



2020 ANNUAL REPORT





6121 Indian School Rd. NE, Suite 102
Albuquerque, New Mexico 87110

October 29, 2020

New Mexico Legislative Council Service

Suite 411 State Capitol
490 Old Santa Fe Trail
Santa Fe, NM 87501

TO: New Mexico Legislative Council Service

FROM: Lisa Dignan, Chair, New Mexico Council for Purchasing from Persons with Disabilities

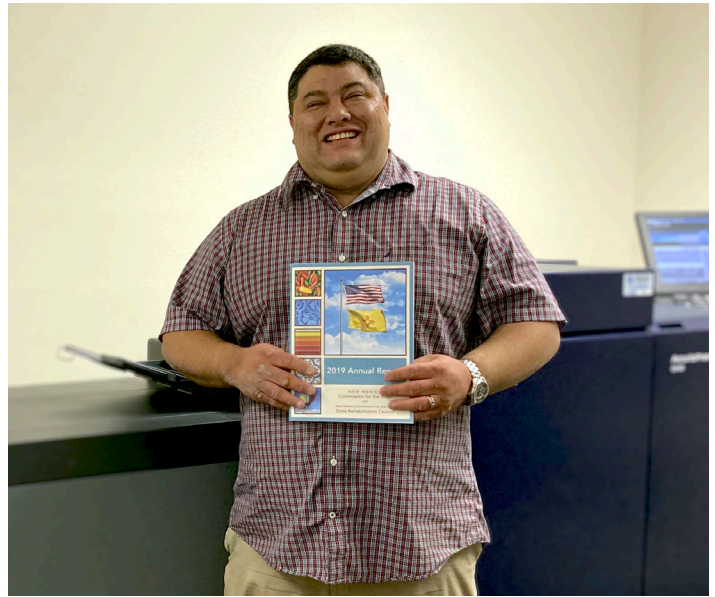
SUBJECT: FY 2020 Annual Report

Enclosed is the Fiscal Year 2020 Annual Report for the State Use Act. The Purpose of the State Use Act [13-1C-1 NMSA 1978] is to encourage and assist persons with disabilities to achieve maximum personal independence through useful and productive employment by ensuring an expanded and constant market for services delivered by persons with disabilities, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on welfare and entitlements.

ABOUT THE COUNCIL

The New Mexico State Use Act, 13-1C-1 NMSA 1978, is an outgrowth of the state's continuing efforts to expand opportunities for its residents with disabilities. The Act opens state service contracts to businesses owned by persons with disabilities and Community Rehabilitation Programs (CRPs) employing persons with disabilities, so long as the services are provided at fair market pricing.

In addition to offering fair pricing, a convenient and efficient procurement method, and outstanding customer service, every transaction made helps support employment opportunities for New Mexicans with disabilities. The Council contracts with a Central Non-Profit Agency (CNA), currently Horizons of New Mexico, to administer the day-to-day operations of the Program.



DigiPros owner, Ernie Byers, provides printing services through the State Use Program.

FUNCTIONS & RESPONSIBILITIES Paraphrasing 13-1C-2 NMSA 1978

The purpose of the State Use Act (and council) is to encourage and assist persons with disabilities to achieve maximum personal independence through useful and productive employment by ensuring an expanded and constant market for services delivered by persons with disabilities...

APPOINTMENT PROCESS 13-1C-4 NMSA 1978

The Council shall be composed of the following nine members:

- (1) The state purchasing agent or the agent's designee;
- (2) two persons, appointed by the governor who represent state agencies that purchase significant amounts of goods and services from the private sector, or their designees;
- (3) a person, appointed by the governor, who is a state-employed vocational rehabilitation counselor and who is familiar with employment needs of persons with disabilities and with current pricing and marketing of goods and services, and
- (4) two persons with disabilities, a person who is familiar with employment needs of persons with disabilities and with current pricing and marketing of goods and services, and two persons who represent community rehabilitation programs that provide employment services to persons with disabilities, all selected by mutual agreement of the persons appointed in Paragraphs (1), (2), and (3) of this subsection.

TERMS OF SERVICE 13-1C-4 NMSA 1978

Council members shall be appointed for three-year terms. Vacancies shall be filled in the same manner as for original appointments. A member appointed to fill a vacancy shall serve for the remainder of the term for that vacancy. Council members shall continue to serve beyond the expiration of their terms until new members are appointed.

RESPONSE TO COVID-19

Despite unexpected challenges linked to the onset of COVID-19, the State Use Program continued to successfully serve its customers and the individuals with disabilities employed at CRPs and member businesses during the pandemic. As new information was released related to public health concerns, Program stakeholders worked closely to monitor current restrictions, information, and best practices. The utmost priority was always to maintain a safe work environment for Program employees and customers.

During the initial spread of the virus, and while public offices were unable to allow outside visitors, contracts were affected in multiple ways. Some customers reduced the frequency of their services, while other contracts were temporarily suspended. Reacting to these challenges required the central nonprofit agency, Horizons of New Mexico and Program members to work daily with agencies to understand office closures, emergency needs, and facilitate changes in scopes of work. Horizons and members also transitioned essential employees to remote work environments when possible, while continuing to meet the mission of the Program and provide products and services to customers. The New Mexico Council on Purchasing from Persons with Disabilities continued its essential function of approving service contracts by transitioning to virtual meetings.

