



NIGP- Utah Chapter

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NIGP- Utah Chapter Officers:

President: Colette Brown

Vice-President: Zachary Christensen, J.D.

Secretary: Gayle Christensen

Treasurer: Brandon Thomas

Past President: Jason Steinmann

Board of Directors:

Kurt Prusse, CPPB

Nancy Webb, CPPO

Vicki Woodward, CPPB

Chapter President's Message

Dear NIGP Utah Chapter Members,

Happy New Year!

For better or worse January brings out the resolution/goal making desire in many of us and a reflective nature of the past year as well. We did a lot as a chapter in 2018. We learned about the power behind "Leading with Yes" at the beginning of the year. Our national ranking grew from being a "small" chapter to becoming a "medium" chapter in size as our membership now exceeds 100 participants. We also were nominated for Chapter of the Year.

We as a board are continually endeavoring to make the NIGP experience worth your time and money as we strive to help each other grow both personally and professionally. One way we want to do this will be featured in our upcoming January 2019 meeting. Along with the speaker highlighted below, we will also have our new vice president, Zac Christensen, present on the best ways, tips and tricks, our members can apply for, and take the CPPB or CPPO exams. Our intent is to allow members the opportunity to come together and maybe move past the tipping point and get certified. I'm still taking deep breaths thinking about it, but I would like to join the group and get certified this year along with everyone else who takes the leap.

Another certification we want to support is the more recent PPPC (Public Procurement Professional Certification) that has been created to help "determine your understanding of the Procurement Code and your ability to find answers." I recently passed the exam and found it to be very helpful.

As you look at your upcoming year, please see if you can plan some time to help volunteer with our organization. Every little bit helps and it is always appreciated.

Thank you for your support in our chapter.

Sincerely,

Colette Brown, President- NIGP Utah Chapter



Colette Brown- President



*"We learn and grow
and are transformed
not so much by what
we do, but by why
and how we do it."*

-Sharon Salzberg

Utah Chapter News

NIGP NATIONAL has made several online courses available. For more information on these courses, visit www.nigp.org , or email customer-care@nigp.org

Basics of Business Math Business Communication– Written Communication
Fundamentals of Business Management Leading High-Performance Teams
Negotiating Skills– Influence and Persuasion Project Management
Time Management Fundamentals

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

Committee Chairpersons

Honors & Awards: Colette Brown (UofU) cbrown@purchasing.utah.edu

Financial: Kurt Prusse (Jordan SD) kurt.prusse@jordandistrict.org

Historian: *Position Open!*

Membership: Erica Langenfass (Sandy City) elangenfass@sandy.ut.gov

Marketing/Public Relations: Tonya Hodges (Jordan SD)
tonya.hodges@jordandistrict.org

Education: Nancy Webb (Canyons SD) nancy.webb@canyonsdistrict.org

Nominating: Gayle Christensen (Canyons SD)
gayle.christensen@canyonsdistrict.org

Community Involvement: *Position Open!*

Upcoming Meeting Dates

MEETING LOCATION: Until further notice, all chapter meetings will be held at the Jordan Academy for Technology Careers, South Campus at 12723 S. Park Ave. (2080 W.), Riverton, UT. Meetings will be held 9:00 am – 12:00 pm.

Tuesday, January 15, 2019:

Zac Christensen– Utah State Board of Education
CPPB/CPPO Preparation Intro and Requirements

Jeff Baird– LikeAbilities.com– Certified Body Language Trainer
Gaining Trust in Social Interactions

Tuesday, March 12, 2019:

TBD

Classroom Corner

Excerpts from: Language Matters: Definitions Matter: Public-Private Partnerships (P3s) for Facilities & Infrastructure (From Government Procurement, Dec/Jan 2019, p. 10-11)

When practitioners, academics and suppliers develop NIGP's public procurement practices, we begin by carefully discussing and reaching consensus on terms and definitions. Establishing a clear definition is essential before task force members can coherently develop guidance for the practice topic. The need for defining terms is echoed throughout reference documents. The American Bar Association's Model Procurement Code, Article 1, Part C, defines terms used in the Code. The Federal Acquisition Regulation (FAR), Part 2, also provides definitions of words and terms it frequently uses. Before a discussion on policies and procedures can take place, there must be agreement on terms and definitions. Clear definitions are particularly important when terms have multiple, conflicting, and confusing interpretations. We see the need for clarity with the terms scope of work and statement of work. We see it with public-private partnerships (P3s) for facilities and infrastructure.

