

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

March 8, 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

Anna Silva	Designee, Council Chairman, Larry Maxwell, State Purchasing Director Representative (participated remotely via telephone)
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
Paul Kippert	Designee, Council Member for Secretary Rodrigues (DFA) (participated remotely via telephone)

MEMBERS NOT PRESENT

Darryl Ackley	Council Member, Department of Information Technology Representative (DoIT)
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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

Matthew Melina	LifeROOTS
Darlene	LifeROOTS
Kathleen Holmes-Cates	LifeROOTS
Ernie Byers	Discount Printing and Mailing

AGENDA ITEM 1: CALL TO ORDER

Vice-chairman Lisa Dignan called the meeting to order. Due to the fact that Chairman Larry Maxwell was not present during the meeting, Vice-chairman Dignan performed the chairman's duties for the duration of the meeting.

AGENDA ITEM 2: ROLL CALL

Vice-Chairman Dignan 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

Vice-Chairman Dignan 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

Council member Roger Newall moved to approve the March 8, 2017 meeting agenda. Council member Mike Kivitz seconded the motion and the agenda was approved in a unanimous vote by the Council.

AGENDA ITEM 5: APPROVAL OF MINUTES OF February 8, 2017

Council member Anna Silva moved to approve the February 8, 2017 council meeting minutes. Council member Newall seconded the motion, Council member Paul Kippert abstained due to his absence during the February 8 meeting, and the minutes were approved in a 5-0-1 (Approve – Deny – Abstain) 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, reviewed an ongoing issue concerning a janitorial services contract with the City of Albuquerque.

Due to hardships in attaining the necessary paperwork to be able to invoice the city for a large janitorial contract, Horizons had resorted to issuing advances to those member organizations who had performed work on said contract. Mr. Radford reported that he and Mr. Arturo Soliz, Horizons, had a successful meeting with the Assistant Controller regarding the issue. He added that Horizons expected to be able to begin submitting invoices for payment for services performed on that contract within the following week.

AGENDA ITEM 8: APPROVAL OF SERVICE CONTRACTS

A. New FY17 Contracts \$5,000 and Under

1. *Town of Taos and member Greetings, Etc.!: Printing Services - \$2,457.32*

Council member Pam Lillibridge moved to approve contract A1. Council member Kivitz seconded the motion and the contract was approved in a unanimous vote by the Council.

B. New FY17 Contracts Over \$5,000

(NONE)

AGENDA ITEM 9: DISCUSSION OF THE REQUIREMENTS OF THE GOVERNMENTAL CONDUCT ACT AT 10-16-7 NMSA 1978

Council member Trapp reviewed the Governmental Conduct Act as it pertains to the provision regarding contracting with potential purchasing entities whose family members work for the State of New Mexico or are public officers. He noted that anyone who seeks to do business with the State of New Mexico, whose family member is an employee of the state or who is an employee or public officer themselves, must comply with the following criteria: 1.) the individual must provide notice of said relationship, and 2.) the contract in question must be awarded through competitive processes.

Mr. Radford stated that Horizons member organizations sign a disclosure agreement that ensures that Horizons is in compliance with this provision of the act. Vice-Chairman Dignan asked Mr. Radford to send a copy of that agreement to Council member Trapp for review to ensure that it is compliant with the most recent iterations of the provision, with additional emphasis on its compliance in relation to public officers.

Council member Newall asked if there was a definition of public officer available, for reference. Council member Kippert stated that a public officer employee refers to any active or appointed official of a state agency or local government agency who receives compensation.

AGENDA ITEM 10: SUBCOMMITTEE UPDATES

Council member Trapp informed the Council that the Executive Subcommittee continues to review issues pertaining to the State Use Program, including appreciable contributions issues, out-of-state vendors, and other general topics to ensure that the Council remains compliant with the State Use Act. He stated that once the legislative session concluded, the subcommittee would have more time to discuss said topics in detail as well as more information to present to the Council.