CRPs and member businesses providing essential cleaning services to State Use customers educated their employees on constantly-evolving CDC best practices. To assist in promoting a safe work environment and quality services for customers, Horizons provided members free training from industry experts on proper ISSA (International Sanitary Supply Association)-approved cleaning procedures during a COVID-19 outbreak. Front line employees received up-to-date training on avoiding the virus and how to adequately disinfect a possibly-contaminated location.

Due to the vulnerability of the population the Program serves, many individuals were forced into self-isolation and unable to come to work. To meet



ARCA employee preparing for work.

increased customer needs, while being mindful of employee concerns, the New Mexico Council took into consideration that members may have not been able to fully staff contracts and meet some Program staffing requirements. Making these considerations allowed necessary contracts to continue and ensured jobs would still be available when individuals with disabilities were able to return to work.

The New Mexico Council, Horizons, member business, and most importantly, State Use Program employees worked determinedly to continue performing essential services, while maintaining worker safety during the unprecedented public health crisis. Program CRPs and member businesses play an important job on the front lines keeping New Mexico public facilities clean and safe. Through these efforts, state agencies and other entities were able to safeguard their own employees' health and carry on providing valuable services to New Mexicans.

COUNCIL MEMBERSHIP

COUNCIL MEMBERS	TERM	APPOINTED BY
<p>Lisa Dignan, Chair Director of Community Engagement NM Commission for Deaf and Hard of Hearing 505 Marquette Ave NW, Suite 1550, Albuquerque, NM 87102 Lisa.Dignan@state.nm.us • 505.383.6530</p>	10/1/2018 - 10/1/2021	Appointed by Council
<p>Mark R. Hayden, Vice-Chair Director, CPO and State Purchasing Agent State Purchasing Division 1100 S. St. Francis Drive, Room 2016, Santa Fe, NM 87505 Mark.Hayden@state.nm.us • 505.827.2331</p>	No Term Limits Membership includes State Purchasing Agent or designee	Governor Appointed Required by State Use Act, 13-1C-4 A. (1)
<p>Greg Trapp, Secretary Executive Director - NM Commission for the Blind 2200 Yale Blvd. SE, Albuquerque, NM 87106 Greg.Trapp@state.nm.us • 505.841.8844</p>	10/1/2018 - 10/1/2021	Appointed by Council
<p>Secretary Olivia Padilla-Jackson NM Department of Finance & Administration 407 Galisteo, Suite #180, Santa Fe, NM 87501 Olivia.Padilla-Jackson@state.nm.us • 505.827.4985</p>	3/1/2019 to 2/28/2022	Governor Appointed
<p>Secretary Vincent Martinez NM Department of Information Technology 715 Alta Vista St., Santa Fe, NM 87505 Vincent.Martinez@state.nm.us • 505.827.0000</p>	3/1/2019 to 2/28/2022	Governor Appointed
<p>Antoinette Holmes NM Division of Vocational Rehabilitation PO Box 15430, Rio Rancho, NM 87174 AntoinetteF.Holmes@state.nm.us • 505.252.5533</p>	No Term Limits Membership includes Vocational Rehabilitation Representative	Governor Appointed Required by State Use Act
<p>Pam Lillibridge 4534 Sandalwood Dr., Las Cruces, NM 88011 Pam3717@comcast.net • 575.644.2107</p>	CRP Representative 10/1/2018 - 10/1/2021	Appointed by Council Required by State Use Act
<p>Roger Newall Disabled Veteran 9712 Arvilla Ave NE, Albuquerque, NM 87111 nmrefsch@msn.com • 505.610.1533</p>	10/1/2018 - 10/1/2021	Appointed by Council
<p>Mike Kivitz President/CEO, Adelante Development Center 3900 Osuna NE, Albuquerque, NM 87109 mkivitz@gadelante.org • 505.341.7102</p>	CRP Representative 10/1/2018 - 10/1/2021	Appointed by Council Required by State Use Act

APPROVED, EXCLUDED, & PERMISSIVE SERVICES

As part of its statutory responsibility, the Council continued to review and define all approved, excluded, and permissible services under the State Use Act in FY20. Over several of its regular meetings, the Council approved 40 service categories, excluded 6 service categories, and determined 19 service categories were permissible for sale (services listed below, definitions attached).

