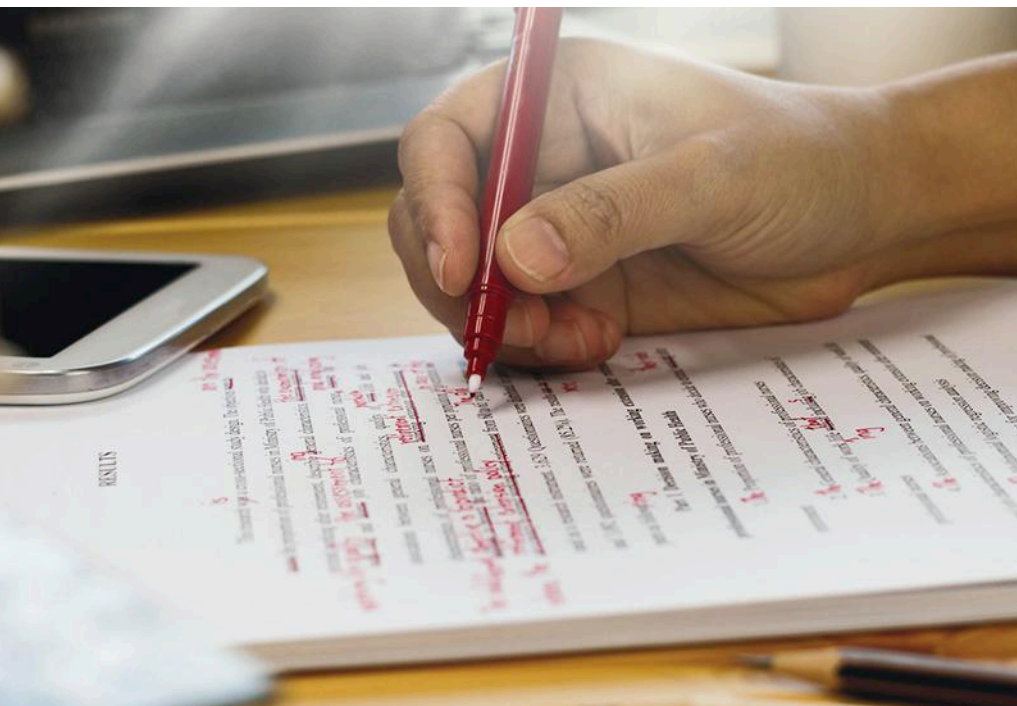
Just as all solicitations used to be referred to

as bids, almost the same could be said about specifications. "Sample specification" provides an example of a term ripe for misinterpretation. Does "sample specifications" mean "This is just a sample of a specification, so you can ignore it"? Or could sample specification be interpreted as a request for a sample that will be evaluated against a specification? A professional language demands clarity and precision. Similarly, the use of brand names in a scope of work was often referred to as a brand name specification and the use of different types of specifications within a solicitation was referred to as a combination specification.

Antoine de Saint-Exupery, French writer, poet, aristocrat, journalist, pioneering aviator, and author of the novel "The Little Prince," is credited with saying, "Perfection is achieved, not when there is nothing more to add, but when there is nothing left to take away." When assessing specifications for establishing a standardized practice, rather than adding every description as another type of specification, we took them away until only two specification types remained: design and performance. A design specification details physical characteristics, materials, and product features, as well as details of the manufacturing methodology for the commodity.

A performance specification describes the desired end result or outcome for the commodity. In practice, many solicitations use both design and performance specifications.

Let's say you are writing a solicitation for a construction project. You may include design specifications that detail materials to be used, a blueprint illustrating how the building will be constructed, and industry standards to be complied with. You may also include performance specifications describing the desired function of an HVAC system such as automatically sensing and responding



appropriately to temperatures in different rooms. What you are doing is using two types of specifications, design and performance, in one solicitation. This does not mean that the act of combining two types of specifications creates a new type of specification, a “combination specification.” Rather, “combine” is the verb, the action that describes the use of two different types of specifications in one document.

