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A monthly publication of the Institute of Supply Management - Nevada, Inc.

May 2009

Upcoming Events

ANNUAL DUES

REMINDER

Must be received by
May 25, 2009

May 2009

3-6 – ISM's 94th Annual
International Supply Management
Conference and Educational Exhibit

8 – NCMA Seminar – “Street Smart
Pricing” – Las Vegas Area

20 – Dinner Meeting – Contract
Terms and Conditions – Las Vegas

June 2009

4-5 – ISM National Seminar
“Strategic Services Procurement:
Applying Strategic Sourcing
Principles to the Procurement of
Services”, Las Vegas

4 – ISM Satellite Seminar and
Business Meeting, Reno Area

ANNUAL DUES REMINDER

Check out the details for all events
at:

www.ismnv.com

www.ismnv.com

www.ismnv.com

President's Corner

By: Carol Ellenbecker, C.P.M., A.P.P.

“YOUR VOTE COUNTS”

It is that time of year again, when the 2 year terms of 4 of our Board Members expire and we elect 4 members for these positions on the ISM-Nevada Board of Directors.

The following 4 nominees expressed an interest in serving on the Board of Directors for a 2 year term.

John L. Balentine, C.P.M.; CPP is one of the original founders of NAPM Northern Nevada, Inc. a forerunner of ISM Nevada, Inc. He retired as the Purchasing Director for Washoe County, Nevada (Reno & Sparks) after 16 years.

Carol Ellenbecker, C.P.M. is currently employed by the Clark County School District for 13 years as a Contract Specialist/Analyst-ERP Purchasing. She has been a member of ISM NV since May, 2001 and has a Lifetime C.P.M. Certificate.

Kathy Kim (formerly Kathy Clifford) has worked for Brady Industries, a janitorial supply distributor, for the past ten years and has served in numerous roles including Operations Assistant, Human Resources, Rebate Specialist, and Buyer. Half of her ten years with Brady Industries have been spent in the Purchasing Department where she participated in bids, contracts, and the development of corporate purchasing programs. In her current role as Executive Purchasing Assistant, she works closely with the VP of Corporate Purchasing and has assisted in projects such as sourcing import programs and the consolidation of products for eight Brady locations across five states.

June Weedon, C.P.M. is the Senior Vice President/Corporate Director of Purchasing and Assistant to the Chairman of the Board of Brady Industries, Inc. and is an accomplished action-oriented professional with over 25 years of extensive executive management experience. With a full spectrum of ability in sourcing, purchasing and negotiations, I interface effectively with over 600 vendors on a monthly basis controlling thousands of items of inventory with the ability to establish and maintain profitable long-term relationships with key suppliers. As Corporate Director of Purchasing, I am responsible for establishing and maintaining corporate purchasing programs for 7 branches located in 5 states.

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Pres' Corner cont.

It is because of the service and volunteerism of all of the Board Members that ISM-Nevada was recognized as the **ISM Affiliate of the Year**, May 5, 2008 at the ISM International Supply Management Conference in St.Louis, MO.

It is also, because of each of our Board members that make's our affiliate so successful.

We have an open conference line for each meeting so board members in the rest of Nevada can participate.

ISM Upcoming Events:

IFPSM (International Federation of Purchasing and Supply Management)

World Summit

September 21-23, 2009

Las Vegas, NV

[Sign Up to Receive Program Information via E-mail](#)

"Without involvement, there can be no achievement!"

Carol Ellenbecker, C.P.M., A.P.P.

President ISM-NV

I S M - Nevada, Inc. – Capitol Area

Northern Nevada Meeting

John L. Balentine, C.P.M.; CPP

Things are "ticking-right-along" for the Capitol Area folks...Unfortunately, with the budget crunch as tight as it is, it appears that some of our members serving Washoe County will face being "downsized" on July 1st. Efforts are underway to find them jobs, first with the County, and then with other Nevada PERS (Public Employees Retirement System) employers.

The next meeting of the I S M - Nevada, Inc. Capitol Area group will be on Thursday, June 4, 2009, at the Washoe County School District headquarters, 925 E. Ninth Street, Reno, Nevada, in the Administration Office Board Room. The meeting will be in conjunction with the I S M Satellite Seminar beginning at 7:00 a.m. The Business Meeting will take place during the 1/2 hour break in the Satellite Seminar between 9:00 a.m. and 9:30 a.m. All are invited. There is no cost for the Satellite Seminar, nor the Business Meeting (bring your own coffee, tho) and the Satellite Seminar (if you stay for the entire program) is worth four (4) I S M educational hours toward the renewal of your CPSM; C.P.M. and / or A.P.P.

Please join us on Thursday, June 4th for an educational Satellite Seminal and our Business Meeting... See you then and there!

