

# OFFICIAL DRAFT

## NEW MEXICO COUNCIL FOR PURCHASING FROM PERSONS WITH DISABILITIES Regular Meeting

November 10, 2015, 1:30 PM

Sheraton Albuquerque Uptown Hotel  
2600 Louisiana Blvd., NE  
Albuquerque, New Mexico 87110

### MEMBERS PRESENT

Larry Maxwell	Council Chair, State Purchasing Director Representative
Greg Trapp	Council Member, New Mexico Commission for the Blind Representative
Lisa Dignan	Council Member, New Mexico Commission for the Deaf and Hard of Hearing Representative
Pam Lillibridge	Council Member, Community Rehabilitation Program (CRP) Representative (participated remotely via telephone)
Paul Kippert	Designee, Council Member for Secretary Tom Clifford (DFA)
Mike Kivitz	Council Member, Community Rehabilitation Program (CRP) Representative
Secretary Darryl Ackley	Council Member, Department of Information Technology Representative (participated remotely via telephone)

### MEMBERS NOT PRESENT

Secretary Tom Clifford	Council Member, Department of Finance and Administration Representative
Roger Newall	Council Member, City of Albuquerque Representative

### HORIZONS OF NEW MEXICO

Pamela June	Horizons of New Mexico
Wendell Williams	Horizons of New Mexico (participated remotely via telephone)
Arturo Soliz	Horizons of New Mexico
Kyle Radford	Horizons of New Mexico
Marie Richter	Horizons of New Mexico (participated remotely via telephone)
Taylor McBride	Horizons of New Mexico (participated remotely via telephone)

**GUESTS**

Brian Ammerman	Adelante Development Center
Laura Banks	Public Observer
Pat O'Connor	ReadyOne Industries

**AGENDA ITEM 1: CALL TO ORDER**

Chair Larry Maxwell called the meeting to order.

**AGENDA ITEM 2: ROLL CALL**

Chair Maxwell asked Council member Greg Trapp to perform a roll call. With Council member Paul Kippert running late, thus making the meeting one council member short of a quorum, Chair Maxwell moved to begin discussion on non-action items until Council member Kippert's arrival.

**AGENDA ITEM 3: INTRODUCTION OF GUESTS AND STAFF**

Chair Maxwell asked all guests and staff members present at the meeting and participating via telephone to introduce themselves at this time.

**AGENDA ITEM 4: APPROVAL OF AGENDA**

Council member Darryl Ackley moved to approve the November 10, 2015 agenda. Council member Lisa Dignan seconded the motion and the agenda was approved in a unanimous vote by the Council.

**AGENDA ITEM 5: APPROVAL OF MINUTES OF OCTOBER 14, 2015**

Council member Pam Lillibridge moved to approve the October 14, 2015 council meeting minutes. Council member Trapp seconded the motion, Council member Ackley abstained, and the minutes were approved in a 6-0-1 (Approved, Denied, Abstained) vote by the Council.

**AGENDA ITEM 6: CHAIR UPDATE, LARRY MAXWELL**

Chair Maxwell informed the Council of a memorandum that would be issued from State Purchasing to all Chief Procurement Officers with regard to those services which were addressed by Council vote on October 14, 2015 as "not suitable for sale under the State Use Act." He informed that along with that memo, another memo regarding how to process procurements in the Executive Branch would be issued as well.

**AGENDA ITEM 7: CENTRAL NONPROFIT AGENCY UPDATE, PAMELA JUNE**

Ms. Pamela June reviewed the list of services that resides on the Horizons website at the current time.

**AGENDA ITEM 8: REVIEW OF SUITABLE SERVICES**

- a. *Services (Non-Construction, Non-Professional, Non-Licensed Professional, Non-Statewide)*
- b. *Construction Services*
- c. *Professional Services*
- d. *Licensed Services*
- e. *Statewide Services*
- f. *Services Involving Tangible Personal Property*

Council members Kivitz and Dignan asked Ms. June for a list of any currently active services that had not been approved at the October 14, 2015 council meeting, to be reviewed by the executive subcommittee.