Why does it matter? Why not call everything a specification whether sample, brand name, or technical description? Because language matters. Not every solicitation is a bid and not every specification is a performance (or other type of) specification. When you write a design specification, you are essentially saying, “I take responsibility and accept the risk” for the resulting product. For example, when you detail the design, manufacture, and construction method of a structure, you accept the consequences of a structure that may not stand up, literally. Whereas, when you write a performance specification, you are stating the outcome and asking the supplier for their ideas on how to achieve the outcome. You are inviting their expertise and innovation. By providing the design and means, the supplier takes on the risk and accepts responsibility for a facility or infrastructure to achieve the stated outcomes.

Specifications have often been referred to as the heart and soul of the procurement and resulting contract. We all know that specifications determine the successful outcome of a procurement. Applying clear and precise language, not only when writing specifications but when referring to specification types, is a hallmark of successful procurement and a successful procurement professional.

For guidance on writing clear, concise, consistent, and precise specifications, visit the NIGP website and link to the published public procurement practice on Specifications (under “Find Procurement Resources.”)

LISA PREMIO, NIGP global practices manager, collaborates with public procurement practitioners and academics to conduct research and

develop useful guidance on public procurement topics. Prior to joining NIGP, Lisa managed the University Lecture Series at Carnegie Mellon University.

JOHN ADLER, CPPPO, vice president of procurement for Dallas Area Rapid Transit, has 40 years in public procurement, including eight as Arizona state procurement director.



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LP CONSISTENTLY LEADING THE WAY...

OKLAHOMA CENTRAL PURCHASING DIVISION'S VIRTUAL BROWN BAGS

By Richard Pennington

Informal learning is the buzzword now. The technology-centric knowledge management systems from a decade ago have given way to less formal methods of creating conversations and leveraging the power of informal learning. Organizations must create supporting structures that influence what is being discussed: nurturing constructive dialogue.

Four years ago, I wrote about Oklahoma's brown-bag procurement training sessions. The Oklahoma Central Purchasing Division led a series of trainings, among the most popular their brown-bag sessions that featured informal discussion about issues common to the state's contracting officers. Attendance ranged from twenty-five to fifty people, and sessions were free.

Imagine my surprise when I was invited by Louise Terry, now the training coordinator for the division, to "sit in" on the latest iteration of the Oklahoma training, its "brown-bag webinar." The training, "Solicitation Evaluation," was conducted by two procurement professionals. I watched in amazement as the number of attendees climbed during the webinar to 201! And that doesn't account for those gathered in a room watching the webinar together. The training was exceptional: clear learner outcomes; instructions for getting continuing education units; and excellent practice pointers that included: the disclosure of evaluation weights in RFPs, application of responsiveness principles in RFPs, evaluation of financial responsibility and past experience, a description of individual and consensus scoring, as well as pros and cons of qualitative and quantitative scoring. The webinar used spaced questions to informally test knowledge of webinar attendees throughout.

One beauty of this system is its ability to share recorded presentations. One creative webinar was the "What's New in the Zoo" session that previewed a procurement summit aimed at improving procurement processes and efficiency, highlighting new statewide contracts, and describing what's new on the horizon in Central Purchasing. Terry used speakers interspersed with polls; one poll assessed knowledge of the current discount that was offered by a supplier on its statewide contract. Speakers included presentations by the deputy general counsel about the service-disabled, veteran-owned (SDVO)

business enterprise statute. Other polls included knowledge of state rules on deadlines for workstation hardware purchases and requirements for qualification as an SDVO business, as well as an assessment of the webinar training. The webinar also included comments by Ferris Barger, state purchasing director.