APPROVED SERVICES

- ADA Accessibility Consulting Services
- Bulk Printing & Mailing
- Botanical Services
- Call Center Services
- Clerical Data Entry
- Computer Refurbishing
- Courier Services
- Debris Removal
- Dishwashing Services
- Document Imaging
- Document Destruction
- Envelope Stuffing
- Event Planning
- General Labor
- Greeting Services
- Hard Drive Destruction
- Janitorial and Housekeeping Services
- Kit Assembling
- Landscape Irrigation
- Landscaping
- Mailing Services
- Management of an Assistive Technology Reuse and Recycling Program
- Meeting Minute Preparation
- Moving Services

- Pest Control and Extermination Services
- Plant Rental Services
- Printing Services
- Receptionist, Filing and Clerical Services
- Recycling Services
- Rest Area Maintenance
- Screen Printing
- Shelf Stocking & Restocking
- Snow Removal
- Transcription Services
- Transportation
- Vehicle Washing
- Wildlife Services Management
- Yard, Grounds, and Lawn Maintenance

EXCLUDED SERVICES

- Architects
- Employment Support Services
- Landscape Architects
- Remediation - Wall Repair
- Survey Services
- Surveyors

PERMISSIVE SERVICES

- Administrative Reports
- Archaeologists
- Certified Public Accountants
- Corporate and Personal Background Checks
- General Accounting
- Graphic Design
- Graphic Design - Logo Design
- IT - Enterprise Application
- IT - IV & V
- IT - Network and Database Management
- IT - Project Management
- IT Security Services
- IT Support
- IT - Web Design
- IT - Web Programmer
- Marketing
- Private Investigation Services
- Public Relations
- Training Services



COUNCIL ACTIVITY

- During its August 14, 2019 meeting, the Council amended its Direct Distribution Policy by voting to increase the value of contracts directly distributed by the Central Nonprofit Agency (CNA) from \$1,500 to \$2,500. The Council also voted to increase the value of contracts directly distributed in cases of customer urgent or immediate need from \$5,000 to \$7,000. (attached)
- During its September 26, 2019 meeting, the Council reviewed and adopted its Open Meeting Act Annual Resolution. This resolution was again amended at its April 15, 2020 meeting to allow for remote participation in response to COVID-19 restrictions and limitations. (attached)
- During its March 11, 2019 meeting, the Council voted to set a threshold of 20% of the total contract value for administrative charges that would require provision of detailed costs when contracts are presented to the Council for approval.
- During its March 11, 2019 meeting, the Council also voted to adopt a uniform mileage rate threshold allowing CRPs and member businesses to charge up to the federal mileage rate. Contracts presented for approval which include a rate above the federal mileage rate must include further information explaining the reason for the proposed rate.
- In response to faster response times needed by customers on contract solicitations regarding public health concerns, the Council amended its Direct Distribution Policy to include contracts of an urgent or immediate need when pertaining to a national emergency. At its March 23, 2020 meeting, the Council set the allowable contract value at \$20,000 and increased that amount to \$40,000 at its April 15, 2020 meeting.
- During its May 13, 2020 meeting, the Council reviewed its policy regarding direct labor hour percentages in response to staffing concerns related to the pandemic. The Council voted to take into consideration the unique factors or special circumstances brought on by COVID-19 staffing challenges should any members fall below the required 75% direct labor ratio. This was intended as a temporary action to preserve and maintain employment opportunities for individuals with disabilities.

RECOMMENDED LEGISLATIVE CHANGES & NEXT STEPS

One of the duties assigned to the Council for Purchasing from Persons with Disabilities in the State Use Act is to include any recommendations for changes to the Act in its Annual Report. In considering this question, the Council determined that a change that would positively impact the Council and the Program is to amend the Governmental Conduct Act to have it apply to appointed members of all public bodies subject to the Open Meetings Act. Currently, the Governmental Conduct Act does not apply to Council members who are not state employees.

To this end, members of the Council will reach out to the Office of the Attorney General and the New Mexico State Ethics Commission to recommend this change. Additionally, the Council plans to explore future changes of providing per diem to Council members who are not paid for their service on the Council through an employer, and exploring changes to the current Direct Labor Ratio of 75% for businesses owned by qualified individuals with disabilities.

STATE USE ACT SUCCESS

In fiscal year 2020, the State Use Program continued to successfully promote independence and self-sufficiency for New Mexicans with disabilities through employment. The New Mexico Council for Purchasing from Persons with Disabilities approved 107 contracts, which created 408 employment opportunities for New Mexicans with disabilities working at 17 CRPs and member businesses.

Through meaningful employment opportunities like these, New Mexicans with disabilities are empowered to become productive, tax-paying citizens which positively impacts the state of New Mexico and its local communities. Employment through these contracts provided over \$2.38 million in wages for 281 New Mexicans with disabilities.

The State Use Program continues to be a catalyst for success as both wages paid to individuals with disabilities and total Program sales increased year-over-year. Program stakeholders will strive to expand opportunities further in 2021 and create additional meaningful avenues to employment.



