

OFFICIAL DRAFT

NEW MEXICO COUNCIL FOR PURCHASING FROM PERSONS WITH DISABILITIES Regular Meeting

February 10, 2016

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
Roger Newall	Council Member, City of Albuquerque Representative

MEMBERS NOT PRESENT

Secretary Darryl 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

Patricia Adams	New Mexico Commission for the Blind
Anna Silva	State Purchasing
Laura Banks	Public Observer
Brian O'Connor	ARCA

AGENDA ITEM 1: CALL TO ORDER

Chairman 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 Roger Newall moved to approve the February 10, 2016 regular meeting agenda. Council member Paul Kippert seconded the motion and the agenda was approved in a unanimous vote by the Council.

AGENDA ITEM 5: APPROVAL OF MINUTES OF JANUARY 20, 2016

Council member Kippert noticed that Council member Tom Clifford was listed as "Not Present" on the January 20, 2016 special meeting minutes. As Council member Clifford's designee, Council member Kippert suggested that a council member's designee's attendance should suffice for the council member's attendance. The Council agreed with this suggestion and noted that it should be implemented in future meeting minutes.

Council member Lisa Dignan moved to approve the January 20, 2016 special meeting minutes. Council member Mike Kivitz seconded the motion and the minutes were approved in a unanimous vote by the Council.

AGENDA ITEM 6: CHAIR UPDATE, LARRY MAXWELL

Chair Maxwell reported that he had electronically submitted the Report of the State Use Act Council, on behalf of Horizons of New Mexico, to both the Governor's Office and the Council Service and had yet to hear any comments in response to those submittals.

Council member Kivitz informed the Council that a current piece of legislation concerning the program is Senate Bill 10 (SB 10), which would give disadvantaged and under-utilized businesses preference in the bidding process. He noted that he did not think the bill was on the Governor's call list and that it probably wouldn't go anywhere. Council member Trapp added that House Bill 205 (HB 205) could potentially move the Division of Vocational Rehabilitation to the Department of Workforce Solutions. He added that the bill is still in the House but has come out of committee.

AGENDA ITEM 7: CENTRAL NONPROFIT AGENCY UPDATE, PAMELA JUNE

Ms. Pamela June informed the Council that Horizons had incorporated the changes concerning the list of services that were deemed appropriate and inappropriate for sale under the State Use Program during the last council meeting on their website. She also noted that the Horizons member training that was to take place in March would be moved to April, due to the fact that the Horizons office was in the process of moving to a new building. Ms. June noted that Horizons would send out a notice to all member organizations and the Council containing their new location information once the move was completed.

Ms. June then stated that, at the Council's request, Horizons was working with their attorney to incorporate certain provisions to their membership agreement, as well as a form concerning the Governmental Procedures Act, specifically dealing with family employed by the state government and

vendors. She noted that Council member Kippert was assisting Horizons in this endeavor and that both existing and new members will be required to fill out the revised agreement and the form.

Council member Trapp asked Ms. June if the annual report had been distributed to Horizons member organizations, and if there was any feedback on the report. Ms. June responded that the report had been distributed to all member organizations, as well as the Horizons Advisory Board, and they had heard positive feedback from the Advisory Board in regard to the format and the information included within it.

Council member Newall suggested that the agenda item concerning the approval of service contracts be moved to take place before the review of suitable services on future agendas. Council member Trapp saw no problem with rearranging the agenda, and suggested that, if necessary at future meetings, the agenda be rearranged at the time of its approval.

AGENDA ITEM 10: APPROVAL OF SERVICE CONTRACTS

Agenda Item 10, Approval of Service Contracts, was moved to take place at this time.

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

- 1. New Mexico Rehabilitation Center and Greetings Etc., Inc., Printing. \$1,166.81.*
- 2. New Mexico Arts and Greetings Etc., Inc., Printing. \$287.23*

Council member Pam Lillibridge moved to approve contracts A1 and A2 as a group. Council member Kippert seconded the motion and the contracts were approved in a unanimous vote by the Council.

