

# OFFICIAL DRAFT

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

March 16, 2016, 1:30 P.M.

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
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 (participated remotely via telephone)
Marie Richter	Horizons of New Mexico (participated remotely via telephone)
Taylor McBride	Horizons of New Mexico

### GUESTS

Laura Bank	Public Observer
Brian Ammerman	Adelante Development Center

### AGENDA ITEM 1: CALL TO ORDER

Chairman Larry Maxwell called the meeting to order.

### AGENDA ITEM 2: ROLL CALL

Chair Maxwell performed a roll call and established that, with seven council members present, there was a quorum.

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

Chair Maxwell asked all guest 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 March 16, 2016 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 FEBRUARY 10, 2016**

Council member Paul Kippert requested that his vote in opposition to the inclusion of a "Permissive" category of services be reflected in the February 10, 2016 minutes. He also noted that the current vote count on the inclusion or exclusion of "Training Services" as appropriate for sale under the State Use Act needed to be changed to reflect one vote in opposition to its inclusion, rather than the one vote in abstention that was currently recorded.

Council member Roger Newall moved to approve the February 10, 2016 regular meeting minutes as amended. Council member Kippert seconded the motion, Council member Darryl Ackley abstained, and the minutes were approved as amended.

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

Chair Maxwell informed the Council that the Executive Committee held a meeting on March 10, 2016 to discuss the Adverse Impact Procedure (AIP), which resulted in productive discussion. He also noted that the upcoming Request for Proposal (RFP) had been discussed at the meeting and would be reintroduced for council discussion later in the meeting, along with further discussion on the AIP.

### **AGENDA ITEM 7: CENTRAL NONPROFIT AGENCY UPDATE**

Ms. Pamela June reported to the Council that Horizons of New Mexico had completed its move to the company's new office space.

Ms. June introduced Ms. Taylor McBride to discuss recent additions to the Horizons of New Mexico "Members' Services" webpage regarding the "Permissive" category of services the Council approved at the February 10, 2016. After council discussion regarding the wording to be included with the new "Permissive" category, Council member Dignan requested that Ms. McBride send any revised wording to her for review, to then be added to the Horizons website.

Council member Dignan also noted that the old Horizons of New Mexico address was still listed on the website and suggested that information should be updated to reflect its new address.

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

There were no services to be reviewed at this time.

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

There were no services to be approved for addition or removal at this time.

**AGENDA ITEM 10: APPROVAL OF SERVICES CONTRACTS**

**A. NEW SERVICE CONTRACTS - \$5000 or Less**

1. *New Mexico Department of Game and Fish and Greetings Etc.!, Inc., Printing Services, \$198.04*
2. *New Mexico Rehabilitation Center and Greetings Etc.!, Inc., Printing Services, \$1,127.92*

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

**B. NEW SERVICE CONTRACTS – More than \$5000**

There were no new services contracts more than \$5,000.00 to take action on at this time.

**AGENDA ITEM 11: APPROVAL OF REQUEST FOR PROPOSALS AND DESIGNATION OF PROCUREMENT MANAGER, LARRY MAXWELL**

Chair Maxwell informed the Council that the Executive Subcommittee used the 2011 version of Central Nonprofit Agency (CNA) Request for Proposal (RFP) to create a new version that includes updates and revisions to be issued for public advertisement on March 29, 2016.

Council member Greg Trapp moved to approve the following motion: (1) that the Council issue the updated RFP, based on the prior RFP, constituting a management fee of up to 5% to be paid to the CNA; (2) that the RFP is issued pursuant to all applicable procurement codes and regulations under the State Use Act; (3) and that the Council accepts the voluntary services of Council member Dignan as the procurement manager. Council member Roger Newall seconded the motion and the new version of the RFP was approved for public advertisement on March 29, 2016 in a unanimous vote by the Council.

After its approval, Chair Maxwell reiterated that additional amendments could still be made to the RFP after its initial distribution.

**AGENDA ITEM 12: DISCUSSION OF APPLICATION OF ADVERSE IMPACT PROCEDURE**

Council member Trapp announced that revised versions of the Adverse Impact Procedure (AIP) and a Fair Market Price Procedure had been posted to multiple public websites, including

Horizons of New Mexico and the Department of Administration, General Services Division, for the purpose of soliciting public comment, on March 10, 2016. He noted that a public meeting was also held on March 10 with the intent of gathering public comment on both documents. Council member Trapp stated that as of March 10, the beginning of the 30-day public comment period, the Council had not received any written feedback concerning the two documents.

Ms. Dignan noted although written comments were not received the Committee met with Horizons and one Member CRP on February 10, 2016 who provided testimony as to issues encountered under the current policy. Discussions were held as to potential language edits to assure only new procurements were allowed and not contracts already ratified by the Council.

Council member Newall asked if the Chair Maxwell thought the newly established “Permissive” category of services should be taken into account in dealing with the AIP. Chair Maxwell responded that, considering the AIP dealt with the mandatory aspect of the program, it shouldn’t affect any contracts that included “Permissive” services because they would be procured on a voluntary basis.

Council member Trapp noted that the written comment period would end at 5:00 p.m. on April 9, 2016 and that the documents would be reintroduced to the Council for review at the April council meeting.

**AGENDA ITEM 13: SUBCOMMITTEE UPDATES**

There were no subcommittee updates at this time.

**AGENDA ITEM 14: OPEN PUBLIC FORUM AND PUBLIC COMMENTS**

At this time, the Council decided to delay Agenda Item 14 until the Arrival of Mr. Brian Ammerman, at which time he would give a presentation to the Council concerning a potential new contract for Adelante Development Center.

**AGENDA ITEM 15: COUNCIL DISCUSSION**

There was no council discussion at this time.

**AGENDA ITEM 16: SUGGESTED ITEMS FOR FUTURE MEETINGS**

Council member Dignan requested that the appropriateness of the involvement of out-of-state vendors within the State Use Program be added as an agenda item for the next council meeting. She also requested that the Executive Committee receive a copy of the agenda before each council meeting going forward.

Council member Lillibridge requested that Horizons of New Mexico put together a list of all procurements brought forward to Horizons, comprised of the total number of possible procurements received and what service category those procurements fall under, to be given to the Council at the next meeting. Ms. June responded that Horizons could have that list available for distribution at the next meeting.

**AGENDA ITEM 17: DATE AND LOCATION OF NEXT MEETING**

The next Council meeting was determined to be held on Wednesday, April 20, 2016 at 1:30 p.m. at the Sheraton Albuquerque Uptown Hotel.

At this time, Mr. Brian Ammerman was introduced to review a possible bulk mailing and printing contract between Adelante Development Center and New Mexico Health Services Division. He asked that, due to the size and potential earnings of the contract, the Council advise him of any issues they might foresee concerning its procurement, in hopes of increasing the probability that the contract was approved by the Council when it was introduced at a future meeting.

Council member Dignan verified with Chair Maxwell that, because the Council had approved printing as a suitable service for sale under the State Use Act, the type of service being performed should not be a concern in regard to creating a potential barrier for contract approval.

Mr. Ammerman then informed the Council that the contract would allow the opportunity for the creation of varying job descriptions and payment above minimum wage for those individuals with disabilities that are employed on the contract, should it be awarded to Adelante.

Chair Maxwell applauded Mr. Ammerman and Adelante for being proactive in their attempt to identify possible barriers to the approval of such a desirable contract.

**AGENDA ITEM 18: ADJOURN**

With no further business, the meeting was adjourned.



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Larry Maxwell, Chairman



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Date