

Official Draft
NEW MEXICO COUNCIL FOR PURCHASING
FROM PERSONS WITH DISABILITIES

REGULAR MEETING

May 8, 2019, 1:30 PM

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

AGENDA ITEM 1: CALL TO ORDER

Chair Lisa Dignan called the meeting to order at 1:41 p.m. MDT.

AGENDA ITEM 2: ROLL CALL

Chair Dignan asked Council member Greg Trapp to perform a roll call.

MEMBERS PRESENT

Lisa Dignan	Council Chair, New Mexico Commission for Deaf and Hard of Hearing Representative
Greg Trapp	Council Member, New Mexico Commission for the Blind Representative
Roger Newall	Council Member, Disabled Veteran Representative
Antoinette Holmes	Council member, Division of Vocational Rehabilitation Representative (participated remotely by telephone)
Mike Kivitz	Council Member, Community Rehabilitation Program (CRP) Representative
Paul Kippert	Council Member, Designee for Department of Finance and Administration (DFA) Secretary Olivia Padilla-Jackson
Phillip Bachicha	Council Member, Designee for Department of Information Technology (DoIT) Secretary Vincent Martinez (participated remotely by telephone)
Mark Hayden	Council Member, State Purchasing Director
Pam Lillibridge	Council Member, Community Rehabilitation Program (CRP) Representative

With nine council members present or participating remotely via telephone, a full quorum was established.

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

Matt Loehman	Horizons of New Mexico
Arturo Soliz	Horizons of New Mexico
Kyle Radford	Horizons of New Mexico
Scott DeVetter	Horizons of New Mexico (participated remotely via telephone)
Taylor McBride	Horizons of New Mexico (participated remotely via telephone)

GUESTS

Brian Ammerman	Adelante Development Center
Michael Davenport	Adelante Development Center

AGENDA ITEM 4: APPROVAL OF AGENDA

Council member Paul Kippert moved to approve the agenda for the May 8, 2019 council meeting. Council member Mike Kivitz seconded the motion, and the agenda was approved in a unanimous vote by the Council.

AGENDA ITEM 5: APPROVAL OF COUNCIL MINUTES OF APRIL 10, 2019

Council member Roger Newall noted that on the April 10, 2019, regular meeting minutes, and also moving forward, he should be designated as a “disabled veteran representative” in addition to his title of “Council Member.”

Council member Kippert moved to approve the April 10, 2019 regular meeting minutes, as amended. Council member Kivitz seconded the motion, Council member Pam Lillibridge abstained, and the minutes were approved in a 7-0-1 (Approve – Deny – Abstain) vote by the Council.

AGENDA ITEM 6: CHAIR UPDATE, LISA DIGNAN

Chair Dignan announced that Ms. Anna Silva would no longer occupy a position on the Council, as she had transitioned into a new employment position within her agency. She went on to announce that her replacement is the new State Purchasing Agent, Mr. Mark Hayden, who was in attendance and would represent the State Purchasing Department moving forward.

Chair Dignan then announced that she had the opportunity to visit WorkQuest while on a business trip in Austin, Texas over the past weekend, and thanked WorkQuest and its representatives in attendance and participating via telephone for their hospitality during that visit.

AGENDA ITEM 7: ELECTION OF VICE CHAIR POSITION

Council member Kippert nominated Council member Hayden to fill the position of Vice Chair, vacated in Ms. Silva’s absence. Council member Phillip Bachicha seconded the motion, and the position was filled in a unanimous vote by the Council.

AGENDA ITEM 8: CENTRAL NONPROFIT AGENCY UPDATE, MATT LOEHMAN

Mr. Matt Loehman, Horizons of New Mexico (Horizons), announced his one-year anniversary as the executive director of Horizons.

Mr. Loehman then presented the Council with copies of Horizons’ annual sales, dating back to the fiscal year 2013, as requested at the previous council meeting. He noted that the

organization had been experiencing steady sales growth and that all generated revenues were invested back into the New Mexico State Use Program.

Council member Antoinette Holmes asked Mr. Loehman to clarify what comprised the Program's fiscal year revenues. Mr. Loehman responded that revenues were representative of the sales generated from the completion of contracts awarded to member businesses and community rehabilitation programs (CRPs).