Tresco employee with Lt. Gov. Howie Morales

	NUMBER	VALUE
Contracts Approved by the New Mexico Council for Purchasing from Persons with Disabilities <i>*includes multi-year contracts</i>	107	\$24,559,328
Contracts Directly Distributed Under CNA Authority	250	\$151,683
Contracts Directly Distributed Under CNA Authority in Cases of Urgent and Immediate Need	28	\$138,266

SCHEDULED FY20 NEW MEXICO COUNCIL MEETINGS

- July 24, 2019 - Quorum
- August 14, 2019 - Quorum
- September 26, 2019 - Quorum
- November 26, 2019 - Quorum
- January 8, 2020 - Quorum
- February 12, 2020 - Quorum
- March 11, 2020 - Quorum
- March 23, 2020 - Special Meeting, Quorum**
- April 15, 2020 - Quorum*
- May 13, 2020 - Quorum*
- June 10, 2020 - Quorum*
- June 29, 2020 - Quorum*

*Virtual meeting via Zoom

** Remote meeting by telephone

STATE USE BY THE NUMBERS

\$2,379,022

WAGES PAID TO
NEW MEXICANS
WITH DISABILITIES

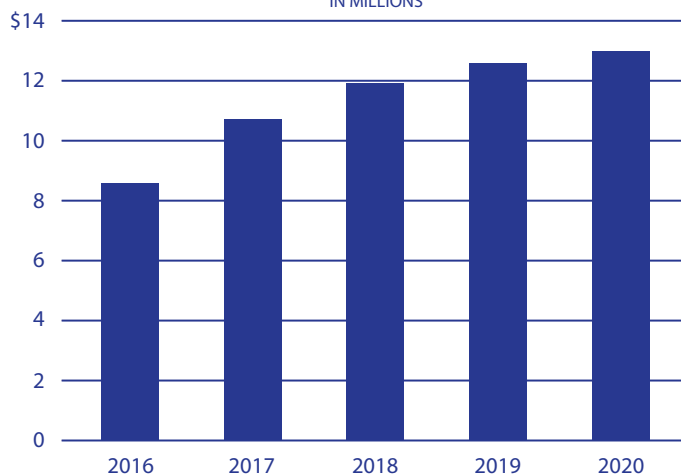
242,345

HOURS WORKED
BY PEOPLE WITH
DISABILITIES

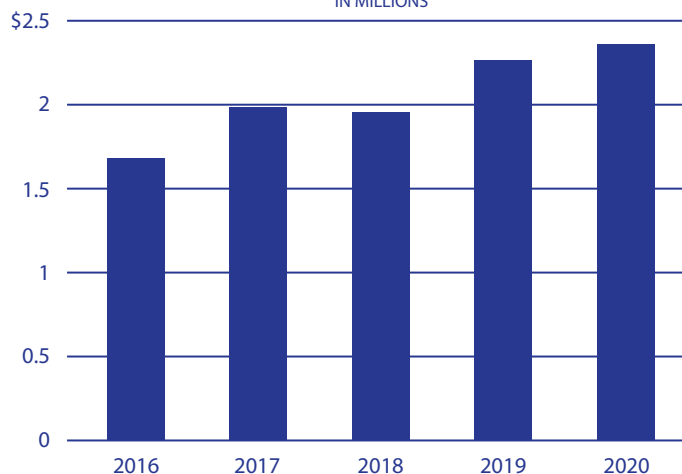
281 PEOPLE

WITH DISABILITIES
EMPLOYEED ON
STATE USE CONTRACTS

SALES GROWTH
IN MILLIONS



WAGES GROWTH
IN MILLIONS



Top Ten Customers

July 2019 - June 2020

1. New Mexico Department of Transportation
2. New Mexico Human Services Department
3. City of Albuquerque
4. New Mexico Department of Health
5. New Mexico Department of Military Affairs
6. Albuquerque Bernalillo County Water Utility Authority
7. Doña Ana County
8. New Mexico Department of Game & Fish
9. New Mexico Children, Youth, & Families Department
10. New Mexico Department of Workforce Solutions



Greetings, Etc.! employee works on printing contract.

PROVIDING ESSENTIAL SERVICES



ARCA employees working at the New Mexico Air National Guard

ARCA, a nonprofit community rehabilitation program participating in the State Use Program, has been the provider of janitorial services for the New Mexico Air National Guard in Albuquerque since 2017. Three days a week, a team of five ARCA employees enters the secured Truman Gate of the Kirtland Airforce Base to clean and sanitize the 11 buildings belonging to the Air National Guard. While the team might arrive on the worksite at 9:30 am, their day starts with a team meeting at ARCA's facility downtown on Fourth Street to prepare for their shift.

The ARCA team is mostly made up of young adults with disabilities from the Albuquerque Public Schools (APS) Access Program, which ARCA describes as a "win-win!" The teachers from APS are very supportive of not only the students, but also of the success of ARCA Janitorial Services. The teachers help their students transition from school to a work setting, and they provide training to them in advance about what is expected at a job. "We really can't say enough good things about the APS Access Program," Kay Eldred, ARCA Operations Coordinator.

When asked about her team, Cherie Ronquillo, Janitorial Services Supervisor said: "My thoughts about the team are nothing but excellent! They show up every day, they are very diligent and respectful, and their communication is on point. The team really does make our job easy. It is very rewarding to work with everyone on the janitorial team!"

Asked for their thoughts, members of the ARCA team responded: "I like working on the team a lot!," "The coordinators are helpful and the soldiers are so nice!," and "We like the staff on base, especially when they invited us to their Thanksgiving lunch!!"

When their shift ends at 2:30 pm, the employees take pride in knowing they performed a vital service. During the COVID-19 outbreak, the ARCA team isn't just keeping the facilities clean, they are keeping members of the New Mexico Air National Guard safe.