Don't Let Your ISM Membership Expire!

Don't let your ISM membership expire! Your membership renewal invoice was mailed on April 1, 2009 and can be downloaded and/or paid online. Renew today to ensure no interruptions to your subscription to *Inside Supply Management*®, complete with the *ISM Report On Business*® or your access to the ISM Web site, significant discounts on programs and products, plus special benefits through the ISM Online Career Center.

Renew online by accessing the Open Orders menu of the "My Account" section of your online shopping cart. You will need your username and password to access your shopping cart. You may also submit payment via fax to ISM Customer Service at 480/752-2299 or mail to:

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The [Institute for Supply Management™](#) is your go-to organization for staying on top of current supply management trends. We have the tools, resources and network for you to focus on increasing your efficiencies and buying power.

If you have any billing questions, contact Jim Haining (702) 428-6194

"Reviewing the Contract: What To Look for in the Terms and Conditions"

Supply Managers are tasked with the initial contract review prior to sending to legal for review and approval. When you use your company's boilerplate, the review is easy. But when you use the supplier's contract, it is imperative to make certain your company's interests are documented properly. Your legal representative will focus on the legal aspects of the contract, which is important. However, the supply management professional is responsible for the business aspects of the contract. Many contracts are legally correct, however, they do not cover the important business aspects of the agreement. It is the supply management professional's responsibility to ensure that both the legal and business aspects of the contract are correct and protect the company's interests. After all, in most cases, if it is not in the contract, it is not a part of the agreement.

Bio.

Jim Haining, CPSM, C.P.M., A.P.P. has over 20 years experience in Supply Management in a variety of roles. He is currently employed by Clark County Nevada in Las Vegas, Nevada and is assigned to University Medical Center as the Purchasing Administrator. Former employers include Insituform Technologies, Inc., Sprint and Sierra Pacific Power Company.

Jim has been a workshop presenter at the ISM International Supply Management Conference and the Southwest Forum's Supply Management Conference for the past several years. He also provides leadership training for the ISM Summer Leadership Workshops nationwide. Jim has taught as an adjunct professor at Truckee Meadows Community College in Reno, NV. Jim received his BS from Brigham Young University and MBA from the University of Phoenix. Jim was one of the first supply management professionals to receive ISM's Certified Profession in Supply Management (CPSM) designation. He holds a Lifetime C.P.M. and A.P.P. designation.

Jim has been very involved in ISM and its affiliates since 1989. Jim is currently Executive Director of the ISM – Nevada, Inc. Jim is a member of the ISM Spokesperson Team and has served on ISM Affiliate Support Council, ISM Regional Leadership Training Committee, and ISM Board of Directors.

Timbers Bar and Grill
8540 S. Maryland
Henderson, NV
\$10 Members - \$15 Guest
(Includes pizza, appetizers and soft drinks,
other drinks on your own)

RSVP on line: www.ismnv.org

Mission

The Nevada Association of Purchasing and Supply Management will lead supply management professionals in Nevada and other states through professional credentials, education, leadership development and networking.

**Articles for the June newsletter
due June 27, 2009**

Carol Poindexter
cpoindexter@interact.ccsd.net

STREET SMART PRICING Advanced Concepts and Strategies or Pricing Your Proposals

The NCMA Southern Nevada Chapter is pleased to announce a major seminar event of the 2008-2009 program year. Real issues, case study examples, and solutions you can take back to the office with you and use. We will address those critical assessments, strategies, methodologies and pricing decisions that you will not learn in Pricing 101. This seminar is an excellent opportunity to invite your managers and peers in Contracts, Subcontracts, Pricing, Finance, Business Development, and Program Management.

Registration: (702) 399-4410



Ask Not What ISM-NV Can Do For You - - -

President John F. Kennedy stated in one of his famous speeches, that we should "Ask not what your country can do for you, ask what you can do for your country." I was thinking of this very thought while at a recent National Association of Educational Procurement (NAEP) conference. Many folks there were talking about the recent changes that ISM made in letting folks now start the process of obtaining their C.P.M. professional certification by September 30, 2009 and finish it by December 31, 2009.

These folks recognized that this new window of opportunity would let them and their non-degreed colleagues pursue their C.P.M. professional certification after all. They acknowledged their understanding that without a college degree they would not be able to obtain the new CPSM certification. And they wondered what the various professional organizations they belonged to would do to help them.

My answer was that they should not ask what their professional organizations could do to help them but what they could do to help the professional organization help them. Huh? What did I say? I think that those of us who have a professional certification should not wait for ISM-NV to add another C.P.M. Exam Preparation workshop but, rather, that we should take the bull by the horns ourselves and help our fellow members obtain that C.P.M., CPPO or other certification that is so badly needed in today's economic and business environment.

