

OFFICIAL DRAFT

NEW MEXICO COUNCIL FOR PURCHASING FROM PERSONS WITH DISABILITIES Regular Meeting

September 13, 2017, 1:30 P.M.

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

AGENDA ITEM 1: CALL TO ORDER

Vice-chair Lisa Dignan called the meeting to order at 1:37 p.m. MST.

AGENDA ITEM 2: ROLL CALL

Vice-Chair Dignan, acting as Chair for the duration of the meeting, asked Mr. Kyle Radford, Horizons of New Mexico, to perform a roll call.

MEMBERS PRESENT

Larry Maxwell	Council Chair, Larry Maxwell, State Purchasing Director Representative
Lisa Dignan	Council Member, New Mexico Commission for the 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
Paul Kippert	Designee, Council Member for Secretary Rodrigues (DFA) (participated remotely via telephone)
Estevan Lujan	Designee for Darryl Ackley, Council Member Department of Information Technology Representative (DIT) (participated remotely via telephone and joined the meeting later)

MEMBERS NOT PRESENT

Greg Trapp	Council Member, New Mexico Commission for the Blind Representative
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With six council members present, a quorum could not be reached.

The council moved to discuss non-action agenda items until a quorum could be reached.

AGENDA ITEM 3: INTRODUCTION OF GUESTS AND STAFF

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

OTHER PARTICIPANTS

Kyle Radford	Horizons of New Mexico
Arturo Soliz	Horizons of New Mexico
Fred Weber	Horizons of New Mexico
Taylor McBride	Horizons of New Mexico (participated remotely via telephone)
Marie Richter	Horizons of New Mexico (participated remotely via telephone)

GUESTS

Brian Ammerman	Adelante Development Center
Ernie Byers	Discount Printing and Mailing
Paul	Discount Printing and Mailing
Kathleen Homes-Cates	LifeROOTS
Matthew Melina	LifeROOTS
Therese Baca	Unlimited Office Management Systems

AGENDA ITEM 4: APPROVAL OF AGENDA

The approval of the agenda was delayed until a quorum could be reached.

At the time when a quorum was established, Council member Roger Newall moved to approve the September 13, 2017 regular meeting agenda. Council member Larry Maxwell seconded the motion and the agenda was approved in a unanimous vote by the Council.

AGENDA ITEM 5: APPROVAL OF COUNCIL MINUTES OF AUGUST 1, 2017

The approval of the August 1, 2017 regular meeting minutes was delayed until an agenda could be reached.

At the time when a quorum was established, Council member Pam Lillibridge moved to approve the August 1, 2017 regular meeting minutes. Council member Mike Kivitz seconded the motion, Council member Maxwell abstained, and the agenda was approved in a 5-0-1 (Approved – Denied – Abstained) vote by the Council.

AGENDA ITEM 6: CHAIR UPDATE, Larry Maxwell

There was no chair update at this time.

Council member Estevan Lujan joined the meeting via telephone at this time, establishing a quorum. The Council then moved to discuss previously skipped agenda action items before continuing with the rest of the agenda.

AGENDA ITEM 7: CENTRAL NONPROFIT AGENCY UPDATE

Mr. Radford informed the Council that Horizons members were experiencing difficulty with procuring service contracts, specifically in relation to the situation where state agencies decide to complete a service in-house after a Horizons member has spent time completing a site visit and developing a proposal. He also explained that Horizons members were experiencing difficulty with agencies soliciting other bids during the first right of refusal process. He explained members are concerned that their prices are being compared to low bid and not fair market value.

Ms. Kathleen Homes-Cates, LifeROOTS, agreed with Mr. Radford and voiced her concerns related to state agency Request for Proposal (RFP) practices. She offered to help promote the program in any way to make sure customers were educated about the advantages of utilizing it.

Mr. Matthew Molina, LifeROOTS, then spoke to the necessity of implementing a better outreach program with which to educate state agencies about the benefits of purchasing through the State Use Program, and offered his assistance with that initiative.

Chair Dignan stated that a new RFP, which would be discussed later in the meeting, would be submitted at the end of September, and contained a component relating to program outreach.

AGENDA ITEM 8: APPROVAL OF SERVICE CONTRACTS

A. Renewal Contracts \$5,000 and Under

- 1. New Mexico Higher Education Department and member Adelante Development Center, Document Imaging Services, FY17 - \$5,117.81, FY18 - \$3,467.56*

Council member Maxwell moved to approve contract A1. Council member Newall seconded the motion, Council member Kivitz abstained and the contract was approved in a 5-0-1 vote by the Council.