State Use Act Approved Services

The service categories below have been approved by the New Mexico Council for Purchasing from Persons with Disabilities and are available through Horizons of New Mexico.

1. ADA Accessibility Consulting Services
Training on accessibility history, laws, regulations, standards, guidelines and building codes. Includes site inspections, plan reviews, and ADA transition plans.
2. Bulk Printing and Mailing
Full service facility that processes, folds, inserts, prints, and mails large quantity mailing jobs. The service can include form design, printing both color and black/white duplex prints, additional inserts or remit envelopes, and mail presort.
3. Botanical Services
Service includes: planning and managing nursery operations; conducting research and development of native tree and shrub species; determining species germination and propagation needs; acquiring necessary seed, soil, and containers to germinate and grow seedlings; seedling distribution. Does not include cannabis or medical marijuana, inclusive of any Department of Health growing program.
4. Call Center Services
Centralized office used for receiving or transmitting a large volume of requests by telephone.
5. Clerical Data Entry
Entering or updating data into a computer system. Data is often entered into a computer from paper documents using a keyboard.
6. Computer Refurbishing
Used computer equipment that has been restored to like-new working condition and/or appearance. Typically refers to the hardware components of a computer that have been either replaced with similar components or updated with newer technology than the device originally came with.
7. Courier Services
Fast, door to door pickup and delivery service for high-value goods or urgently required documents.
8. Debris Removal
Removal of various types of debris from a property.
9. Dishwashing Services
The process of cleaning cooking utensils, dishes, cutlery.
10. Document Imaging Services
The digital storage, retrieval and management of electronic images of documents. The main methods of capturing images are by scanning paper documents or microfilm/fiche.

11. Document Destruction
On-site or plant-based destruction of private, confidential, or possibly sensitive documents.
12. Envelope Stuffing
Preparing documents and envelopes for mail-out.
13. Event Planning
The process of managing a project such as a meeting, convention, tradeshow, ceremony, team building activity, or party. Services can include budgeting, establishing timelines, selecting and reserving the event sites, acquiring permits, planning food, coordinating transportation, developing a theme, arranging for activities, selecting speakers and keynotes, arranging for equipment and facilities, managing risk, and developing contingency plans.
14. General Labor
Non-specialized physical labor performed in or outside an office setting.
15. Greeting Services
Welcoming visitors and customers as they arrive at a location. Also may provide customers and other visitors with information regarding hours of operation, merchandise locations, nearby businesses or public restroom facilities.
16. Hard Drive Destruction
Destruction of data on electronic media so that it is completely unreadable and cannot be accessed or used for unauthorized purposes.
17. Janitorial and Housekeeping Services
Commercial property cleaning, including professional offices, educational, medical and industrial business cleaning.
18. Kit Assembling
Taking individual parts of a product and putting them together or preparing for sale. Can include consolidated bagging or boxing of individual items.
19. Landscape Irrigation
Services include the installation and/or maintenance of landscaping irrigation/sprinkler and drip systems.
20. Landscaping
Management of property vegetation and grounds, including mowing, edging, planting, fertilizing, weed control, watering, pruning, and trimming.
21. Mailing Services
Third-party coordination and mailing of documents as instructed by customer.

22. Management of an Assistive Technology Reuse and Recycling Program
Program management includes accepting, receiving and documenting donations of computers, durable medical equipment, assistive technology software and/or assistive technology devices that can be cleaned, refurbished, and put back in use for people with disabilities living in the community.
23. Meeting Minute Preparation Services
Preparation of verbatim or non-verbatim meeting minutes, including topics discussed and vote outcome.
24. Moving Services
Inclusive of the transportation of goods from one location to another, moving services may include packing, loading, moving, unloading, unpacking, arranging of items to be shifted.
25. Pest Control and Extermination Services
The reduction or regulation of the population of noxious, destructive, or dangerous insects or other animals through chemical treatment or other methods.
26. Plant Rental Services
Leasing and maintenance of (typically) indoor vegetation.
27. Printing Services
Preparation and printing of documents or other media. Can include layout, design, color correction, packaging and other related services.
28. Receptionist, Filing and Clerical Services
Performing of day-to-day office tasks, such as answering phones, filing and entering data into spreadsheets.
29. Recycling Services
Collection and separation of materials for recycling.
30. Rest Area Maintenance
Full-service maintenance of roadside rest areas, including janitorial services, landscape maintenance, and repair services.
31. Screen Printing
Creation of custom printed apparel items using a screen-printing press.
32. Shelf Stocking and Restocking
Can include receiving merchandise, unloading or unpacking it, marking it with codes to be identified, stocking shelves.
33. Snow Removal
Removal of existing snow, ice or frost from a roadway or other surface. It includes both mechanical means, such as plowing or scraping, and chemical means, such as application of salt or other ice-melting chemicals.