Ms. Pamela June inquires as to the new Member that just joined, although there is not yet an active contract it would seem since they qualified under Membership requirements and they are qualified to perform the work that their services should be listed on the website.

Council Member Kivitz informs that Horizons Membership and listing services are two separate items.

Ms. Pamela June inquires, there are many Members/Member Businesses whose services have been ratified under State Use that have been performing these service contracts for many years. She provides examples of Hearing Officer Services operating under ratification for 10 years. She inquires as to Marketing & PR services which were previously ratified and just concluded under contract with a new Scope of Work being offered to Horizons. What should occur regarding data entry, web design, event planning and other services which have remained under the Moratorium.

Ms. Pamela June informs of her concern that most General Services procurements are not being provided to the Central Non-Profit Agency (CNA) as the CNA used to triage approximately 100 procurements per day and these have dwindled to 2-5 per day being submitted to Horizons.

Council Member Dignan informs the Council has not made a distinction between Professional Services and General Services.

Ms. Pamela June inquires as to the Member Businesses who are qualified to perform services although their particular services have not yet been under contract such as Epidemiology as there is a Horizons Member Epidemiologist or the Members who have just concluded contracts which services have previously been ratified.

Council Member Dignan informs, I'm going to propose at this time that the list of services that is currently on the website needs to be taken down and replaced by only the list of services that have been approved.

Chair Maxwell, Does everybody accept, everybody on the Council and on the call, do they accept what we're attempting to do?

Council Member Dignan responds, Yes, absolutely.

Chair Maxwell, we don't have a quorum but I would put that in the form of instructions to you Pamela that that's what we would like to have done

Chair Maxwell requests that Horizons replace the current list of services on the Horizons website with the 35 services that were approved at the August 19, 2015 Council meeting.

Chair Maxwell describes: I would put that in the form of instructions to you Pamela that that's what we would like to have done. We would like to have the website purified of all of the services that are appearing there now and only those that have been approved be put on the website. The memorandum or the motion from October the 14<sup>th</sup> be put on the website as well and we would like then for Horizons to bring to the Council and you may bring those directly to Mr. Trapp for the subcommittee to review so that we would have a recommendation at future meetings of services with descriptions for approval by the Council.

#### **AGENDA ITEM 9: APPROVAL OF ADDED AND REMOVED SUITABLE SERVICES**

- a. Services (Non-Construction, Non-Professional, Non-Licensed Professional, Non-Statewide)*
- b. Construction Services*
- c. Professional Services*
- d. Licensed Services*
- e. Statewide Services*
- f. Services Involving Tangible Personal Property*

There was no action taken on suitable services at this time.

#### **AGENDA ITEM 10: APPROVAL OF SERVICE CONTRACTS**

##### **a. New Service Contracts - \$5,000 or Less**

- 1. State of New Mexico CYFD & ReadyOne Industries, Document Destruction Services, \$756.00.*

Council member Dignan stated that in regard to contract A1, the procurement code states that member businesses must be established in New Mexico and

that ReadyOne is established under the laws the State Use Act of Texas, but registered to do business in New Mexico. She asked for guidance on whether or not to take that into consideration when discussing approval of this contract.

Council Member Secretary Ackley inquired as to further explanation.

Chair Maxwell informed, the question that is presented is that ReadyOne Industries is a CRP organized under the laws of the State of Texas, not the State of New Mexico. The statute that we have in place indicates that for CRP's to be bona fide members and provide services in New Mexico, the CRP must be organized under the laws of the United States or of this State. He states I believe that's the exact language of the statute. And it doesn't allow for an organization that is organized under the laws of a foreign state and registered to do business in New Mexico to be approved. So consequently, we're placed, we have the question of whether or not this particular placement would be in compliance with our statute. Even though it's only \$750.00 it's the principle involved in this situation.

So that's the question. Now with regards to that issue it would be very easy for for Horizons to indicate that they do not have a member in that area capable of supplying this service in a cost effective manner and in a timely manner and so CYFD if Horizons refused this procurement could then do a small purchase for the \$756.00 and bring in ReadyOne just as easily that way. So it's a question of how do we proceed with regards to whether or not this is the kind of placement that we want to allow? Do we want to stretch our rules or do we want to stay in conformance with the rules and then allow for a regular procurement and still ReadyOne could get this work if they were the low offer or bidder? The other thing is it would give ReadyOne opportunity to establish a CRP organized under the Laws of the State of New Mexico and become a member in that regard as well. I think, that is a fair summary of the issue.