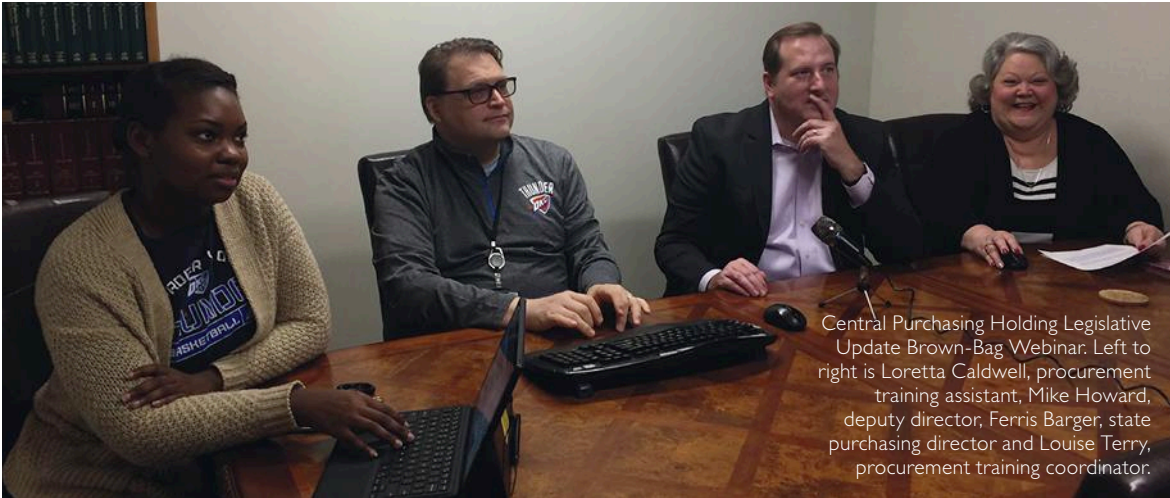
Terry architected the current version of the training. She was not part of the staff involved in the prior version of brown-bag training. But her obvious experience—a Master's of Science in education and 31 years in culinary arts vocational training in public schools and CareerTech—shows. She was able to build substantially on what had come before.

One impetus for the change to virtual training was financial. Moving the central training around the state impacted the central office budget. Making everyone travel to Oklahoma City, on the other hand, was costly for the agencies. Coupled with the state's statutory certification program, on-site training is expensive. The state has over 800 agency procurement officials requiring certification.

What was especially innovative was the distribution of speaker slides with their notes (below the slides) and answers to questions during the webinar. The "Let's Chat!" feature was used during the presentation and questions answered as they arose. Terry even kept the chat open for 15 minutes after the end of the webinar to let attendees ask more questions. Distributing the Q&A with the speakers' notes was a nice touch.

The original brown-bag series built on the power of informal conversations to promote learning. They afforded opportunities for people to discuss issues, engage their own cognitive abilities, and move away from the declarative type training in which presenters often learn the most. With an environment that encourages discussion, attendees create knowledge that has a chance of sticking. The new training does that virtually, and it reaches far more people.

As I noted four years ago, pairing up procurement professionals can enrich presentations. The process of developing a presentation involves setting priorities. Allocating slides among topics requires presenters to make judgments about the importance of content. Sequencing slides and developing conclusions likewise can promote a discussion that goes deeper into the underlying assumptions, rules of thumb, experiences, and similar considerations that create tacit



Central Purchasing Holding Legislative Update Brown-Bag Webinar. Left to right is Loretta Caldwell, procurement training assistant, Mike Howard, deputy director, Ferris Banger, state purchasing director and Louise Terry, procurement training coordinator.

knowledge and promote learning. The presentation I saw used co-presentation very effectively.

The division now holds a brown-bag webinar the second Thursday of every month, with 200 attendees not uncommon. The webinars have become popular with local governments as well. The division's CPO Library has lists of and links to accredited training resources. Terry is clear about the goal, "We want to provide a quality education opportunity."

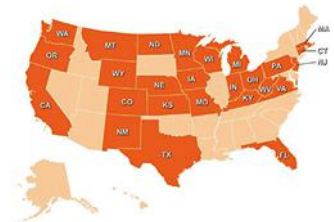
The attendees' comments speak for themselves, "Great webinar." "Thank you for providing the webinars. They help us being able to stay at work, train,

and not travel long distances." Another added, "Ditto . . . it is a four-hour drive for me to Oklahoma City."

