

OFFICIAL MINUTES

NEW MEXICO COUNCIL FOR PURCHASING FROM PERSONS WITH DISABILITIES

REGULAR MEETING

May 13, 2020, 1:30 PM

Video Conference Call

AGENDA ITEM 1: CALL TO ORDER

Chair Lisa Dignan called the meeting to order at 1:35 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 (participating remotely via video)
Greg Trapp	Council Secretary, New Mexico Commission for the Blind Representative (participating remotely via video)
Mark Hayden	Council Vice-Chair, State Purchasing Director (participating remotely via video)
Roger Newall	Council Member, Disabled Veteran (participating remotely via video)
Antoinette Holmes	Council Member, Division of Vocational Rehabilitation Representative (participating remotely via video)
Mike Kivitz	Council Member, Community Rehabilitation Program (CRP) Representative (participating remotely via video)
Pam Lillibridge	Council Member, Community Rehabilitation Program (CRP) Representative (participating remotely via video)
Miranda Mascareñas	Council Member, Designee for Department of Finance and Administration (DFA) Secretary Padilla-Jackson (DFA) (participating remotely via video)

With eight council members participating remotely via telephone or video, a quorum was established.

AGENDA ITEM 3: INTRODUCTION OF GUESTS AND STAFF

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

OTHER PARTICIPANTS

Matt Loehman	Horizons of New Mexico, participating remotely via video
Arturo Soliz	Horizons of New Mexico, participating remotely via telephone
Kyle Radford	Horizons of New Mexico, participating remotely via video
Marie Richter	Horizons of New Mexico, participating remotely via video
Scott DeVetter	Horizons of New Mexico, participating remotely via telephone
Taylor McBride	Horizons of New Mexico, participating remotely via video

GUESTS

Kelly Burma	New Mexico Commission for the Blind, participating remotely via video
Ernie Buyers	DigiPros Printing and Mailing, participating remotely via video
Brian Ammerman	Adelante Development Center, participating remotely via telephone
Bernie Lujan	Buddy Check II, participating remotely via video
Chris Boston	Tresco, participating remotely via video
Andy Taylor	Tresco, participating remotely via video
Rick Block	Tresco, participating remotely via video
Karla Solaria	New Mexico Office of the Attorney General, participating remotely via video
Valerie Paulk	State Purchasing Division, participating remotely via telephone

AGENDA ITEM 4: APPROVAL OF AGENDA

Council member Roger Newall moved to approve the agenda for the May 13, 2020 regular council meeting. Council member Pam Lillibridge seconded the motion and the Council voted unanimously to approve the agenda, with members Dignan, Mark Hayden, Antoinette Holmes, Mike Kivitz, Lillibridge, Miranda Mascareñas, Newall, and Trapp voting yes.

AGENDA ITEM 5: APPROVAL OF THE MINUTES OF APRIL 15, 2020

Council member Hayden moved to approve the April 15, 2020 meeting minutes. Council member Holmes seconded the motion and the Council voted unanimously by roll call to approve the minutes, with members Dignan, Hayden, Holmes, Kivitz, Lillibridge, Mascareñas, Newall and Trapp voting yes.

AGENDA ITEM 6: CHAIR UPDATE, LISA DIGNAN

Chair Dignan announced that a new secretary had been assigned to the Department of Information Technology, replacing Secretary Vincent Martinez, and that she was currently working with the Governor's office to get that new secretary appointed to the Council. She added that a similar situation would take place at the end of the month with Secretary Olivia Padilla-Jackson, Department of Finance and Administration.

Chair Dignan then thanked Horizons of New Mexico (Horizons) staff for their hard work during COVID-19 (coronavirus) to ensure that contracts were still being procured and maintained.

AGENDA ITEM 7: CENTRAL NONPROFIT AGENCY, MATT LOEHMAN

Mr. Matt Loehman, Horizons, thanked the Council for working to ensure that the New Mexico State Use Program could continue to function throughout COVID-19, thus ensuring employment for individuals with disabilities during an uncertain time.

Mr. Loehman noted that Horizons was receiving FY 2020 renewals during this time, although at a lower volume than normal most likely due to COVID-19, and that the Council would still have plenty of contracts to renew during the June 2020 council meetings.