Council member Kippert moved to reject contract A1 under State Use but to allow CYFD to enter it under a small purchases procurement contract. Council member Lillibridge seconded the motion and the contract was denied in a unanimous vote by the Council.

2. *State of New Mexico Commission for the Blind & My Bug Guy, \$2,154.00*
3. *New Mexico Higher Education Department & Adelante Document Imaging, Scanning Services, \$4,939.20.*

Council member Dignan moved to approved contract A2 and A3. Council member Lillibridge seconded the motion, Council members Kivitz and Trapp abstained, and the contracts were approved in a 5-0-2 vote by the Council.

**b. New Service Contracts – More than \$5,000**

1. *NMDOT and Adelante Document Imaging & Scanning Services, \$212,219.21.*

Contract B1 was ratified at the July 2015 council meeting and therefore no action needed to take place at this time.

2. *State of New Mexico Department of Cultural Affairs & Adelante Development Center, Janitorial Services, \$30,508.29.*

Contract B2 had been withdrawn and therefore no action needed to take place at this time.

3. *Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) & Crystal Clear Maintenance, Janitorial Services, \$7,631.92.*

Due to the fact that there was a claim of Adverse Impact, Chair Maxwell suggested contract B3 be tabled and that Horizons get together with AMAFCA to resolve the dispute.

Council member Kippert moved to table contract B3 until the Adverse Impact issue had been resolved. Council member Kivitz seconded the motion and the contract was tabled in a unanimous vote by the Council.

4. *New Mexico Historic Sites & Crystal Clear Maintenance, Landscaping Services, \$22,523.80.*

Council member Lillibridge raised questions about the amount of supplies and materials on contract B4. Discussion took place about direct labor versus indirect labor.

Council member Kippert moved for Horizons to get clarification on how much was attributed to equipment and report that back to Chair Maxwell, who at that point would communicate that information to the rest of the Council and upon agreement, would give contract C4 temporary chair approval.

Council member Dignan seconded Council member Kippert's motion, and the contract was tabled in a unanimous vote by the Council.

**AGENDA ITEM 11: APPROVAL OF SFY 2015 ANNUAL REPORT PURSUANT TO 13-1C-5(B) NMSA 1978**

Ms. June reviewed the FY 2015 Annual Report with the Council.

Chair Maxwell asked that the Council review the document and deferred approval until the December council meeting.

Council member Trapp motioned to authorize the executive subcommittee to review the document and make any technical changes that might arise within its content, in the event that a quorum is not reached at the December 9, 2015 meeting. Council member Kivitz seconded the motion and the annual report was sent to the executive committee in a unanimous vote by the Council.

**AGENDA ITEM 12: OPEN PUBLIC FORUM AND PUBLIC COMMENTS**

There was no public comment at this time.

**AGENDA ITEM 13: COUNCIL DISCUSSION**

There was no council discussion at this time.

**AGENDA ITEM 14: SUGGESTED AGENDA ITEMS FOR FUTURE MEETINGS**

Chair Maxwell reiterated that the discussion items to be placed on future meeting agendas were as follows: the meaning of CRPs and Horizons Member Businesses in relation to New Mexico residents and their contracts, review and suggestions for amendments to the Adverse Impact Procedure, and review of how to handle Horizons members that might have a family member that's employed by the state.

**AGENDA ITEM 15: DATE AND LOCATION OF NEXT MEETING**

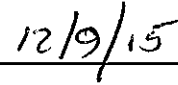
The next council meeting was determined to be held Wednesday, December 9, 2015. The time and location were to be determined at a later date.

**AGENDA ITEM 16: ADJOURN**

With no further business, the meeting was adjourned.

A handwritten signature in black ink, appearing to be 'L. Maxwell', written above a horizontal line.

Larry Maxwell, Chairman

A handwritten date '12/9/15' in black ink, written above a horizontal line.

Date