The key to learning, informal and formal, is to engage students in spaced learning that promotes reflection and practices retrieval of knowledge. Oklahoma's program does all that! Well done.

RICHARD PENNINGTON, J.D., LL.M., CPPO is general counsel to NASPO ValuePoint. He is the author of Seeing Excellence: Learning from Great Procurement Teams (www.seeingexcellence.com).

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Procuring technological solutions comes with a unique set of challenges, but through preparation and thoughtful consideration, pitfalls can be avoided.

By Derek Prall

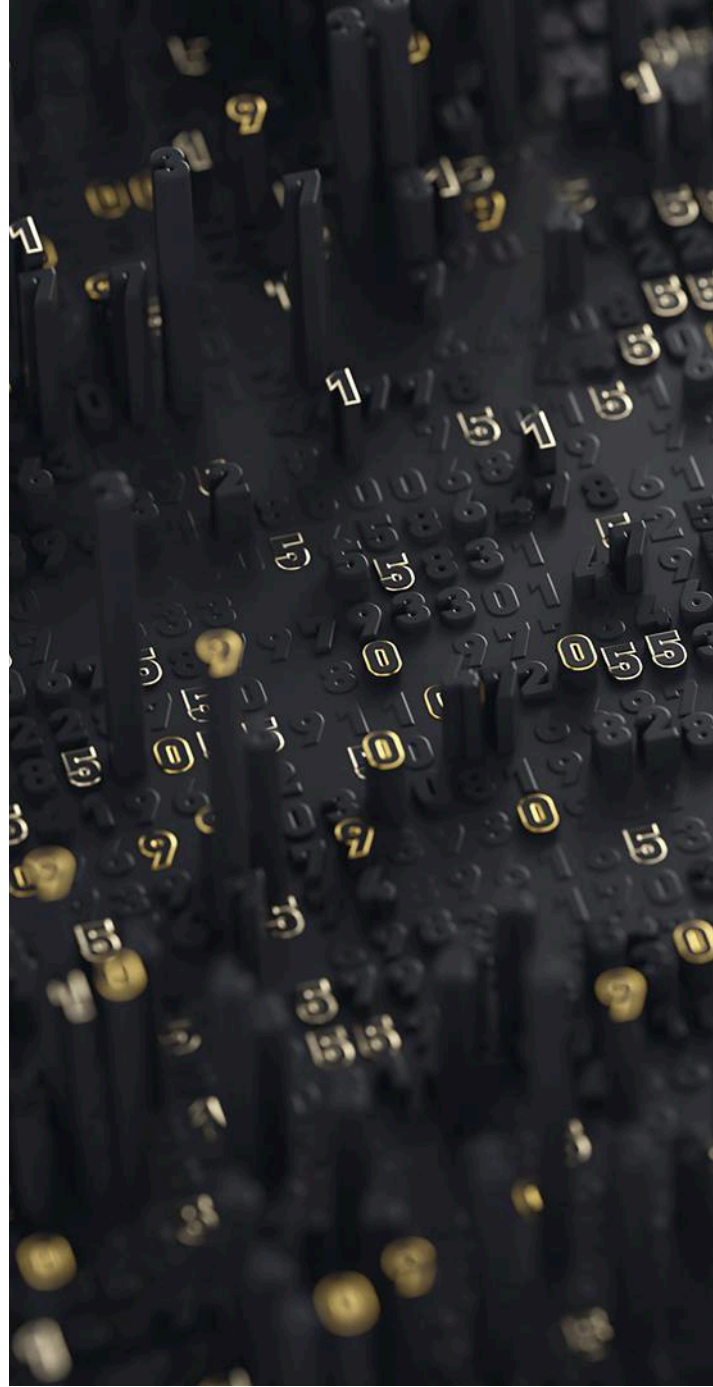
As our careers and personal lives become inextricably connected with technological trappings, it's up to procurement professionals to connect the slow-moving machinery of government with the lightning-fast technologies that are propelling us forward.