34. Transcription Services
Conversion of speech (either live or recorded) into a written or electronic text document.
35. Transportation
Personal transportation services for individuals or groups to appointments, events, or specific locations.
36. Vehicle Washing
Cleaning of exterior and interior of fleet or individual passenger vehicles, excluding airplanes.
37. Wildlife Services Management
Wildlife control through hunting, trapping, and fishing. Also includes study of wildlife population, location and depredation.
38. Yard, Grounds, and Lawn Maintenance
Management of property vegetation and grounds, including mowing, edging, planting, fertilizing, weed control, watering, pruning, and trimming.

State Use Act Excluded Services

The service categories below have been deemed unsuitable under the State Use Act by the New Mexico Council for Purchasing from Persons with Disabilities.

1. Architects
Individuals who design buildings and, in many cases, also supervise their construction.
2. Employment Support Services
Assisting people with disabilities in obtaining and maintaining employment.
3. Landscape Architects
Licensed professionals that analyze, plan, design, manage, and nurture the built and natural environments.
4. Remediation – Wall Repair
Construction services involving the repair of a wall or walls by a licensed general contractor.
5. Survey Services
Conducting surveys via focus groups, sample grouping, or other methods.
6. Surveyors
Individual who makes exact measurements and determine property boundaries. Provides data relevant to the shape, contour, gravitation, location, elevation, or dimension of land or land features on or near the earth's surface for engineering, mapmaking, mining, land evaluation, construction, and other purposes.

State Use Act Permissive Services

The service categories below have been approved by the New Mexico Council for Purchasing from Persons with Disabilities as permissible for sale under the State Use Act through Horizons of New Mexico. While the Council recognizes that certain Horizons of New Mexico members are capable of performing the services listed below, said services are considered permissive and excluded from the mandatory aspect of the State Use Program. Any procurement of the below services through Horizons of New Mexico is at the discretion of the purchasing agent and will be considered by the Council on a case-by-case basis.

1. Administrative Reports
Developing reports on state, plans, or other topics using and compiling demographic data, focus groups, stakeholder responses and other sources.
2. Archeologists
A person who studies human history and prehistory through the excavation of sites and the analysis of artifacts and other physical remains.
3. Certified Public Accountants
Licensed individual who provides accounting services including preparation, review, and auditing of the clients' financial statements. tax work including the preparation of income tax returns, and estate and tax planning.
4. Corporate and Personal Background Checks
The process of looking up and compiling criminal records, commercial records, and financial records of an individual or an organization.
5. General Accounting
Individual who provides public accountancy services such as audit and reporting on financial statements, and such other activities (e.g. judicial management) as required by law.
6. Graphic Design
The utilization of typography, photography, and illustration to layout and create advertisements, magazines, books, or other print or electronic materials.
7. Graphic Design - Logo Design
Providers either create a unique logo or edit an existing logo for use in both print and web materials.
8. IT – Enterprise Application
Developing and/or instituting enterprise application plans relating to the display, manipulation, and storage of large amounts of often complex data and the support or automation of business processes with that data.
9. IT – IV & V
Independent verification and validation (IV&V) involves verification and validation done by a third party organization not involved in the development of the product. Thus, the product, such as software, gets examined by third party. The main check performed is whether user

requirements are met alongside ensuring that the product is structurally sound and built to the required specifications.

10. IT Network and Database Management

Network management refers to the broad subject of managing computer networks. There exists a wide variety of software and hardware products that help network system administrators manage a network. Network management covers a wide area, including:

- *Security: Ensuring that the network is protected from unauthorized users.*
- *Performance: Eliminating bottlenecks in the network.*
- *Reliability: Making sure the network is available to users and responding to hardware and software malfunctions.*

Database services include the creation and maintenance of data systems to organize and process information.

11. IT – Project Management

Services include planning, organizing and delineating responsibility for the completion of specific IT goals.

12. IT Security Services

Comprehensive analyzation of network risks and determining the best method to manage and mitigate them; either by patching the vulnerabilities or adding countermeasures, such as access control lists to block access to the vulnerability.

13. IT Support

In-person, phone, or web-based assistance by experts on computer software, hardware, internet, applications, and other IT-related topics.

14. IT – Web Design

Services involving the production and maintenance of websites, including: web graphic design; interface design; authoring, including standardized code and proprietary software; user experience design; and search engine optimization.

15. IT – Web Programmer

The writing, markup and coding involved in web development, which includes web content, web client and server scripting and network security.

16. Marketing

The activity, set of institutions, and processes for creating, communicating, delivering, and exchanging offerings that have value for customers, clients, partners, and society at large.

17. Private Investigation Services

Gathering of information on a subject or situation by licensed professionals using a number of surveillance and investigative techniques.

18. Public Relations

Utilization of a wide range of media to build and sustain a good image for a company, organization or brand through planned publicity campaigns and PR activity.

19. Training Services

Personnel training in a variety of disciplines by consultants, trainers, or content experts.