AGENDA ITEM 8: REPORT ON HOW MEMBER BUSINESSES ARE FOLLOWING BEST PRACTICES ABOUT COVID-19, MATT LOEHMAN

Mr. Loehman reported on the responses Horizons had received about how member businesses had responded to COVID-19. He stated the Horizons had offered specialized ISSA (International Sanitary Supply Association) training to member programs to inform them about best practices in dealing with janitorial cleaning during COVID-19, and that 10 member businesses had accepted that offer. Mr. Loehman added that Horizons had submitted a survey to member businesses to solicit how those members were responding to COVID-19 protocols and the new needs that arose from implementing those protocols.

AGENDA ITEM 9: APPROVAL OF PROPOSED INCREASE FOR MEMBER DOCUMENT DESTRUCTION RATES

Mr. Brian Ammerman, Adelante Development Center, explained to the Council that a proposed increase of 2.7% for document destruction rates, which requires annual Council approval, was based on an average between the Albuquerque minimum wage rate increase, the Santa Fe living wage rate increase and the increase in the State's minimum wage.

Council member Lillibridge moved to approve the proposed increase for document destruction rates, as stipulated in the four-page handout included in the meeting packet, which is attached and incorporated into these minutes. Council member Newall seconded the motion, and the increase was approved in a roll call vote, with members Dignan, Hayden, Holmes, Lillibridge, Mascareñas, Newall, and Trapp voting yes. Council member Kivitz abstained.

AGENDA ITEM 10: APPROVAL OF TEMPORARY REDUCTION OF THE REQUIREMENT THAT 75% PERSONS WITH DISABILITIES BE EMPLOYED IN DIRECT LABOR FOR THE PROVISION OF SERVICES DUE TO THE CORONAVIRUS EMERGENCY, ALLOWING FOR AUTHORIZATION OF CONTRACTS THAT WILL EMPLOY LESS THAN 75% OF PERSONS WITH DISABILITIES EMPLOYED IN DIRECT LABOR

Council member Hayden outlined the following reasoning for the temporary reduction to the 75% direct labor requirement:

- The administrative rules for State Use require providers to maintain a 75% qualified employment threshold to be met over the course of the fiscal year under 2.40.5.15(B) NMAC.
- The Council is tasking Horizons to track providers' ratios over the year to verify whether the 75% threshold minimum will be met by the end of the fiscal year.
- The Statue Use rules specifically provide for exceptions "unique factors or special circumstances" under 2.40.5.14(B) NMAC. Accordingly, an exception for the 75% minimum qualified employment threshold can reasonably be applied to our current pandemic situation as follows:
 - First, there is no rule requiring a per contract qualified employment ratio, and this allows the Council to temporarily approve contracts that fall below the 75% threshold.
 - Second, this exception language provides the Council flexibility in holding providers to account for a year-end 75% ratio requirement.
- The Council asks that Horizons provide periodic updates to the Council regarding the CSAs who fall below the 75% qualified employment threshold, and whether those CSA's are able to meet the threshold minimum by the end of the fiscal year, or the unique factors and extenuating circumstances if they are unable to meet the minimum along with recommending a remediation plan framework under 2.40.5.15(C) as appropriate.

- This Council will use data provided from Horizons to make determinations of any actions to be taken per 2.40.5.15(C) NMAC, on a case-by-case basis, taking into account factors such as restrictions due to local incidence of the virus and restrictions for specific groups of people with disabilities, etc.

Council member Trapp added that this would be a temporary action intended to preserve and maintain employment opportunities for individuals with disabilities, and that if the action was not taken, there was risk of losing future contracting and business opportunities for those individuals.

After discussion, Council member Hayden made the motion that, in recognition of the COVID-19 crisis, and due to the fact that stay-at-home orders and the need to engage in social distancing is resulting in fewer workers with disabilities being able to come to the worksite, the Council take into consideration these unique factors or special circumstances should any members fall below the required 75 percent Direct labor ratio, recognizing that contracts that will or have been distributed may fall below the 75 percent ratio, and directing Horizons of New Mexico to follow provisions in 2.40.5.15(C) NMAC. Council member Trapp seconded the motion and the Council voted unanimously to approve the reduction, with members Dignan, Hayden, Holmes, Kivitz, Lillibridge, Mascareñas, Newall and Trapp voting yes.

