

OFFICIAL DRAFT

NEW MEXICO COUNCIL FOR PURCHASING FROM PERSONS WITH DISABILITIES MEETING – October 14, 2015

Sheraton Airport Hotel
2910 Yale Blvd. SE
Albuquerque, NM 87106

MEMBERS PRESENT

Larry Maxwell	Council Chair, State Purchasing Director Representative
Greg Trapp	Council Member, New Mexico Commission for the Blind Representative
Pam Lillibridge	Council Member, Community Rehabilitation Program (CRP) Representative
Paul Kippert	Designee, Council Member for Secretary Tom Clifford DFA
Roger Newall	Council Member, City of Albuquerque Representative
Mike Kivitz	Council Member, Community Rehabilitation Program (CRP) Representative
Lisa Dignan	Council Member, New Mexico Commission for the Deaf and Hard of Hearing Representative

MEMBERS NOT PRESENT

Secretary Tom Clifford	Council Member, Department of Finance and Administration Representative
Secretary Ackley	Council Member, Department of Information Technology Representative

OTHER PARTICIPANTS

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

Susan Roubidoux	Assistant Attorney General
Wren Propp	Director of the Board of Examiners for Architects
Victor Johnson	American Institute of Architects Santa Fe
Joel Brawley	Company Architects Planners Project Managers
Laura Banks	Public Observer
Baker H. Morrow	Former Chair of the State Board of Landscape Architects

Robert Loftis

Past President of the New Mexico Chapter of the American Society of Landscape Architects

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 seven council members present a quorum was established.

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 Mike Kivitz moved to approve the October 14, 2015 agenda. Council member Roger Newall seconded the motion and the agenda was approved in a unanimous vote by the Council.

AGENDA ITEM 5: APPROVAL OF MINUTES OF SEPTEMBER 9, 2015

Council member Pam Lillibridge moved to approve the September 9, 2015 council meeting minutes. Council member Paul Kippert seconded the motion, Council member Lisa Dignan abstained and the minutes were approved in a 5-0-1 (Approved, Denied, Abstained) vote by the Council.

AGENDA ITEM 6: CHAIR UPDATE, LARRY MAXWELL

Chair Maxwell informed the Council and those in attendance that the Services Subcommittee had met on multiple occasions to discuss those services that were to be considered suitable for sale and market under the State Use Program. He stated that a motion concerning those services would be presented to the Council later in the meeting.

Chair Maxwell then informed the Council that an issue had arisen between the Department of Health and Human Services and Horizons of New Mexico in regards the provisions of Call Center Services. He noted that Horizons had recommended the department to utilize a member business from Texas, although that member was not an approved Horizons member. It was established that the nonprofit Community Rehabilitation Program (CRP) that took on the contract needed to be established in the state where the contract was taking place. After a review from the Health and Human Services Department, it was decided that Horizons already had a CRP member that was qualified to take on that contract, therefore resolving the issue.

Chair Maxwell then informed the Council that an issue had arisen between the Department of Health and Human Services and Horizons of New Mexico in regard to the provision of Call Center Services. He informed, there was the recommendation from Horizons to utilize a Member Business from Texas. There was also a Member Business from New Mexico. The Texas entity at that time was not an approved member of Horizons or on their website and moreover, we looked at the law in sub-committee

for services, we noticed that the law provided that for Community Non-profit Rehabilitation Programs (CRPs). The Non-profit CRP would have to be operating to do business in the United States or in this State and that didn't include being a Community Non-profit established in a foreign state approved to do business in New Mexico. That's a different status. Now it indicates there was a review from the Human Services Department of the Texas Organization and I believe it was resolved last Friday with it being brought up that Horizons did have a member that could provide that service now so, sounds like Human Services was willing to contract with the provider that was already listed on the Horizons website. So consequently, I think that problem has been resolved with the satisfaction of all. I guess there needs to be some communication between the Horizons Member and Human Services as to appropriate services and cost involved. I believe that's the resolution of that matter.

AGENDA ITEM 7: CENTRAL NONPROFIT AGENCY UPDATE, PAMELA JUNE

Ms. Pamela June presented the Council with the annual report for Horizons of New Mexico.

Council member Trapp asked Ms. June to explain any new staffing hires that Horizons had recently made, as well as where the Horizons office was located and what it looked like. Ms. June explained that Horizons had hired Mr. Arturo Soliz as the organization's marketing manager and were looking forward to hiring someone in an accounting position in the near future. She also explained that the Horizons office was well equipped to hold their current staff and operations, as well as being ADA accessible, but would have to expand in the future as more hiring occurred.