Molly McLoughlin, director of supply chain management and the Boulder Valley, Colo., School District has been involved in the procurement world for almost a decade. She's witnessed the exponential growth of technology, and had to adapt traditional procurement methodologies to keep pace. Working for a school district, she says, has given her access to the front lines in this regard.

"Working for a school district, there's such a wide variety of items and services that we procure. It's everything from pencils to school buses to various technological tools and services," she says. "It's ever-changing."

From this vantage point, McLoughlin well understands that no two procurements are alike and that technology buys come with their own set of challenges. The first, and arguably the most important, is the wildly different timelines technology and procurement operate on.

"Devices change as quickly as we can write contracts," McLoughlin says. "We've had contracts in the past that say 'you need to guarantee the price of this device for three years.' Well, in three years, that device is obsolete." With this in mind, McLoughlin says procurement professionals must reshape their



processes in such a way that allows for more flexibility.

In increasing this flexibility, McLoughlin says tech tools can actually help with tech buys. With the pace of innovation in mind, it's important to understand that to take advantage of new tools, procurement processes need to be streamlined.

The Boulder Valley School District understands this and has been working to create efficiencies where possible. By giving appropriate accesses to all stakeholders in Google Docs, procurement materials can be edited in real time, and the problem of people working on outdated forms is eliminated. Additionally, all vendor proposals are shared throughout the department via Google Drive. By creating these efficiencies, the department has become far more nimble and able to take advantage of opportunities as they arise. "One of the best things I've learned working at the school district is this – stay consistent with your



processes but be flexible to new ideas,” she says.

Flexibility is important not only on the process side but on the personnel side as well. Christina Wong, senior contract services analyst for Hennepin County, Minn., says the ability to adapt to new methods and new ways of thinking about traditional problems is crucial for the successful career of any procurement professional.

“It’s important to be aware of what’s going on in the marketplace,” Wong says, “not only in the IT marketplace but the government procurement marketplace as well. It’s important to be aware of the innovations that are happening in both.”

Education is critical in this respect. Procurement professionals shouldn’t be content with the status quo, but should always be on the lookout for the next best thing, Wong says. In the public sector, it’s very easy to fall behind,

and if buyers aren’t staying abreast of new technologies and new techniques, they will soon find themselves left behind.

Kristy Varda, purchasing supervisor for Frederick County, Va., Public Schools, agrees that it’s critically important to be knowledgeable about what it is you’re trying to purchase. She has worked on both the private and public side of this equation, which she says can be a blessing and a curse. “I know what to look for,” she laughs.

What she means by this is that she can pick out red flags. One of the biggest red flags from a vendor standpoint is an agency that is asking for something that simply doesn’t exist. She relates the story of a particular end-user wanting a particular solution built on an iOS platform. Although no one offered such a solution, they spent months in a solicitation process for a product no one offered. “As a procurement professional, it’s hard. You have to know

everything you can about everything you procure,” she says. “Sometimes you have to do a lot of research. You have to be knowledgeable to know what to ask for.”

A red flag from the procurement standpoint, she says, is language in contracts and licensing agreements that absolves the vendor from accountability. “When we get into the weeds of it, we have to find those clauses that can be buried - if you’re not paying attention - that would limit your ability to hold people accountable,” she says.

It’s important to stay current on new products and processes, however, when it comes to tech purchasing, speed may not be everything. Denise Finn, purchasing manager for the Lee County Port Authority in Fort Myers, Fla., says that technology buys are a common occurrence in her position, but that each buy comes with its own set of challenges. New procurement systems, mobile apps and self-guided airplane systems – she’s worked on them all.

One of the major challenges Finn has faced when purchasing technology, she says, is how these buys are sometimes initiated. Often a representative of a product or service will approach someone, usually outside of the procurement department, with a pitch. Their solution will transform how business is conducted and will make everyone’s lives so much easier. It sounds amazing on paper, and everyone is excited. Then, it becomes the job of purchasing to reel in the enthusiasm.