B. New FY18 Contracts \$5,000 and Under

- 1. New Mexico Workers Compensation Administration and member Crystal Clear Maintenance; Irrigation Repair Services - \$1,919.53*
- 2. New Mexico Game and Fish Department and member Greetings, Etc.!.; Mailing Services - \$1,771.88*
- 3. New Mexico Human Services Department and member My Bug Guy; Pest Control Services - \$1,518.78*

Council member Kivitz moved to approve contracts B1 – B3 as a group. Council member Lillibridge seconded the motion and the contracts were approved in a unanimous vote by the Council.

C. Renewal Contracts over \$5,000 Granted Temporary Chair Approval
Temporary Chair Approval Granted 8-11-2017

1. *Albuquerque Housing Authority and member LifeRoots, Janitorial Services; FY17 - \$52,071.69, FY18 - \$48,284.04*

Council member Kivitz moved to ratify contract C1. Council member Maxwell seconded the motion and the contract was ratified in a unanimous vote by the Council.

D. Renewal Contracts over \$5,000

1. *New Mexico Department of Veterans Services and member Disabled American Veterans; Transportation Services, FY17 - \$34,500.05, FY18 – Same*

Council member Maxwell moved to approve contract D1, with the clarification that any future potential price increase for that contract can be negotiated directly between Horizons of New Mexico and the Department of Veteran Affairs, based on the agreed upon reimbursement amount between those two entities. Council member Kivitz seconded the motion, and the contract was approved in a unanimous vote by the Council.

E. New Contracts over \$5,000

1. *Doña Ana County and member Discount Printing and Mailing; Printing Services - \$37,753.65*

Mr. Radford announced that no action was needed for contract E1 due to the fact that it had been approved at the previous council meeting.

2. *New Mexico Department of Health and member Premier Visual Voice; Transcription Services - \$7,285.16*

Council member Maxwell moved to approve contract E2. Council member Newall seconded the motion and the contract was approved in a unanimous vote by the Council.

3. *San Juan College and member Discount Printing and Mailing; Printing Services - \$19,837.14*

Council member Newall moved to approve contract E3. Council member Kivitz seconded the motion, and the contract was approved in a unanimous vote by the Council.

AGENDA ITEM 9: SERVICE CONTRACTS DIRECTLY DISTRIBUTED UNDER CNA AUTHORITY

A. Renewal Contracts Directed Under CNA Approval Authority

1. *Cien Aguas International School and member Adelante Development Center, Document Destruction Services; FY17 - \$150.00, FY18 - \$153.04*
2. *Mid-Region Council of Governments and member Adelante Development Center, Document Destruction Services; FY17 - \$1,365.00, FY18 - \$1,446.90*
3. *New Mexico Children, Youth, and Families Department and member Adelante Development Center, Document Destruction Services; FY17 - \$330.00, FY18 - \$499.54*
4. *New Mexico Secretary of State and member Adelante Development Center, Document Destruction Services; FY17 - \$315.00, FY18 - \$333.90*

B. New Service Contracts Directly Distributed Under CNA Authority

1. *First Judicial District Attorney and member Adelante Development Center; Document Destruction Services - \$167.48*
2. *New Mexico Children, Youth, and Families Department and member Adelante Development Center; Document Destruction Services - \$139.13*
3. *New Mexico Children, Youth, and Families Department and member Adelante Development Center; Document Destruction Services - \$27.83*
4. *New Mexico Children, Youth, and Families Department and member Adelante Development Center; Document Destruction Services - \$695.63*
5. *New Mexico Children, Youth, and Families Department and member Adelante Development Center; Document Destruction Services - \$139.13*
6. *New Mexico Commission for the Blind and member Adelante Development Center; Document Destruction Services - \$48.04*
7. *New Mexico Department of Public Safety and member Adelante Development Center; Document Destruction Services - \$61.43*
8. *New Mexico Department of Public Safety and member Adelante Development Center; Document Destruction Services - \$47.25*
9. *New Mexico Department of Public Safety and member Adelante Development Center; Document Destruction Services - \$238.88*
10. *New Mexico Department of Public Safety and member Adelante Development Center; Document Destruction Services - \$315.00*
11. *New Mexico Department of Public Safety and member Adelante Development Center; Document Destruction Services - \$315.00*
12. *New Mexico Tech and member Adelante Development Center; Document Destruction Services - \$191.10*
13. *Robert F. Kennedy Charter High School and member Adelante Development Center; Document Destruction Services - \$58.01*
14. *City of Albuquerque and member Crystal Clear Maintenance; Carpet Cleaning Services - \$403.79*