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

- 1. New Mexico CYFD & Davis Innovations, Child Care & Development Fund Plan and the Child Care Emergency Preparedness & Response Plan for Early Childhood Services Division. \$27,676.52.*

Council member Lillibridge asked if this contract was a continuation of a grant for a previously existing contract. Ms. June responded that it was a continuation of a grant and procurement previously approved by the Council; more specifically, it is a continuation with an increase in the amount of work to be completed.

Council member Newall motioned to table the contract until the costs listed on the contract authorization form and the agenda corresponded correctly. There was no second and the motion did not go forward.

Council member Kivitz moved to approve contract B1. Council member Dignan seconded the motion, Council member Newall opposed, Council member Kippert abstained and the contract was approved in a 4-1-1 (Approved, Denied, Abstained) vote by the Council.

At this time, the Council moved back to discuss agenda item 8, Review of Suitable Services.

AGENDA ITEM 8: REVIEW OF SUITABLE SERVICES

Chair Maxwell turned his duties over to Council member Dignan for the duration of agenda items 8 and 9.

Review and approval of added and removed suitable services would take place concurrently during agenda item 9.

AGENDA ITEM 9: APPROVAL OF ADDED AND REMOVED SUITABLE SERVICES

Demolition

Council member Maxwell noted that “Demolition” is included under the previously approved service of “General Labor”, and as such does not need to be approved as an individual service. Council member Kippert moved not to approve “Demolition” as an individual service to be offered under the State Use Program. Council member Maxwell seconded the motion. Chair Dignan noted that the services “Remediation – Wall Repair,” “Roof Repair and Maintenance,” and “Stair Replacement” all fall under the same “General Labor” category as “Demolition”. She suggested the Council deal with those listed services as a group. Council member Kippert accepted the amendment, and his motion and Council member Maxwell’s second stood. In a unanimous vote by the Council, all four services were not approved as suitable for sale under the State Use Act.

Council member Kivitz suggested that Horizons include language on their website that would help purchasers to understand what the service “General Labor” entailed, in regards to specific requirements (i.e. not requiring a licensed contractor, the services covered under the “General Labor” umbrella term, etc.).

Graphic Design – Logo Design

Council member Trapp suggested that this service be included under the State Use Act as permissive rather than mandatory.

Council member Maxwell made a motion that the Council establish a classification of permissive services that may be utilized by agencies and local public bodies that is separate from the category of mandatory services, and once that category is established, “Graphic Design – Logo Design” will be placed under it. Council member Kivitz seconded the motion.

After extensive discussion on the establishment of a permissive category of services suitable for sale under the State Use Act, the Council passed the motion to establish a classification of permissive services to be utilized by agencies and public bodies that is separate from the category of mandatory services, in a 5-1-0 vote by the Council, with Council Member Kippert as the Opposing vote.

Although it was included in the original motion, Council member Maxwell moved to include the “Graphic Design – Logo Design” service under the “permissive category”. Council member Trapp seconded the motion, Council member Kippert opposed and the service was included as permissible for sale in a 5-1-0 vote by the Council.

IT – IV & V

Council member Kivitz stated that, when dealing with IT contracts, approval is very dependent on the scope of work for the services, especially since some scopes of work could be very technical and not appropriate for a mandatory program. Council member Trapp agreed and noted that this type of service

seems unique in the fact that it is so specialized and technical and that it should not be included as appropriate for sale under the State Use Act.

Council member Maxwell moved that "IT – IV & V" services be deemed not suitable for sale under the State Use Act. Council member Trapp seconded the motion, Council member Lillibridge opposed, Council member Newall and Kivitz abstained, and, due to the necessity of a tie-breaking vote, Chair Dignan voted in agreement with the motion. The service was deemed not suitable for sale in a 4-1-2 vote by the Council.

Council member Kivitz made sure the let everyone at the meeting know that just because a decision was made during a council meeting about the inclusion or exclusion of a service, does not mean the Council would be against further discussion in the future if a new contract seemed appropriate for the program.

Central Records Repository - Archives

Council member Maxwell moved to table this service until clarification was made as to how the state is going to handle the retention of records and archives as well as the how digital signatures will be incorporated. Council member Lillibridge seconded the motion, Council member Kivitz abstained and the service was tabled in a 5-0-1 vote by the Council.