In 2016, NIGP published a public procurement practice on "Public-Private Partnership (P3): Facilities and Infrastructure." The practice includes the following definition:

A public-private partnership (P3) is a broad term used to describe public facility and infrastructure contracts that minimally include components of design and build (e.g. construction, renovation, rehabilitation) in a single contract. Components of financing, operations, maintenance, or management may be included within this single contract. A P3 contract allocates risks to the party (the government or the contractor) best able to manage the risks and may assign a higher level of responsibility for means

and methods to the private partner.

The P3 public procurement practice was developed to provide a clear and useful definition as well as guidance for this new and complex procurement method. P3s are being used increasingly in the United States for a variety of facility and infrastructure projects (e.g., roads, bridges, transit, housing government buildings). Consequently, the use of the word "partnership" in the P3 term is ripe for confusion, dilution, and misuse. Indeed, there are examples today of simple collaborations between government and the private sector (both businesses and non-profits) being referred to as P3s. More concerning is how this ambiguity can be used to circumvent Procurement requirements. There are documents, position papers and articles that explicitly state that P3s are not contracts and need not comply with public procurements requirements.

NIGP's public procurement practice defines public-private partnership (P3s) for facilities and infrastructure as contracts. When the collaborative, i.e., partnership aspect of P3s is highlighted rather than the contractual aspect, Procurement may be left out of the project. The involvement of Procurement is crucial to the success of a P3 facility and infrastructure project. Without the involvement of Procurement, P3 projects may be agreed upon without a competitive solicitation and without the benefit of procurement expertise including: knowledge of laws, identification of performance metrics, development of specifications, determination of the best procurement (cont.)

"Clear definitions are particularly important when terms have multiple, conflicting, and confusing interpretations."

- Lisa Premo



Classroom Corner (cont.)

method, and evaluation of proposals.

The confusing array of P3 definitions are further complicated by equally concerning myths, including the assertion that P3s are a source of free money. In discussing P3s, one procurement professional broke into a spontaneous and personalized version of the Dire Straits' song 'Money for Nothing,' substituting the words "Get Your Rails for Free!" for the original lyrics. While the private partner may provide or arrange the financing for a facility or infrastructure P3, the government is ultimately responsible for its funding as well as for the outcome of the project.

John Adler, CPPO, Vice President, Procurement, of Dallas Area Rapid Transit shares an example of what can happen when Procurement is not involved in a P3, including the decision to use a P3:

Advocating P3s as a better value for taxpayers because of their low-cost private sector financing, Indiana public officials established the Indiana Finance Authority (IFA). In 2014, IFA selected I-69 Development Partners to upgrade 21 miles of State Route 37 between Bloomington and Martinsville. The concessionaire was selected despite concerns over the bid amount, which was about \$73 million lower than the next closest bid and \$22 million less than the State of Indiana's cost estimate.

The P3 was a failure from the start, Construction started four months late and nine employees of the concessionaire's parent company were arrested for embezzlement. The contractor fell behind paying subcontractors and suppliers and the 5% payment bond was

insufficient to cover the short-fall. In a July 2017 settlement agreement, the IFA parted ways with the concessionaire and took over the project. The cost to complete the project rose 51%, from \$369M to \$556M.

Ironically, Indiana had access to lower cost financing using its bonding authority. A simple business case analysis done by Procurement would have disclosed that traditional public financing was a better alternative than a P3.

Other considerations are also important to acknowledge when using a P3 for a facility or infrastructure project. For example, the government should ensure that it has access to specialized expertise, e.g. finance, real estate. Also, flexibility must be incorporated into the P3 contract to address how future issues will be dealt with, including a process for the resolution of disputes. Facility and infrastructure P3 contracts often extend for 30-40 or more years. Chances are high that the stakeholders addressing issues that arise 20 years later, nor can they foresee the types of issues that may arise. Challenges that surface may result from laws not yet passed and technology not yet in existence.

