

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

**May 10, 2017, 1:30 P.M.**

**New Mexico Commission for Deaf and Hard of Hearing  
505 Marquette Avenue NW, Suite 1550  
Albuquerque, New Mexico 87102**

**MEMBERS PRESENT**

Larry Maxwell	Council Chairman, State Purchasing Director Representative
Greg Trapp	Council Member, New Mexico Commission for the Blind Representative
Lisa Dignan	Council Member, New Mexico Commission for Deaf and Hard of Hearing Representative
Mike Kivitz	Council Member, Community Rehabilitation Program (CRP) Representative
Pam Lillibridge	Council Member, Community Rehabilitation Program (CRP) Representative (participated remotely via telephone)
Roger Newall	Council Member, City of Albuquerque Representative
Darryl Ackley	Council Member, Department of Information Technology Representative (DoIT) (participated remotely via telephone)

**MEMBERS NOT PRESENT**

Paul Kippert	Designee, Council Member for Secretary Rodrigues (DFA)
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**OTHER PARTICIPANTS**

Kyle Radford	Horizons of New Mexico
Arturo Soliz	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
Bernadine Chavez	Disability Rights New Mexico
Hope Reed	ADA Accessibility Consulting
Luis Rios	Tresco
Ben Osborne	Public Observer - Law Student
Holly Bradshaw-Eakes	The Holly Company

**AGENDA ITEM 1: CALL TO ORDER**

Chairman Maxwell called the meeting to order.

**AGENDA ITEM 2: ROLL CALL**

Chair Maxwell asked Council member Greg Trapp to perform a roll call. With five council members present, a quorum could not be established.

Chair Maxwell informed all in attendance that the Council would continue with non-action agenda items until a quorum could be established.

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

Chair Maxwell then 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**

The approval of the agenda was delayed until a quorum could be reached at a later time during the meeting.

At the point in time when a quorum was reached, Council member Trapp moved to approve the May 10, 2017 regular meeting 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 April 12, 2017**

The approval of the April 12, 2017 minutes was delayed until a quorum could be reached at a later time during the meeting.

At the point in time when a quorum was reached, Mr. Kyle Radford informed the Council that the minutes incorrectly identify Ms. Burma as Mr. Burma in agenda item 16, and requested that the minutes be amended to reflect that correction. Council member Roger Newall moved to approve the April 12, 2017 regular meeting minutes as amended. Council member Dignan seconded the motion and the minutes were approved as amended in a unanimous vote by the Council.

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

There was no chair update at this time.

**AGENDA ITEM 7: CENTRAL NONPROFIT AGENCY UPDATE, KYLE RADFORD**

Mr. Kyle Radford, Horizons of New Mexico, informed the Council that the ongoing billing discrepancy with City of Albuquerque had nearly been resolved, and he stated that Horizons extended their appreciation to the Council for helping to reach that resolution.

Mr. Radford then introduced Ms. Hope Reed, ADA Accessibility Consultant, to the Council. Mr. Radford explained that Ms. Reed would be submitting a new service, and

subsequent contract, for approval later in the meeting, and thanked her for being available to speak about both of those topics with the Council.

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

The review of suitable services was delayed until a quorum could be reached at a later time during the meeting.

At the point in time when a quorum was reached, the Council invited Ms. Reed to speak about the service and contract being brought before them for approval.

Ms. Reed informed the council that her organization would be submitting “ADA Accessibility Consulting Services” for approval during the meeting. She explained that this service included the following: training on accessibility history, laws, regulations, standards and building codes; organizing national and local experts for ADA accessible building code training classes; accessibility site inspections with report; accessibility plan reviews with report; and preparing ADA transition plans.

Council member Mike Kivitz asked Ms. Reed if any certificate or licensure was required in order to be qualified to offer this type of service. Ms. Reed explained that, while there was not any specific certificate or licensure required to perform these types of services, she herself is an International Code Consult Certified Accessibility Plan Reviewer, a member of the International Code Consult, and a member of the ANSI Committee, which develops the ANSI Standards.

Chair Maxwell asked if the services Ms. Reed outlined were ever required on building or remodeling contracts. Ms. Reed responded that while they are not required, if they were requested, such as when ADA requirement reviews are requested, then she would have the ability to provide them to the agency or organization that made the request.

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

The approval of added and removed suitable services was delayed until a quorum could be reached at a later time during the meeting.

At the time when a quorum was reached, Council member Kivitz moved to approve “ADA Accessibility Consulting Services” as permissible for sale under the State Use Act. Council member Trapp seconded the motion and the service was approved in a unanimous vote by the Council.

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

The approval of service contracts was delayed until a quorum could be reached at a later time during the meeting.

At the time when a quorum was reached, the Council continued with the approval of service contracts.

**A. New FY18 Contract Renewals**

1. *New Mexico Children Youth and Families Department and member ARCA; Janitorial Services, FY18 - \$23,914.82, FY17 – Same Price*

Council member Newall moved to approve contract A1. Council member Dignan seconded the motion and the contract was approved in a unanimous vote by the Council.

2. *New Mexico Workers' Compensation Administration and member Crystal Clear Maintenance; Grounds Maintenance Services, FY18 - \$15,115.08, FY17 – Same Price*

Council member Dignan moved to approve contract A2. Council member Newall seconded the motion and the contract was approved in a unanimous vote by the Council.