Council member Lillibridge asked about the progress of the database implementation that would allow for the review of contract data, such as number of individuals employed, hours worked, wages earned, etc. Ms. June informed the Council that the database was in place and that Horizons was currently in the process of integrating it with their accounting system. She requested the Council inform her of any fields of inquiry they might want included in the system at this time. Ms. June stated she would take these inquiries back to the database programmer to determine if certain fields could be captured. She informed the database is a Contracts Management program therefore, certain fields can be captured such as wage and hour data, however, other demographics may be difficult to obtain given the type of software utilized as it is designed to capture procurement data.

Council member Trapp asked how Horizons members were certified and how they got recertified. Ms. June responded that when a member initially becomes certified, they have to provide information that must meet Horizons' criteria to become a certified member. Once that occurs, they are generally recertified at an annual meeting where they must provide this information again, and once again, meet that same criteria.

AGENDA ITEM 8: SUBCOMMITTEE UPDATES

Council member Trapp informed the board that the Services Subcommittee had been meeting to discuss which services should be considered suitable for sale and marketing by the State Use Program, and that a motion would be made concerning those services later in the meeting.

Chair Maxwell requested comments from Mr. Trapp who informed the Services Committee had spent considerable time on discussing various services for suitability.

Mr. Kivitz requested Horizons to provide any additional information on services currently performed or anticipated to be performed by Horizons that was not included on the list of 35 “approved services list.”

Ms. June informed she would provide this information and inquired if a more detailed description was preferred than broad categories. She would provide services listed on the Horizons website as well as those anticipated to be performed.

Mr. Kivitz informed more specific detail would be preferred to broad categories.

AGENDA ITEM 9: 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*

There was no discussion on this item at this time.

AGENDA ITEM 10: 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*

Chair Maxwell informed items a,b,c,d,e & f had received considerable discussion by the Services Committee.

Mr. Kippert put forth a motion noting the following list of services would not be deemed suitable under the State Use Act:

“Services of architects, archeologists, engineers, surveyors, landscape architects, medical arts practitioners, scientists, management and systems analysts, certified public accountants, registered public accountants, lawyers, psychologists, planners, researchers, construction managers, and construction services will not be suitable for sale to state agencies and/or local public bodies under the State Use Act.”

Mr. Kippert informed this determination was made based upon the Procurement Code.

Chair Maxwell agreed the language was quite similar to the Procurement Code with the exception that it did not specifically delineate “Professional Services” in the particular categories that the Services Committee came up with in the list described in the motion.

Mr. Trapp seconded the motion.

Ms. Lillibridge expressed concern about broad categories of services such as “IT Services” or “Planners” or “Researchers” if perhaps some very relevant and desirable services might be lost or not submitted to Horizons as a result of a broad category being excluded.

Chair Maxwell informed Ms. Lillibridge her concerns were valid. We had to come up with a methodology and we could not come up with a way to include every single one of the services. Some procurement agents might inquire as to specifics and others may not. However, it was felt this was the best way to proceed for the time being.

Mr. Newall inquired if the procurements should not be determined on a “case by case” basis.

Mr. Kippert informed, this does not apply to local, public bodies, however, determinations are made on the specific Scope of Work. I have been designated as the “gateway” for procurements to determine if they are Professional Services or General Services. Example: City Planner v. Planning an Event, a City Planner is a Professional Service while an Event Planner is not and is a General Service. Those are the decisions I make before the procurement is sent to Horizons. That is the process for now.

Chair Maxwell states, Ms. Lillibridge these decisions have nothing to do with the NM State Use Act and everything to do with the Statutory setup of the Procurement Code whether it is a Professional Service or a General Service. We tried to put harmonization between State Use and Procurement Code as much as possible. These categories are what state agencies follow and local public bodies tend to follow suit. This was thought to be the best way to blend or wed the two.

Ms. Lillibridge inquires if there is a way to “thread the needle” between not excluding specific categories that are suitable for State Use.

Chair Maxwell informs, the Committee felt this was the best way to narrow the field as well as leave it as broad as possible. When we start defining these services we can get specific.

Ms. Lillibridge inquires if the specifics should be defined via the Council vote at present.

Chair Maxwell states the specifics will be further defined in the months ahead.

Mr. Trapp informs, this is a rare opportunity for the Council to define those services that are appropriate and in the future the Committee will be able to look at the grey areas in relation to services that need more specificity. This is a way to hit the “reset” button if you will and align more with the Procurement Code.

Mr. Kippert informs there is a list or guide that is provided on the State Purchasing website as to Professional Services and General Services definitions. Things will fall into place and the definitions will become more clarified.