AGENDA ITEM 11: DISCUSSION AND APPROVAL OF PROCESS FOR SMALL CONTRACT APPROVALS

Vice-Chairman Dignan presented a draft of the Contract Proposal Acceptance form that would be submitted as a companion form alongside the Contract Approval Authorization

Checklist for the Council's consideration when approving contracts. The document would serve as a tangible evidence that the Council can use to certify that purchasing entities have reviewed contract specifications, agree that they meet fair market pricing requirements, and have determined whether or not significant adverse impact is relevant to the particular contract being negotiated.

Discussion took place as to how smaller contracts might be approved in a more streamlined process, through the use of a form like the Contract Approval Acceptance document, as well as how to establish the threshold amount for what would constitute a contract to be approved through this new process.

Vice-Chairman Dignan asked Council member Trapp to draft a new version of the procedure, incorporating the suggested clerical amendments to the Contract Proposal Acceptance document that were raised during discussion, to be brought forward for further discussion at the next Council meeting.

AGENDA ITEM 12: APPROVAL OF COUNCIL POSITION ON APPRECIABLE CONTRIBUTION AND PROHIBITION OF BROKERING SERVICES

The Council went on to discuss appreciable contribution as it relates to the prohibition of brokering services within the State Use Act.

Council member Trapp noted the current State Use Act language outlined that any potential contract that entails brokering solely on the part of the community rehabilitation provider is not suitable for the State Use Program, that an appreciable contribution to the services must be made by persons with disabilities, and that the decision about whether or not the labor of persons with disabilities constitutes the established appreciable contribution would be at the discretion of the Council. He added that if the central nonprofit agency is aware of the intent to engage in brokering for any contracts, then that should immediately be brought to the attention of the Council.

Ernie Byers, Discount Printing and Mailing, made public comment about how his company uses leased equipment on some contracts and believes there is still considerable appreciable contribution made by individuals with disabilities. Mr. Byers requested that all members be asked to disclose when requesting new contracts if there is any leased equipment involved. The Council agreed that the inquiry would be made.

The Council agreed that their current method of ensuring that contracts were in compliance with appreciable contribution was sufficient. They noted that in the future they would discuss any contracts that might fall out of compliance on that point on a case by case basis.

AGENDA ITEM 13: REVIEW OF SUITABLE SERVICES

There was no review of suitable services at this time.

AGENDA ITEM 14: APPROVAL OF ADDED AND REMOVED SUITABLE SERVICES

There was no approval of added and removed suitable services at this time.

AGENDA ITEM 15: OPEN PUBLIC FORUM AND PUBLIC COMMENTS

Ms. Kathleen Holmes-Cates, LifeROOTS, thanked Horizons for their advocacy with the City of Albuquerque in an attempt to fast track the invoicing process for the large janitorial contract that was discussed earlier in the meeting.

AGENDA ITEM 16: COUNCIL DISCUSSION

Council member Kippert presented the Council with an update about House Bill 278, concerning the elimination of procurement codes exemptions starting July 1, 2019. He stated that an amendment to the bill had eliminated much of its content and shouldn't significantly affect the State Use Program.

AGENDA ITEM: 17: SUGGESTED AGENDA ITEMS FOR FUTURE MEETINGS

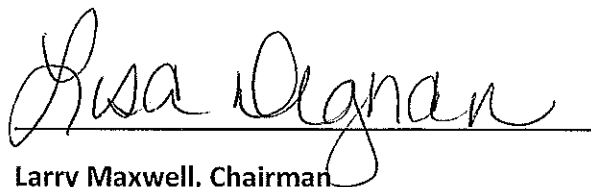
Vice-Chairman Dignan suggested a legislative wrap-up be included as an agenda item for the next Council meeting, in addition to an update on the Governmental Conduct Act at 10-16-7 1978 as it pertains to contracting with family members and public officers.

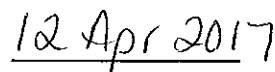
AGENDA ITEM 18: DATE AND LOCATION OF NEXT MEETING

The next council meeting was scheduled for Wednesday, April 12, 2017 at the New Mexico Commission for Deaf and Hard of Hearing at 1:30 p.m.

AGENDA ITEM 19: ADJOURN

With no further business, the meeting was adjourned.


Larry Maxwell, Chairman


Date