AGENDA ITEM 11: APPROVAL OF SERVICE CONTRACTS

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

*Note: Please contact Horizons of New Mexico for additional information about any contracts listed on the agenda.

a) New Contracts \$5,000 and Under

(None)

b) New Contracts Over \$5,000

(None)

c) FY21 Renewal Contracts \$5,000 and Under

(None)

d) FY21 Renewal Contracts Over \$5,000

1. *New Mexico Human Services Department and member Adelante Development Center; Printing Services – FY17 – \$3,600,000 (\$14,400,000 – 48 months), FY21 – same*

Council member Lillibridge moved to approve contract D1. Council member Hayden seconded the motion, Council member Kivitz abstained, and the contract was approved in a 7-0-1 vote, with members Dignan, Hayden, Holmes, Lillibridge, Mascareñas, Newall and Trapp voting yes.

2. *New Mexico Children, Youth & Families Department and member Clearly*

Clean Janitorial Service; Janitorial Services – FY 20 – \$29,978.16, FY 21 – \$33,297.36

Council member Kivitz moved to approve contract D2. Council member Newall seconded the motion and the contract was approved in a unanimous vote by the Council, with members Dignan, Hayden, Holmes, Kivitz, Lillibridge, Mascareñas, Newall, and Trapp voting yes

3. *New Mexico Department of Information Technology and member Crystal Clean Maintenance; Janitorial Services – FY 20 – \$5,580.60, FY 21 – same*

Council member Hayden moved to accept contract D3. Council member Lillibridge seconded the motion and the Council voted unanimously to accept the contract, with members Dignan, Hayden, Holmes, Kivitz, Lillibridge, Mascareñas, Newall, and Trapp voting yes.

e) Changes & Increases

1. *New Mexico Health Insurance Exchange and member DigiPros; Printing and Mailing Services – Current - \$300,000.00, Revised - \$430,000.00*

Council member Hayden moved to approve the increase for contract E1. Council member Mascareñas seconded the motion and the Council voted unanimously to accept the increase, with members Dignan, Hayden, Holmes, Kivitz, Lillibridge, Mascareñas, Newall, and Trapp voting yes.

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

a) New Service Contracts Directly Distributed Under CNA Authority

1. *New Mexico Law Offices of the Public Defender and member Adelante Development Center; Document Destruction Services – \$557.10*
2. *New Mexico Supreme Court and member Adelante Development Center; Document Destruction Services – \$185.82*
3. *Torrance County and member Adelante Development Center; Document Destruction Services – \$29.12*
4. *San Juan College and member Buddy Check II; Printing Services – \$354.90*
5. *New Mexico Energy, Minerals and Natural Resources Department and member Crystal Clear Maintenance; Janitorial Services – \$1,738.28*
6. *City of Albuquerque and member Greetings, Etc.; Printing Services – \$435.14*
7. *City of Albuquerque and member Greetings, Etc.; Printing Services – \$1,975.31*
8. *San Juan College and member Greetings, Etc.; Printing Services – \$388.50*
9. *City of Albuquerque and member LifeROOTS; Janitorial Services – \$711.40*

b) FY21 Renewal Service Contracts Directly Distributed Under CNA Authority

1. *New Mexico Department of Workforce Solutions and member Adelante Development Center; Document Destruction Services – FY 20 – \$1,796.34,*

FY 21 – \$2,372.76

2. *New Mexico Workers' Compensation Administration and member Crystal Clear Maintenance; Snow Removal – FY 20 – \$755.70, FY 21 – same*
3. *New Mexico Department of Information Technology and member Tresco; Janitorial Services – FY 20 – \$1,436.16, FY 21 – \$1,689.12*

c) Contracts Directly Distributed Under CNA Authority in Cases of Urgent and Immediate Need, or in Cases of State or National Emergency

1. *New Mexico Department of Military Affairs and Unlimited Office Management Systems; Janitorial Services – \$10,654.67*
2. *New Mexico Department of Military Affairs and Unlimited Office Management Systems; Janitorial Services – \$21,417.73*
3. *New Mexico Department of Military Affairs and Unlimited Office Management Systems; Janitorial Services – \$28,750.40*

Mr. Loehman mentioned that the customer for each of these three contracts was incorrectly listed on the agenda. Each of these contracts were between the New Mexico Department of Homeland Security and Emergency Management Services and member Unlimited Office Management Systems. He further explained that the urgency of each of these three contracts was a result of the COVID-19 outbreak.