3. *New Mexico Department of Transportation and member Tresco; Rest Area Maintenance, FY18 - \$1,988,446.57, FY17 - \$1,968,591.53*

After discussion on 14 (c) commensurate wages and how they relate specifically to Horizons members, Council member Kivitz moved to approve contract A3. Council member Trapp seconded the motion, Council member Pam Lillibridge abstained, and the contract was approved in a 5-0-1 (Approve – Deny – Abstain) vote by the Council.

**B. New Contracts \$5,000.00 and Under  
(None)**

**C. New Contracts over \$5,000.00**

1. *New Mexico Governor's Commission on Disability and member Hope Reed ADA Accessibility Consultant; ADA Specialist Consulting Services - \$5,054.06*

Council member Dignan moved to approve contract C1. Council member Kivitz seconded the motion and the contract was approved in a unanimous vote by the Council.

**AGENDA ITEM 11: NEW SERVICE CONTRACTS DIRECTLY DISTRIBUTED UNDER CNA AUTHORITY**

At this time, agenda item 11 was withdrawn from consideration by Mr. Radford.

**AGENDA ITEM 12: APPROVAL OF PROPOSED CHANGES FOR MEMBER DOCUMENT DESTRUCTION RATES**

The approval of proposed changes for member document destruction rates was delayed until a quorum could be reached at a later time during the meeting.

At the time when a quorum was reached, Mr. Radford presented two document destruction rate tables, one for plant-based services and one for onsite mobile services, from Horizons member Adelante Development Center. He informed the board that the tables reflected a 6% increase in cost across the board over the rates from the previous fiscal year.

Council member Dignan moved to approve the proposed document destruction rates. Council member Newall seconded the motion, Council member Kivitz abstained, and the proposed changes were approved in a 5-0-1 vote by the Council.

**AGENDA ITEM 13: APPROVAL OF CONTRACT PROPOSAL ACCEPTANCE FORM**

The approval of the contract proposal acceptance form was delayed until a quorum could be reached at a later time during the meeting.

At the time when a quorum was reached, Mr. Radford presented the updated contract proposal acceptance form to the Council. Mr. Radford noted that Horizons had been utilizing the form for the past month, and had received no push back from any government agencies.

Chair Maxwell called for any objections to the approval of the updated form presented by Mr. Radford and, hearing none, the form was approved.

**AGENDA ITEM 14: SUBCOMMITTEE UPDATES**

There were no subcommittee updates at this time.

**AGENDA ITEM 15: DISCUSSION OF SUBMINIMUM WAGE AND THE STATE USE PROGRAM**

Chair Maxwell then asked Ms. Bernadine Chavez, Disability Rights New Mexico, to speak to the Council regarding 14(c) commensurate wages.

At this time, Council members Lillibridge and Darryl Ackley had both joined the meeting via telephone. Chair Maxwell suggested the Council return to the skipped action agenda items and complete them before moving on to the rest of the agenda.

When the Council had concluded all previous action agenda items that were skipped due to a lack of quorum, the discussion returned to agenda item 15.

During this time, the Council discussed the following topics as related to 14 (c) commensurate wages as they are utilized through the State Use Program: (1) the payment of performance-based wages and how it could be transitioned to capability-based wages; (2) the

payment of state minimum wages versus federal minimum wages; (3) the logistic repercussions of keeping or eliminating 14(c) wages from the State Use Program; and (4) the amount of employment opportunities provided by Horizons of New Mexico member organizations that hold 14(c) certificates.

Chair Maxwell asked that the Council move any further discussion to the Executive Subcommittee, and possibly a public hearing to allow other individuals in the community the opportunity to voice their opinions about the issue.

**AGENDA ITEM 16: DISCUSSION OF SUNSHINE PORTAL AND CONTRACT POSTING**

Chair Maxwell asked Council member Ackley how Horizons might be able to go about getting State Use contracts posted on the Sunshine Portal. Council member Ackley responded that rules went into effect on January 1, 2017 that state agencies are required to submit approved contracts for posting on the Sunshine Portal.

Chair Maxwell asked that a dozen Horizons contracts from the past two years be selected at random and double checked against the Sunshine Portal, to ensure that state agencies were in fact submitting those for posting.

**AGENDA ITEM 17: OPEN PUBLIC FORUM AND PUBLIC COMMENTS**

There was no public forum or public comment at this time.

**AGENDA ITEM 18: COUNCIL DISCUSSION**

Council members Trapp and Kivitz both brought up the question of whether or not contract renewals should be included on council meeting agendas, both for transparency and time management.

After discussion, it was decided that contract renewals should be included as a separate agenda item on future council meeting agendas.

**AGENDA ITEM 19: SUGGESTED AGENDA ITEMS FOR FUTURE MEETINGS**

There were no suggested agenda items for future meetings at this time.

**AGENDA ITEM 20: DATE AND LOCATION OF NEXT MEETING**

The next council meeting was scheduled for Wednesday, June 14, 2017 at the New Mexico Commission for Deaf and Hard of Hearing at 1:30 p.m.

**AGENDA ITEM 21: ADJOURN**

With no further business, the meeting was adjourned.

Lisa DeGnan  
Larry Maxwell, Chairman

14 June 2017  
Date