In doing so, it’s important to first ask for the business case for this new technology or service. “Ask to see what they need, not what the vendor would be providing,” Finn says. “Then we have to do a competitive process because there might be other vendors out there that can meet these requirements in a different way.”

There’s always a new technology to be excited about, Finn explains, and it’s easy for governments to fall behind. The public sector always moves slower than the private sector, but that doesn’t necessarily mean one is better than the other. The ability of procurement to slow down the feverish pace of technological innovation can actually be viewed as a positive, Finn explains, in the sense that government agencies are ultimately the stewards of taxpayer money, and cannot afford to experiment with new technologies and have solutions fail. A government cannot and should not function like a start-up.

Wong agrees that the methodical, meticulous timeline procurement operates on often helps ensure the best solution is reached. If the process becomes rushed, you often end up with a square-peg solution for a round-hole problem, she explains.

One potential way she offers to avoid this pitfall is, when appropriate, to have vendors come in and demonstrate exactly how a product or piece of software works. “We’ll have the vendor sign a non-disclosure and have them come into our development environment where we can play with the tool ourselves, see how user-friendly it actually is and how it would work,” she says

Government contracts are lucrative, and vendors are

“Make sure that the vendor has done what they say they can do. If no one has used it and no one has tested it, they can’t guarantee they’ll meet your minimum needs.”

very eager to land them, Wong says. Sometimes you’ll have someone promise something they can’t deliver. The onus is on the procurement professional to do their due diligence, to assert what their needs are, and make sure the vendor is held accountable after delivery.

Finn agrees that a healthy amount of skepticism is good, and that agencies should be wary of a vendor’s experience. “Make sure that the vendor has done what they say they can do – a lot of times they will be in the process of creating a solution. If no one has used it and no one has tested it, they can’t guarantee they’ll meet your minimum needs.”

However, no procurement professional or team should feel that they are an island in this respect. McLoughlin says it’s critically important to build interdepartmental relationships. No one person has all the information, and to ensure the best possible outcomes, multiple parties should be at the table.

“A key component in successfully procuring technology is really building the foundational relationships with the technology department,” McLoughlin says. “Whether that is with the chief information officer or some other senior leader in the technology group, you have to make sure that they understand why we do what we do in procurement.”

She adds that because of this close relationship in Boulder Valley, procurements can be timed strategically to ensure everyone receives the equipment they need in a timely fashion, while still being able to complete complicated procurement processes. “If everyone is on the same page, it makes the negotiation of the contract much smoother.”

McLoughlin also would encourage procurement professionals to know their limitations. “We know a lot of things, but we don’t know everything,” she says, adding that it’s necessary to utilize the knowledge and expertise of other departments within your agency. “Be comfortable asking questions,” she adds.

Finn echoes this sentiment, saying it’s important to take advantage of the wealth of resources that are available. “You have a support system out there,” she says. “There are many different organizations with experts in every field. You don’t have to reinvent the wheel – someone else has already done it, and they are happy to share.”

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> UPPCC new certifications

October 2017 Class — UPPCC Announces Newest Certified Public Procurement Officer (CPPO) & Certified Professional Public Buyer (CPPB) designees

Herndon, VA – January 8, 2018 - The Universal Public Procurement Certification Council (UPPCC)

is pleased to announce that 95 individuals successfully completed the fall 2017 UPPCC certification examinations administered October 16-28, 2017. The coveted Certified Public Procurement Officer (CPPO) and Certified Professional Public Buyer (CPPB) credentials, recognized throughout the public procurement profession, demonstrate an individual's comprehensive knowledge of public procurement.

Of these 95 newly certified individuals, a total of 62 earned the CPPB certification while 33 earned the CPPO certification. This newest class of professionals brings the total number of certified CPPBs and CPPOs to 10,345 and 2,747 respectively.