Mr. Loehman updated the Council on the status of the fiscal year 2020 contract renewal process and announced that, to date, Horizons had not received any denials from state agencies for the submitted proposed contract renewals.

At this time, the Council decided to take a short recess to resolve technical difficulties occurring over the teleconference line. The meeting would resume once those issues were fixed.

AGENDA ITEM 9: APPROVAL OF CENTRAL NONPROFIT AGENCY PROCEDURE FOR REVIEWING COMMUNITY REHABILITATION PROGRAM COMPLIANCE WITH APPLICABLE WAGE LAW

Upon the resolution of technical difficulties, the council meeting resumed, and a quorum was confirmed before moving forward with agenda item 9.

Chair Dignan announced that an ad hoc committee, comprised of Council members Dignan, Kippert, and Trapp, and that would include Council member Hayden moving forward, had reviewed the one-page procedure for reviewing CRP compliance with applicable wage law submitted by Horizons.

Council member Bachicha asked whether or not contracts utilizing 14 (c) special wages is publicized to procuring agencies. Chair Dignan responded that the use of those wages is noted internally between the Council and Horizons and that they would be noted on the agendas, which are posted publicly, moving forward.

Council member Bachicha asked for clarification on why a procuring agency wouldn't be notified about contracts utilizing 14 (c) special wages and whether or not an agency would be able to opt out of a contract that utilizes those wages. Chair Dignan responded that procuring agencies don't base their purchasing decisions on the wages that the CRP or member organization pay their employees, but if that becomes an issue in the future, the Council will address it.

Mr. Loehman asked if there was any documentation available to the Central Nonprofit Agency (CNA) for those CRPs that were awaiting receipt of 14 (c) special wage re-certification. Council member Kivitz responded that the CRP awaiting re-certification or the Department of Labor would be able to provide the CNA proof of the solicitation of re-certification.

Chair Dignan suggested changing the documentation requirement outlined on bullet point number two of the submitted procedure to allow evidence of application for re-certification as sufficient documentation to allow a CRP to continue utilizing 14 (c) special wages. Council member Newall agreed with that suggestion and added that once the CRP attained that re-certification certificate, it should be filed with the CNA immediately. Council member Kivitz

clarified that this should only take place for re-certification, and if a CRP is awaiting a first-time certification, they should not be allowed to employ those wages until their certificate is acquired.

Council member Newall moved to approve the CNA procedure for reviewing CRP compliance with applicable wage law, inclusive of the suggested changes outlined by Chair Dignan. Council member Lillibridge seconded the motion, and the procedure was approved as amended in a unanimous vote by the Council.

AGENDA ITEM 10: APPROVAL OF AMENDED COUNCIL BYLAWS

Council member Trapp informed the Council that the current council bylaws had not been reviewed for approval since 2014. He went on to outline that the main amendment to the bylaws being presented to the Council - that the Council will agree to abide by the terms of the Governmental Conduct Act, whereas in the previous version, the Council agreed to be subject to the provisions of the Governmental Conduct Act.

Chair Dignan added that the Council is also considering adding in a conflict of interest statement, as well as exploring the financial disclosure agreement that was brought before the Council for discussion in the March council meeting. She noted that any further action on those two issues would be postponed until a representative from the Attorney General's Office was available to advise the Council on how to move forward.

Council member Newall motioned to adopt the Council Bylaws as revised. Council member Kippert seconded the motion, and the bylaws were adopted as revised in a unanimous vote by the Council.

AGENDA ITEM 11: APPROVAL OF SERVICE CONTRACTS

Note: Contracts may have minor adjustments up or down from the dollar amounts listed

a) New Contracts \$5,000 and Under

1. *New Mexico Department of Game & Fish and member Greetings, Etc.; Printing and Mailing Services - \$3,566.64*

Chair Dignan informed council members that the contract authorization form included in their council packets noted whether or not the contracts being voted on today utilized 14 (c) subminimum wages.