How do we do that? We do it by "mentoring". What is a "mentor". Per Wikipedia, a mentor is a "trusted friend, counselor or teacher, usually a more experienced person". Wikipedia goes on to explain that "Some professions have '[mentoring](#) programs' in which newcomers are paired with more experienced people in order to obtain good examples and advice as they advance" It further added "Today mentors provide their expertise to less experienced individuals in order to help them advance their careers, enhance their education, and build their networks."

Who can mentor another toward achieving his/her certification? (1) Anyone who already has a certification, (2) Any manager who wants to see his/her employees improve their educational and professional skills so they are more valuable to the organization, and (3) Anyone who wants to achieve his/her own certification and realizes (correctly) that it is much, much easier to work on this project as a team rather than as an individual.

Do you fit one of those categories? Then become a mentor and "pay it forward" by sharing your talents, knowledge and willingness to help another. Want help on how to start a mentoring problem? Just contact me at ashbybob@embarqmail.com



The Results are in.....

ISM'S Legal Considerations of Software Licensing and Other Technology-Related Agreements

I received a scholarship and attend ISM's Legal Considerations of Software Licensing and Other Technology-Related Agreements on March 30 – 31, 2009, held in Las Vegas.

Mark Greico, a senior partner at the law firm of Grieco & Scalera, P.A. that specializes in corporate practice with an emphasis on contracts, software licensing, e-commerce, corporate formation, intellectual property, and insurance litigation provided a very interesting two-day course on issues that all of us face dealing with software contracts.

Whether you are a governmental entity, or a private company, Mark provided some excellent examples of language that you should consider changing when dealing with software contracts. Some of the items were:

Force Majeure – if you cannot take the language out, you may consider updating it to read “including but not limited to” and add that a force majeure event shall only be the following”.... and list those items only. The attorney's perspective is that suppliers will use this to their benefit at any time.

If you cannot take out Force Majeure, your contract language should include “time is of the essence” immediately following your term of agreement, and shall include a dollar amount for liquidated damages.

Web-based terms and conditions – if a company that you are dealing with has language in their contract that states, “per the terms and conditions” found on their website, you should request the terms and conditions to be provided to you in writing from the vendor. Make sure that you print out a copy with the date received from the company in case there are any legal issues afterwards. You may want to also include, that there are no amendments to the contract without the contract being signed by both parties. Since many companies post their terms and conditions on their website, they can continually change the terms and conditions and you will have no knowledge of any changes.

Limitation of Liability – Even if the supplier is wrong and it is their fault that something is not right, they are only responsible for the cost of the contract, and this limits the damages to actual damages. In lieu of Limitation of Liability, Mark recommended that an “error and omissions” policy be required in case of a serious event.

Another recommendation provided, is to consider a software contract like a construction project, with milestones, and payments and even releases. Not only will it be easier to track the project as payments are being made, it will provide a comparison of whether the job is where it needs to be (i.e. percentage of completed job). If you have employees of the company billing for time and materials, when they submit an invoice for payment, have the vendor sign something (similar to a release) that states that the employees have been paid through a certain date so that the employees/independent contractors do not come back to your company requesting payment.

"Reasonable" Time – Remove "reasonable". What may be reasonable to you may not be reasonable to the vendor. Provide a realistic time i.e. 2 days, or 3 days.

Non-Disclosure Agreement – Get a signed non-disclosure agreement from the company, and also from all of their employees, independent contractors, third parties and escrow agents that will be working with your data. Confidential agreements should be for a minimum of the length of the relationship with your company.

Remember, if you are sending an email to a vendor with information that is confidential; be sure to include "confidential" in the subject line of the email.

As buyers, all of us try to be certain to include everything possible that we can to make the contract the best it can be. However, sometimes that just does not happen. Keeping a log with the contract to monitor any problems, issues, and milestones missed, allows for information to be easily accessible if ever needed.

Write a good Statement of Work. Don't let a supplier write it, as they will provide what they think you want. And, before your company starts requesting modifications to the brand new software you are purchasing, remember that the upgrades are going to continue to cost you additional monies because of the customization.

These are only a few of the topics discussed. I'm glad that I had the opportunity to attend this seminar.

Carol Fletcher, A.P.P.
Purchasing Analyst
Las Vegas Metropolitan Police Department

Scholarships are available for the following ISM Seminars that will be held in Las Vegas.

**Strategic Services Procurement:
Applying Strategic Sourcing Principles to the Procurement of Services**
June 4 - 5, 2009

Please submit your applications through our website at www.ismnv.com or www.ismnv.org. These are great opportunities for ISM Nevada Members to receive professional development in our own state.

[Renetta Scacchitti](#)