CPPB-s

Kelly Balcom,

CPPB - Corporation of the City of Barrie, ON

Karri Burgess, CPPB - Boulder Valley School District, Boulder, CO

Aubrey Carver, CPPB - Texas Comptroller of Public Accounts, Austin, TX

Victor Cavett, CPPB - Mississippi Department of Correction, Jackson, MS

John Andrew Chapman, CPPB - Colorado State Purchasing Office, Denver, CO

Brian J. Clem, CPPB - Volusia County School District, Daytona Beach, FL

Jacob P. Clotfelter, CPPB - Marion County Finance Department, Salem, OR

Malina N. Colasuonno, CPPB - Martin County Board of County Commissioners, Stuart, FL

Steven Cone, CPPB - City of Frisco, Frisco, TX

Sophia Nathalee Cunningham, CPPB - Miami Dade County Internal Services Department, Miami, FL

David Lamar Dover, CPPB - Office of Inspector General, Washington, DC

John R. Duckworth, CPPB - Volusia County, DeLand, FL

Alyssa Rae Ellington,

CPPB - Ada County, Boise City, ID

Diana Lyn Fleming, CPPB - Kentucky Department of Criminal Justice Training Richmond, KY

Kendall Michele Foose, CPPB - Port of Portland, Portland, OR

Anthony Frank Frutos, CPPB - Kern High School District, Bakersfield, CA

Ping Ge, CPPB - City of Mississauga, Mississauga, ON

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Liza M. Grimshaw, CPPB - Chesapeake Public Schools, Chesapeake, VA

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Holly Beth Wood, CPPO Village of Glendale Heights, IL

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Heart & Soul

> **O**ver the years, I have seen many colleagues give their heart and soul to public procurement. They work tirelessly to support their own agency, their local chapter and the profession as a whole. There is one person in particular I would like to share with our *Government Procurement* readers in this issue - Frank Pierce. During my recent visit to Idaho to teach an NIGP class, I was reminded of his tremendous impact.

In 2017 the Idaho Public Purchasing Association (IPPA) was recognized as the Small Chapter of the Year by The Institute for Public Procurement. What a great accomplishment for an organization based in the potato capital of the world, Boise. Their commitment to professional development, membership support, and the advancement of the profession was evident. Their award was well deserved, but was not what I would simply consider a “good year”.

You see, IPPA has been working diligently for many years, which I believe paved the way for this award. Each year, they offer a variety of NIGP courses in an effort to educate their members and advance professional certification. Their classes are well attended and are rarely cancelled. IPPA has a strong reputation for supporting education, and there has been no bigger contributor to this than Frank Pierce.

Frank was a Certified Professional Public Buyer (CPPB) that worked tirelessly for Idaho. His role included traditional duties such as specification development and issuing RFPs, but

also focused on training and development. He readily shared the professional development opportunities available to his area colleagues, and was always supportive of those “out of town folks” from Coeur d’Alene, Idaho Falls, and Lewiston. Frank leveraged whatever funding was available through chapter or State coffers to provide training opportunities. I have taught courses throughout the US for over 20 years, and I can tell you that Frank was unparalleled in his commitment.

The last time I saw Frank was at an NIGP class hosted at the state police headquarters in Boise. Although he was battling cancer treatments at the time, he actively participated in our seminar. He sat in the front row, offered his perspectives on our case studies, and respectfully engaged his younger colleagues.

Frank and I had a nice lunch together in the police cafeteria and reminisced about how quickly the years go by. While I ate a tasty cheeseburger, he picked at his salad and said “these dang treatments don’t leave you with much of an appetite”. Frank passed away a short time later.

IPPA has since established an award in his honor, the Frank Pierce Founders Award. It is the highest honor bestowed by the chapter. Bob Perkins, a past president of IPPA, recently shared with me how much Frank supported him when he started out in state procurement and the enormous impact he had on his career. He added, “To this day, I owe Frank a great deal of gratitude for his kindness, support and mentoring”.

Friends, in 2018, I wish each and every one of your chapters a Frank Pierce.

In 2018, I wish each and every one of your chapters a Frank Pierce.



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