15. *City of Albuquerque and member Crystal Clear Maintenance; Carpet Cleaning Services - \$481.54*
16. *New Mexico Game and Fish Department and member Greetings, Etc.!.; Printing Services - \$913.18*
17. *New Mexico General Services Department and member My Bug Guy; Pest Control Services - \$573.75*
18. *New Mexico Children, Youth, and Families Department and member Tresco, Inc.; Carpet Cleaning Services - \$446.72*

Mr. Radford informed the Council that four contract renewals and 18 new contracts had been distributed under the authority of Horizons as the Central Nonprofit Agency (CNA). He stated that all the contracts fell below the \$1,500 threshold requirement for CNA approval, and that all had been completed or were in progress. Mr. Radford also noted that the locations of where the services were being provided were included on the contract authorization checklist, as per the Council's request at the previous meeting.

AGENDA ITEM 10: APPROVAL OF REQUEST FOR PROPOSALS FOR CENTRAL NONPROFIT AGENCY

Chair Dignan announced that the contract between the Council and Horizons of New Mexico for CNA services would expire at the end of December 2017. She then added that an Evaluation Committee had been established, and that Council member Maxwell, his designee Ms. Anna Silva, and herself, were preparing an RFP to be distributed by the end of September, and that Council approval was needed to continue with that process.

Council member Newall moved to approve the distribution of the new RFP and Council member Maxwell seconded the motion, which was approved in a unanimous vote by the Council.

AGENDA ITEM 11: APPROVAL OF OPEN MEETINGS ACT RESOLUTION

Mr. Radford announced that, while no changes or additions had been made to the current Open Meetings Act Resolution, the document needed to be approved annually by the Council.

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

AGENDA ITEM 12: DISCUSSION OF REVISION TO PROCEDURE FOR CENTRAL NONPROFIT AGENCY DIRECT DISTRIBUTION OF SMALL CONTRACTS TO ADDRESS ISSUE OF AGENCIES AND LOCAL PUBLIC BODIES HAVING MULTIPLE SMALL CONTRACTS

Although not officially an action agenda item, Council member Maxwell moved to approve allowing Horizons to continue to directly distribute contracts valued at less than \$1,500.00. He added the provision that if Council member Greg Trapp, as the New Mexico Commission for the Blind representative, informed the Council at the October 2017 meeting that

they did not have authority to take action on this item, they would include it as an action agenda item to be acted on at the November 2017 meeting.

Council member Newall seconded the motion and it was approved in a unanimous vote by the Council.

AGENDA ITEM 13: APPROVAL OF ADDED AND REMOVED SUITABLE SERVICES

There were no services to approve at this time.

AGENDA ITEM 14: DISCUSSION OF 14(c) SUBMINIMUM WAGE CERTIFICATES AND THE STATE USE ACT PROGRAM

There was no discussion at this time.

AGENDA ITEM 15: SUBCOMMITTEE UPDATES

There were no subcommittee updates at this time.

AGENDA ITEM 16: OPEN PUBLIC FORUM AND PUBLIC COMMENTS

There was no public comment at this time.

AGENDA ITEM 17: COUNCIL DISCUSSION

There was no council discussion at this time.

AGENDA ITEM 18: SUGGESTED AGENDA ITEMS FOR FUTURE MEETINGS

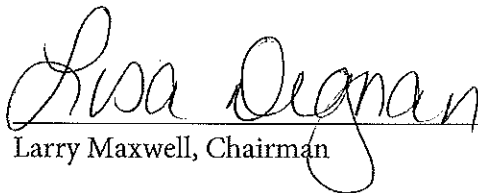
There were no suggested agenda items for future meetings at this time.

AGENDA ITEM 19: DATE AND LOCATION OF NEXT MEETING

The next council meeting was scheduled for Wednesday, October 11, 2017 at 1:30 p.m., at the New Mexico Commission for Deaf and Hard of Hearing.

AGENDA ITEM 20: ADJOURN

With no further business, the meeting was adjourned at 2:29 p.m. MTN.