NEW MEXICO COUNCIL FOR PURCHASING FROM PERSONS WITH DISABILITIES

Adopted: April 12, 2017 (Revised 4/15/20, 3/23/20, 8/14/19, 10/11/17, and 11/15/17)

PROCEDURE FOR CENTRAL NONPROFIT AGENCY

DIRECT DISTRIBUTION OF SMALL CONTRACTS

I. Purpose

The purpose of the State Use Act, NMSA 1978, Section 13-1C-1 through Section 13-1C-7, is to “encourage and assist persons with disabilities to achieve maximum personal independence through useful and productive employment by ensuring an expanded and constant market for services delivered by persons with disabilities, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on welfare and entitlements.” To help achieve this purpose, this procedure establishes a process to allow for the Central Nonprofit Agency to “facilitate the equitable distribution” of small contracts as authorized by 2.40.5.10 NMAC, by Section A of 2.40.5.12 NMAC, and by Section B of 2.40.5.14 NMAC. As authorized by 13-1C-5(A)(6) of the State Use Act, the New Mexico Council for Purchasing from Persons with Disabilities adopts this procedure to facilitate the equitable distribution of contracts by providing a method for the Central Nonprofit Agency to directly distribute qualifying small contracts.

II. Background

The New Mexico Council for Purchasing from Persons with Disabilities has adopted the practice of discussing and approving all State Use Act contracts during Council meetings, regardless of the size of the contract. This has resulted in the Council and Central Nonprofit Agency spending time and public resources approving relatively small contracts. By authorizing the Central Nonprofit Agency to directly distribute small contracts, the overall process is made more efficient and productive. This procedure was first adopted in April of 2017, and revised in October and November of 2017 to permit direct distribution in cases of immediate and urgent need. Given the successful implementation of this procedure, the Council decided that it was reasonable and appropriate to expand the scope of contracts that are eligible for direct distribution by the Central Nonprofit Agency, and the Council approved that expanded authority in August

of 2019. On March 23, 2020, the Council responded to the Coronavirus emergency by increasing the amount of contracts that may be directly distributed in cases of state or national emergencies. That amount was increased further on April 15, 2020.

III. Eligible Contracts

1. For a contract to be eligible for direct distribution by the Central Nonprofit Agency, all of the following shall apply:

a. The total amount of the contract to be directly distributed shall not exceed \$2,500, unless there has been a determination of immediate and urgent need as set forth in Section IV, or a determination of a state or national emergency as set forth in Section V.

b. The state agency or local public body shall not have divided the contract or contracts into amounts of \$2,500 or less so as to permit direct distribution.

c. The services to be provided under the contract must have been determined suitable by the New Mexico Council for Purchasing from Persons with Disabilities.

d. The state agency or local public body and the Central Nonprofit Agency must mutually agree that the services to be provided under the contract are suitable, and the state agency or local public body must have signed the Contract Proposal Acceptance Form.

e. The services to be provided under the contract must be within the “fair market price” range as determined by the New Mexico Council for Purchasing from Persons with Disabilities.

f. Provision of the services under the contract must otherwise not create a significant adverse impact upon the state agency or local public body, as set forth in Section F of 2.40.5.10 NMAC, and as defined by the “Procedure for Determining and Responding to Significant Adverse Impact and Verification of Fair Market Price.”

g. The contract for the services to be provided must be in compliance with the Governmental Conduct Act, including the provisions at 10-16-7 that pertain to contracts with public officers of the state, employees of the state, or family members of public officers of the state or employees of the state.

h. The contract for the services to be provided shall otherwise be in compliance with the State Use Act, NMSA 1978, Section 13-1C-1 through Section 13-1C-7.

IV. Direct Distributions in Cases of Immediate and Urgent Need

There may be instances in which an agency or local public body may have an immediate and urgent need for services that is greater than \$2,500. In such instances, the Central Nonprofit Agency may directly distribute a contract up to \$7,500. While contracts may be granted tentative Chair approval under Section G of 2.40.5.10 NMAC, the nature of the immediate and urgent need may be such that the contract will be substantially or wholly performed by the next meeting of the Council. For a contract to be eligible for direct distribution by the Central Nonprofit Agency in cases of immediate and urgent need, all of the following shall apply:

- a. The total amount of the contract to be directly distributed in cases of immediate and urgent need shall not exceed \$7,500.
- b. The state agency or local public body shall indicate that there is an immediate and urgent need for the service and that it is in the public interest to proceed in an expedited fashion; and
 1. That proceeding in an expedited fashion may result in avoiding a financial loss to the agency or local public body; or
 2. That proceeding in an expedited fashion is necessary for the safe, proper, and efficient operation of the agency or local public body.
- c. The services to be provided under the contract must have been determined suitable by the New Mexico Council for Purchasing from Persons with Disabilities.
- d. The state agency or local public body and the Central Nonprofit Agency must mutually agree that the services to be provided under the contract are suitable, and the state agency or local public body must have not indicated a disagreement in the Contract Proposal Acceptance Form.
- e. The services to be provided under the contract must be within the “fair market price” range as determined by the New Mexico Council for Purchasing from Persons with Disabilities.
- f. Provision of the services under the contract must otherwise not create a significant adverse impact upon the state agency or local public body, as set forth in Section F of 2.40.5.10 NMAC, and as defined by the “Procedure for Determining and Responding to Significant Adverse Impact and Verification of Fair Market Price.”
- g. The contract for the services to be provided must be in compliance with the Governmental Conduct Act, including the provisions at 10-16-7 that pertain to contracts

with public officers of the state, employees of the state, or family members of public officers of the state or employees of the state.

h. The contract for the services to be provided shall otherwise be in compliance with the State Use Act, NMSA 1978, Section 13-1C-1 through Section 13-1C-7.