IT – Enterprise Application

Council member Kippert noted that this service covered too broad of a category to be deemed mandatory under the State Use Act. Council member Newall agreed that the description of the service seemed very broad.

Council member Kippert moved that "IT – Enterprise application" be deemed not suitable for sale under the State Use Act. Council member Newall seconded, Council member Kivitz abstained and the the services was deemed not suitable for sale in a 5-0-1 vote by the Council.

IT – Project Management

Council member Maxwell moved that "IT – Project Management" be deemed not suitable for sale under the State Use Act. Council member Kippert seconded the motion and the service was deemed not suitable in a unanimous vote by the Council.

IT Support

Council member Maxwell moved to include "IT Support" in the newly established "permissive" category. Council member Newall seconded the motion, Council member Kippert opposed and the service was approved to be included as permissive for sale under the State Use Act in a 5-1-0 vote by the Council.

IT – Web Training

Council member Kippert moved to approve "IT – Web Training" as suitable for sale under the State Use Act. Council member Newall seconded the motion, Council member Maxwell opposed and the service was approved in a 5-1-0 vote by the Council.

IT – Web Training Development

Council member Newall moved to approve “IT – Web Training Development” as suitable for sale under the State Use Act. Council member Kivitz seconded the motion, Council member Maxwell opposed, Council member Trapp abstained, and the service was approved as suitable for sale in a 4-1-1 vote by the Council.

Meeting Minutes Preparation Services

Council member Maxwell moved to approve “Meeting Minutes Preparation Services” as suitable for sale under the State Use Act. Council member Kippert seconded the motion and the service was approved as suitable for sale in a unanimous vote by the Council.

Survey Services

Council member Maxwell noted that this service seemed to require special talents, specifications and abilities.

Council member Maxwell moved that “Survey Services” be deemed not suitable for sale under the State Use Act. Council member Kivitz seconded the motion and the service was not approved for sale in a unanimous vote by the Council.

Training Services

Due to the broad nature of this service, Council member Newall moved to approve “Training Services” under the “permissive” category, to be reviewed on an individual basis. Council member Maxwell seconded the motion, Council member Kippert opposed and the service was approved as permissive for sale in a 5-1-0 vote by the Council.

Transportation Services

Chair Dignan informed the Council that this service had been approved during the last council meeting with the exemption of Vocational Rehabilitation Transportation Services.

With the conclusion of agenda item 9, Chair Maxwell resumed his position as Chair.

AGENDA ITEM 11: DISCUSSION OF APPLICATION OF ADVERSE IMPACT PROCEDURE

Council member Trapp informed the Council that his subcommittee had not had adequate time to discuss the Adverse Impact Procedure, due to legislative responsibilities. He ensured that the document had been posted to the Horizons website and then suggested that his subcommittee would hold future public meetings to obtain feedback from anyone wanting to comment on the document.

AGENDA ITEM 12: SUBCOMMITTEE UPDATES

There were no subcommittee updates at this time.

AGENDA ITEM 13: OPEN PUBLIC FORUM AND PUBLIC COMMENTS

There was no public comment at this time.

AGENDA ITEM 14: COUNCIL DISCUSSION

There was no council discussion at this time.

AGENDA ITEM 15: SUGGESTED AGENDA ITEMS FOR FUTURE MEETINGS

Council member Dignan asked that the issue of the appropriateness of out of state vendors be placed on the agenda as a future item of discussion.

Chair Maxwell noted that the Request for Proposal (RFP) for the selection of a new Central Nonprofit Agency (CNA) was due. He asked if the Executive Committee would move forward with that process. Council member Trapp stated that, due to a motion at the last council meeting, the committee had already begun that process.

AGENDA ITEM 16: DATE AND LOCATION OF NEXT MEETING

The next Council meeting was determined to be held on Wednesday, March 16, 2016 at 1:30 p.m. Chair Maxwell requested that Ms. June communicate the location to the Council at a later date.

AGENDA ITEM 17: ADJOURN

With no further business, the meeting was adjourned.



Larry Maxwell, Chairman



Date