Council member Bachicha moved to approve contracts A1. Council member Kippert seconded the motion, and the contracts were approved in a unanimous vote by the Council.

b) New Contracts Over \$5,000

1. *New Mexico Department of Military Affairs and member ARCA; Janitorial Services - \$7,125.21*

Mr. Loehman announced that contract B1 was being approved for work for the remainder of the fiscal year and that it would come up for approval again in the next fiscal year.

After discussion about the significant hourly wage rate for the contract, Mr. Kyle Radford, Horizons, was able to confirm that two employees were performing work on this contract instead of one, which was incorrectly reported in the scope of work, which decreased the hourly wage rate to align with comparable wage rates in the area.

Council member Kivitz moved to approve contract B1. Council member Hayden seconded the motion, and the contract was approved in a unanimous vote by the Council.

2. *New Mexico Department of health and member Top Tier Movers, LLC; Moving Services - \$6,474.51*

Council member Bachicha moved to approve contract B2. Council member Newall seconded the motion, and the contract was approved in a unanimous vote by the Council.

c) FY20 Renewal Contracts \$5,000 and Under

1. *New Mexico Department of Transportation and member Adelante Development Center; Janitorial Services – FY19 - \$3,024.00, FY 20 - \$3,147.12*

Council member Lillibridge moved to approve contract C1. Council member Holmes seconded the motion, Council member Kivitz abstained, and the contract was approved in a 7-0-1 vote by the Council.

2. *New Mexico Department of Health and member My Bug Guyz; Pest Control Services – FY19 - \$3,348.36, FY20 – Same*
3. *New Mexico Department of Game & Fish and member Tresco; Grounds Maintenance – FY19 - \$2,378.52, FY20 - \$2,402.88*

Council member Bachicha moved to approve contracts C2 and C3. Council member Kivitz seconded the motion, and the contracts were approved in a unanimous vote by the Council.

d) FY20 Renewal Contracts Over \$5,000

1. *New Mexico Children, Youth and Families Department, and member ARCA; Janitorial Services – FY19 - \$23,914.82, FY20 - \$27,202.80*

Council member Hayden moved to approve contract D1. Council member Newall seconded the motion, and the contract was approved in a unanimous vote by the Council.

2. *New Mexico Department of Health and member ARCA; Janitorial Services – FY19 - \$290,635.92, FY20 - \$298,382.04*

Council member Kivitz moved to approve contract D2. Council member Hayden seconded the motion, and the contract was approved in a unanimous vote by the Council.

3. *Mid-Region Council of Governments and member Crystal Clear Maintenance; Janitorial Services – FY19 - \$13,545.00, FY20 - \$13,951.32*

Council member Newall moved to approve contract D3. Council member Hayden seconded the motion, and the contract was approved in a unanimous vote by the Council.

4. *New Mexico Department of Game & Fish and member My Bug Guyz; Janitorial Services – FY19 - \$8,418.24, FY20 – Same*

Mr. Loehman clarified that contract D4 should be listed for Pest Control Services, not Janitorial Services as it appears on the agenda.

Council member Trapp asked if the contract was time-sensitive, or if it could be tabled for approval at the next council meeting, listed with the correct service to be performed. Mr. Loehman said that the contract was not time sensitive and could be included for approval on the next agenda.

Council member Newall moved to have contract D4 tabled until the next council meeting. Council member Trapp seconded the motion, and the contract was tabled in a unanimous vote by the Council.

AGENDA ITEM 12: SERVICE CONTRACTS DIRECTLY DISTRIBUTED UNDER CENTRAL NONPROFIT AGENCY AUTHORITY

a) New Service Contracts Directly Distributed Under CNA Authority

1. *Bernalillo County and member Adelante Development Center; Document Destruction Services - \$1,063.65*
2. *Bernalillo County and member Adelante Development Center; Document Destruction Services - \$1,317.75*
3. *New Mexico Department of Health and member Adelante Development Center; Document Destruction Services - \$28.31*
4. *New Mexico Department of Health and member Adelante Development Center; Document Destruction Services - \$716.10*
5. *New Mexico Division of Vocational Rehabilitation and member Adelante Development Center; Document Destruction Services - \$1,187.45*
6. *New Mexico Division of Vocational Rehabilitation and member Adelante Development Center; Document Destruction Services - \$1,472.17*
7. *New Mexico Public Education Department and member Adelante Development; Document Destruction Services - \$1,063.80*