Chair Maxwell states, we will obtain more specifics from Horizons at the next meeting. Is there any further discussion? Hearing none let us proceed to the vote.

With a vote of five, one, one (approved, denied, abstained) the motion is duly passed.

AGENDA ITEM 11: APPROVAL OF SERVICE CONTRACTS

a) New Service Contracts - \$5,000 or less

1. *Department of Game & Fish and Greetings Etc., Inc., OHV & ATV Safety Training Booklets, \$2,405.27*
2. *Department of Game & Fish & Greetings Etc., Inc. Tag/Coin envelopes, \$1,110.66*
3. *Department of Corrections & My Bug Guy, Pest Control Services, \$2,019.42*
4. *Department of Corrections & My Bug Guy, Pest Control Services, \$1,565.01*
5. *City of Albuquerque Police Department & Crystal Clear Maintenance, Strip & Wax Floors \$528.67*
6. *Department of Game & Fish & Greetings Etc., Inc., Mailing Services \$989.79*

Council member Newall moved to approved contracts A1-A6 as a group. Council member Dignan seconded the motion and the contracts were approved in a unanimous vote by the Council.

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

1. *Department of Military Affairs – State Programs Office & Action One Janitorial, Janitorial Services, \$145,888.56.*

Council member Dignan moved to approved contract B1. Council member Newall seconded the motion and the contract was unanimously approved in a vote by the Council.

2. *Department of Game & Fish & Greetings, Etc., Inc., OHV Program Brochures, \$5,716.70.*

Council member Kippert moved to approve contract B2. Council member Lillibridge seconded the motion and the contract was unanimously approved in a vote by the Council.

AGENDA ITEM 12: APPROVAL OF OPEN MEETINGS ACT RESOLUTION

Council member Trapp informed the Council that the Open Meetings Act Resolution must be revised annually to establish that the Council is meeting the standard for what is considered reasonable notice for their meetings. There are three documents for your review, the Annual Resolution from last year, the proposed Resolution and a document to compare the differences in the two. Last year the Council voted to post the meetings 10 days in advance of the Regular meeting, continue to Publish in the Albuquerque Journal and it ends up on the Sunshine Portal. We also continue to publish on the State Purchasing and the Horizons of New Mexico website the posted Agenda at least 72 hours in advance. We go above and beyond what is required for posting and in doing so we create the possibility for some technical disadvantage, for instance recently the General Services Division (GSD) website was down due to some need to address critical business. We clarified the Central Non-Profit Agency as Horizons

of New Mexico so that someone could “Google” it. We streamlined Rulemaking with notices on both GSD, State Purchasing and Horizons webpages at least 30 days in advance of any Rule and otherwise follow any Rulemaking requirements. We have inserted language for Council Members to participate via conference call or similar device as well as inserted in the By-Laws. These are the most significant changes.

Chair Maxwell thanked Council member Trapp and Assistant Attorney General Susan Roubidoux for their joint efforts in putting the Open Meetings Act Resolution together.

Council member Lillibridge moved to approve the Open Meetings Act Resolution. Council member seconded the motion and the resolution was adopted in a unanimous vote by the Council.

AGENDA ITEM 13: CENTRAL NONPROFIT AGENCY QUARTERLY REPORT, PAMELA JUNE

Ms. June presented the Central Nonprofit Agency Quarterly Report to the Council at this time.

AGENDA ITEM 14: APPROVAL OF ANNUAL REPORT PURSUANT TO 13-1C-5(B) NMSA 1978

There was no action taken on this item at this time.

AGENDA ITEM 15: OPEN PUBLIC FORUM AND PUBLIC COMMENTS

There was no public comment at this time.

AGENDA ITEM 16: COUNCIL DISCUSSION

Ms. June requested that the Council review the timeline that the Annual Report was currently being presented on. She asked that it be moved to follow the state fiscal year.

Council member Lillibridge, Trapp and Dignan agreed and noted that it would be placed under consideration for the next meeting.

AGENDA ITEM 17: SUGGESTED AGENDA ITEMS FOR FUTURE MEETINGS

There were no suggestions at this time.

AGENDA ITEM 18: DATE AND LOCATION OF NEXT MEETING

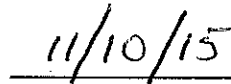
The next council meeting was determined to be held Tuesday, November 10, 2015, with the location to be determined at a later date and communicated to the Council at that time.

AGENDA ITEM 19: ADJOURN

With no further business, the meeting was adjourned.



Larry Maxwell, Chairman



Date