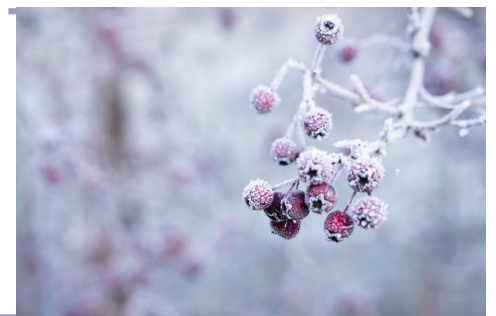
Contracts require clear language. Defined terms should convey the same meaning and expectations to both the public and private partners.

Lisa Premo, NIGP Global Practices Manager, collaborates with public procurement practitioners and academics to conduct research and develop useful guidance on public procurement topics.

Special Notes / Announcements

Please Note:

**Our next chapter meeting will be Tuesday, January 15, 2019.
See you there!**



Special Notes / Announcements (cont).

Exciting Things to Come in 2019!

Our local chapter will host its first Reverse Trade Show this coming Spring, where you are at the tables, and then vendors come to you! Breakout sessions will also be available for additional training. More information to come!

Plan now for National Forum in Austin, Texas, August 25-28, 2019. It's a great opportunity for networking and gaining skills necessary for a successful procurement career!

Temporary Location for Chapter Meetings

Chapter meetings will temporarily be held at the Jordan Academy for Technology and Careers- South Campus located at 12723 S. Park Avenue (2080 West), Riverton, UT 84065. For a map, please follow this link: <https://www.google.com/maps/place/JATC+South+Campus/@40.520677,-111.9470759,17z/data=!3m1!4b1!4m5!3m4!1s0x87528684a641d839:0x2d279e6be0db0695!8m2!3d40.520677!4d-111.9448872>

Volunteers Needed!

Our chapter needs your help! Please consider volunteering as a committee chair or member. We are currently looking for chairs for the following committees: Historian and Community Involvement.

We would also love additional committee members for all our committees. Please contact a member of the chapter board if you are interested.

Upcoming NIGP Webinars

(Complimentary for Members/\$190 for Non-Members. Register at www.nigp.org)

Tuesday, Jan 15, 2019:

Public Procurement Practice: Selecting the Appropriate Construction Project Delivery Method

Tuesday, Feb. 5, 2019:

Public Procurement Practice- Audits

(On-Demand Webinar Recordings are also available for free download to Institute members in the NIGP Online Store)

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

Phone:: 801-567-8706 ; Email: tonya.hodges@jordandistrict.org

Speaker Biographies (Selected)

Jeff Baird- Certified Body Language Trainer- LikeAbilities.com

Jeff Baird has been on a pathway of discovery. He's been in data analytics for almost 20 years. But over the years he has found that facts & numbers aren't enough to be able to persuade and influence. How we present ourselves and our message matters. With 60-93% of our communication being nonverbal, he's studied the science of body language to learn what makes people tick. He's a keynote speaker, certified body language trainer (who knew that was a thing) and a certified 'Big 5 Personalities' trainer (probably worth a google). Jeff's approach is science backed, immediately applicable and fun.

In an experiment for Princeton, Psychologist Alexander Todorov showed pictures of individuals running for political office to volunteers and asked them who looked more competent. He found that the participants choices matched the election results 70% of the time! He observed that if the candidate looked TRUSTWORTHY & COMPETENT, he/she was more likely to get elected.

Conveying trust & competence can help you get you elected, **but is equally important in our most critical social interactions.** It is the key to building and maintaining **influence.** Jeff Baird will share 3 research backed ways we can change our body language to increase our influence and improve our social interactions.

Zac Christensen- Director of Purchasing and Contracts, Utah State Board of Education

Zac Christensen is the NIGP Utah Chapter Vice President and the Director of Purchasing and Contracts for the Utah State Board of Education. Prior to working with the board he worked as a Contract Analyst for the State of Utah Division of Purchasing. He received his law degree from the University of Denver.

If you cannot attend our chapter meetings in person, stream us live on YouTube Live! Here is the link for the meeting:

www.youtube.com/channel/UCbzRnjdT2gTfEpixKt9IEWg/live

If you are viewing the feed, check in on the chat portion of the feed so we can know who is joining us remotely. Thank you!