8. *New Mexico Workforce Connection and member Adelante Development Center; Document Destruction Services - \$175.55*
9. *San Juan College and member Discount Printing & Mailing; Printing Services - \$472.50*
10. *New Mexico Children, Youth and Families Department, and member My Bug Guyz; Pest Control Services – \$1,128.72*
11. *New Mexico Department of Health and member Top Tier Movers, LLC; Moving Services – \$1,128.75*

b) FY19 Renewal Service Contracts Directly Distributed Under CNA Authority

1. *Bernalillo County and member Adelante Development Center; Document Destruction Services – FY 19 - \$184.99, FY 20 - \$189.41*
2. *New Mexico Commission for the Deaf and Hard of Hearing and member Adelante Development Center; Document Destruction Services – FY 19 - \$170.76, FY 20 - \$174.84*
3. *New Mexico Commission of Public Records and member My Bug Guyz; Pest Control Services – FY 19 - \$406.38, FY 20 - Same*
4. *New Mexico Department of Health and member My Bug Guyz; Pest Control Services – FY 19 - \$677.28, FY 20 - Same*
5. *New Mexico General Services Department and member My Bug Guyz; Pest Control Services – FY 19 - \$575.67, FY 20 - Same*
6. *New Mexico Department of Information Technology and member Tresco; FY 19 - \$1,345.32, FY 20 - \$1,436.16*

c) Contracts Directly Distributed Under CNA Authority in Cases of Urgent and Immediate Need

(None)

AGENDA ITEM 13: CENTRAL NONPROFIT AGENCY QUARTERLY REPORT, MATT LOEHMAN

Mr. Loehman reported to the Council that throughout the last quarter, three contracts totaling approximately \$17,000 had been approved by the Council, employing eight individuals with disabilities. Of those three contracts, one was awarded to a CRP, totaling more than \$2,000 and employing two individuals with disabilities, and the other two were awarded to member businesses, totaling more than \$15,000 and employing six individuals with disabilities.

Mr. Loehman added that one contract had been distributed under urgent need, totaling \$2,000, and 38 contracts had been directly distributed under CNA authority. He noted that all together, the CNA and the Council had approved a total of \$31,000 worth of contracts during the 3rd quarter.

AGENDA ITEM 14: APPROVAL OF ADDED AND REMOVED SUITABLE SERVICES

There were no services to be added or removed 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 forum and comment at this time.

AGENDA ITEM 17: COUNCIL DISCUSSION

Council member Kivitz requested that Horizons change the wording on the Contract Authorization Checklist from employees being paid under a “subminimum wage certificate” to employees being paid under a “special wage certificate.”

Chair Dignan noted that Council member Bachicha had suggested adding some information to the price agreement website about the State Use Program that could refer individuals to Horizons. Council member Hayden responded that a link on that website should be currently available, but that he would double check to make sure it is up and running.

Chair Dignan added that Council member Bachicha had suggested that the Program reach out to New Mexico State Records and Archives as a way to expand their scope within the state. Mr. Loehman indicated that Horizons did hold a contract with the agency, but that they would work on expanding their business with them.

AGENDA ITEM 18: SUGGESTED AGENDA ITEMS FOR FUTURE MEETINGS

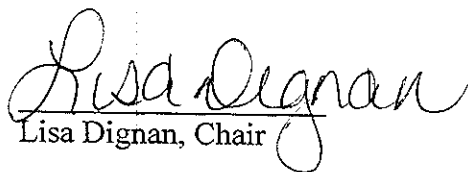
There were no suggested agenda items for future meetings at this time.

AGENDA ITEM 19: DATE AND LOCATION OF NEXT MEETING

Due to the anticipated high number of renewal contracts for approval, the next two regular Council meetings were tentatively scheduled for Wednesday, June 12, 2019, and Wednesday, June 26, 2019, at 1:30 p.m. MDT, at the New Mexico Commission for Deaf and Hard of Hearing.

AGENDA ITEM 20: ADJOURN

With no further business, the meeting was adjourned at 3:11 p.m. MDT.


Lisa Dignan, Chair

12 June 2019
Date