Larry Maxwell, Chairman


Date

NEW MEXICO COUNCIL FOR PURCHASING FROM PERSONS WITH DISABILITIES

Adopted: April 12, 2017 (revised October 11, 2017)

PROCEDURE FOR CENTRAL NONPROFIT AGENCY DIRECT DISTRIBUTION OF SMALL CONTRACTS

I. Purpose

The purpose of the State Use Act, NMSA 1978, Section 13-1C-1 through Section 13-1C-7, is to "encourage and assist persons with disabilities to achieve maximum personal independence through useful and productive employment by ensuring an expanded and constant market for services delivered by persons with disabilities, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on welfare and entitlements." To help achieve this purpose, this procedure establishes a process to allow for the Central Nonprofit Agency to "facilitate the equitable distribution" of small contracts as authorized by 2.40.5.10 NMAC, by Section A of 2.40.5.12 NMAC, and by Section B of 2.40.5.14 NMAC. As authorized by **13-1C-5(A)(6) of the State Use Act**, the New Mexico Council for Purchasing from Persons with Disabilities adopts this procedure to facilitate the equitable distribution of contracts by providing a method for the Central Nonprofit Agency to directly distribute qualifying small contracts.

II. Background

The New Mexico Council for Purchasing from Persons with Disabilities has adopted the practice of discussing and approving all State Use Act contracts during Council meetings, regardless of the size of the contract. This has resulted in the Council and Central Nonprofit Agency spending time and resources approving very small contracts. By authorizing the Central Nonprofit Agency to directly distribute small contracts, the overall process is made more efficient and productive.

III. Eligible Contracts

1. For a contract to be eligible for direct distribution by the Central Nonprofit Agency, all of the following shall apply:
 - a. The total amount of the contract to be directly distributed shall not exceed \$1,500.
 - b. The state agency or local public body shall not have divided the contract or contracts into amounts of \$1,500 or less so as to permit direct distribution.
 - c. The services to be provided under the contract must have been determined suitable by the New Mexico Council for Purchasing from Persons with Disabilities.
 - d. The state agency or local public body and the Central Nonprofit Agency must agree that the services to be provided under the contract are suitable.
 - e. The services to be provided under the contract must be within the "fair market price" range as determined by the New Mexico Council for Purchasing from Persons with Disabilities.

f. Provision of the services under the contract must otherwise not create a significant adverse impact upon the state agency or local public body, as set forth in Section F of 2.40.5.10 NMAC, and as defined by the "Procedure for Determining and Responding to Significant Adverse Impact and Verification of Fair Market Price."

g. The contract for the services to be provided must be in compliance with the Governmental Conduct Act, including the provisions at 10-16-7 that pertain to contracts with public officers of the state, employees of the state, or family members of public officers of the state or employees of the state.

h. The contract for the services to be provided shall otherwise be in compliance with the State Use Act, NMSA 1978, Section 13-1C-1 through Section 13-1C-7.

IV. Transparency and Accountability

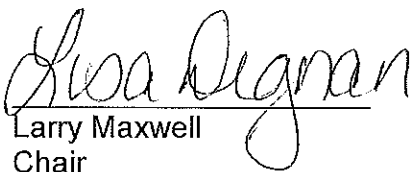
So as to provide for maximum transparency and accountability, all small Contracts directly distributed by the Central Nonprofit Agency shall be placed on the agenda of the New Mexico Council for Purchasing from Persons with Disabilities. This placement on the agenda shall take place as soon as reasonably possible, allowing for compliance with the Open Meetings Act requirement that agendas be posted at least 72 hours in advance of the meeting. Should there be insufficient time to place the contract on the agenda immediately following the Central Nonprofit Agency direct distribution of the contract, the contract shall be placed on the agenda for the next meeting. The agenda shall identify the following:

- a. The amount and nature of the contract.
- b. The state agency or local public body procuring the services.
- c. The Qualified Individual or Community Rehabilitation Program providing the services.

V. Multiple Small Contracts

It is possible that the state agency or local public body procuring the services may have multiple small contracts directly distributed by the Central Nonprofit Agency, and that the sum of those multiple small contracts may exceed \$1,500. Such occurrences shall not be a violation of this procedure so long as there is no intentional effort to divide contracts into smaller portions so as to permit direct distribution under this procedure.

APPROVED BY THE NEW MEXICO COUNCIL FOR PURCHASING FROM PERSONS WITH DISABILITIES THIS 11TH DAY OF October, 2017.


Larry Maxwell
Chair