AGENDA ITEM 13: DISCUSSION OF PROPOSED DECLARATION AFFIRMING COMPLIANCE WITH STATUTORY REQUIREMENTS FOR MEMBERS

This agenda item was moved to the next council meeting agenda for discussion.

AGENDA ITEM 14: APPROVAL OF SUITABLE SERVICES, CONSIDERING FOR APPROVAL AS A “SUITABLE” SERVICE EACH OF THE FOLLOWING THAT ARE CURRENTLY EXCLUDED

Chair Dignan informed that each of the following services had been omitted as suitable for offering by the State Use Program for a variety of reasons, some of them legal, and some due to the fact that they did not seem suitable to be offered by a program that is mandatory in nature.

1. Administrative Reports
2. Architects
3. Archeologists
4. Certified Public Accountants
5. Construction Managers
6. Construction Services
7. Demolition
8. Engineers
9. IT – Enterprise Applications
10. IT – IV & V
11. IT – Project Management
12. Landscape Architects
13. Lawyers

After discussion about the above listed services, Council member Newall moved to include Administrative Reports, Archaeologists, Certified Public Accountants, IT-Enterprise Applications, IT-IV & V, and IT-Project Management in the category of permissive services under the New Mexico State Use Program. Council member Lillibridge seconded the motion, and the services were approved as permissive in a unanimous vote by the Council, with members Dignan, Hayden, Holmes, Kivitz, Lillibridge, Mascareñas, Newall, and Trapp voting yes.

The Council moved to table Construction Managers, Construction Services, Lawyers, and the remaining services, listed below, to the next meeting's agenda for discussion.

14. Management and Systems Analysts
15. Medical Arts Practitioners
16. Planners
17. Psychologists
18. Registered Public Accountants
19. Remediation – Wall Repair
20. Researchers
21. Roof Repair and Maintenance
22. Marketing
23. Scientists
24. Stair Replacement
25. Survey Services
26. Surveyors

AGENDA ITEM 15: SUBCOMMITTEE UPDATES

There were no subcommittee updates at this time.

AGENDA ITEM 16: OPEN PUBLIC FORUM AND PUBLIC COMMENT

There was no public comment at this time.

AGENDA ITEM 17: COUNCIL DISCUSSION

Council member Trapp asked for additional information about the ISSA training that had been offered to member programs by Horizons, discussed earlier during the Council meeting. Mr. Loehman responded that the training was an online course, provided at no cost to the member programs, designed specifically to address cleaning issues and protocols that relate to COVID-19, in an attempt to provide additional specialized training to those member programs who took the course. He added that member programs had the opportunity to become ISSA certified at the end of the training through the completion of a test. Mr. Trapp thanked Horizons for offering members and said it was a great opportunity. He added that he believed all members, particularly janitorial, should take this training as a matter of prudence and safety. Council member Hayden agreed with Mr. Trapp that it is important for members to take this seriously and thanked Horizons for taking the initiative to offer this training.

AGENDA ITEM 18: SUGGESTED AGENDA ITEMS FOR FUTURE MEETINGS

Agenda item 13, and the remaining services to be discussed from agenda item 14, were added to the agenda for the next council meeting. Council member Trapp asked for future consideration whether or not the COVID-19 training could be made mandatory for members that

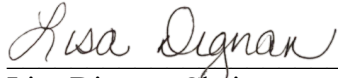
provide janitorial services. Chair Dignan suggested that as Horizons reaches out to members that have not yet taken the training, they mention that the Council may consider whether or not the training would become mandatory.

AGENDA ITEM 19: DATE AND LOCATION OF NEXT MEETING

The date of the next two council meetings was tentatively scheduled for Wednesday, June 10, 2020, and Wednesday June 24, 2020, at 1:30 p.m. MDT, to take place remotely via video conference.

AGENDA ITEM 20: ADJOURN

With no further business, the meeting was adjourned at 3:46 p.m.



Lisa Dignan, Chair

19 June 2020

Date