V. Direct Distributions in Cases of State or National Emergency

There may be instances in which an agency or local public body may have an emergency need for services that is greater than \$7,500. In such instances, the Central Nonprofit Agency may directly distribute a contract up to \$40,000. While contracts may be granted tentative Chair approval under Section G of 2.40.5.10 NMAC, the nature of the emergency may be such that the contract will be substantially or wholly performed by the next meeting of the Council. For a contract to be eligible for direct distribution by the Central Nonprofit Agency in cases of emergency, all of the following shall apply:

- a. The total amount of the contract to be directly distributed in cases of emergency shall not exceed \$40,000.
- b. The state agency or local public body shall indicate that there is an emergency need for the service and that it is in the public interest to proceed in an expedited fashion; and
 1. That proceeding in an expedited fashion may result in avoiding a financial loss to the agency or local public body; or
 2. That proceeding in an expedited fashion is necessary for the safe, proper, and efficient operation of the agency or local public body due to the emergency.
- c. The services to be provided under the contract must have been determined suitable by the New Mexico Council for Purchasing from Persons with Disabilities.
- d. The state agency or local public body and the Central Nonprofit Agency must mutually agree that the services to be provided under the contract are suitable, and the state agency or local public body must have not indicated a disagreement in the Contract Proposal Acceptance Form.
- e. The services to be provided under the contract must be within the “fair market price” range as determined by the New Mexico Council for Purchasing from Persons with Disabilities.

f. Provision of the services under the contract must otherwise not create a significant adverse impact upon the state agency or local public body, as set forth in Section F of 2.40.5.10 NMAC, and as defined by the “Procedure for Determining and Responding to Significant Adverse Impact and Verification of Fair Market Price.”

g. The contract for the services to be provided must be in compliance with the Governmental Conduct Act, including the provisions at 10-16-7 that pertain to contracts with public officers of the state, employees of the state, or family members of public officers of the state or employees of the state.

h. The contract for the services to be provided shall otherwise be in compliance with the State Use Act, NMSA 1978, Section 13-1C-1 through Section 13-1C-7.

VI. Multiple Small Contracts

It is possible that the state agency or local public body procuring the services may have multiple small contracts directly distributed by the Central Nonprofit Agency, and that the sum of those multiple contracts may exceed \$2,500. It is also possible that the state agency or local public body procuring services in cases of immediate and urgent need may in unusual circumstances need to have multiple contracts directly distributed by the Central Nonprofit Agency, and that the sum of those multiple contracts may exceed \$7,500. It is also possible that the state agency or local public body procuring services in cases of emergency may in extraordinary circumstances need to have multiple contracts directly distributed by the Central Nonprofit Agency, and that the sum of those multiple small contracts may exceed \$40,000. Such occurrences shall not be a violation of this procedure so long as there is no intentional effort to divide contracts into smaller portions so as to permit direct distribution under this procedure.

VII. Transparency and Accountability

So as to provide for maximum transparency and accountability, all Contracts directly distributed by the Central Nonprofit Agency shall be placed on the agenda of the New Mexico Council for Purchasing from Persons with Disabilities. This placement on the agenda shall take place as soon as reasonably possible, allowing for compliance with the Open Meetings Act requirement that agendas be posted at least 72 hours in advance of the meeting. Should there be insufficient time to place the contract on the agenda immediately following the Central Nonprofit Agency direct distribution of the contract, the contract shall be placed on the agenda for the next meeting. The agenda shall identify the following:

- a. The amount and nature of the contract.
- b. The state agency or local public body procuring the services.
- c. The Qualified Individual or Community Rehabilitation Program providing the services.

APPROVED BY THE NEW MEXICO COUNCIL FOR PURCHASING FROM
PERSONS WITH DISABILITIES THIS 15th DAY OF April, 2020.



Lisa Dignan, Chair

New Mexico Council for Purchasing from Persons with Disabilities

NEW MEXICO COUNCIL FOR
PURCHASING FROM PERSONS WITH DISABILITIES

OPEN MEETINGS RESOLUTION

April 15, 2020

WHEREAS, Section 10-15-1(B) of the Open Meetings Act, NMSA 1978, Sections 10-15-1 to -4 (1974, as amended through 2013), states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, a public body subject to the Open Meetings Act may hold a meeting to discuss, formulate, or act on public business only after providing reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires all public bodies, including the New Mexico Council for Purchasing from Persons with Disabilities, to determine annually what constitutes reasonable notice for their public meetings;

NOW, THEREFORE, be it resolved by the New Mexico Council for Purchasing from Persons with Disabilities, gathered in regular meeting this 15th day of April, 2020, that:

1. All meetings shall be held as indicated in the meeting notice, except that meetings may be canceled due to a lack of a quorum, due to inclement weather, or for other appropriate reasons.
2. Regular Meetings: Notice of regular meetings shall be given at least 10 days in advance of the meeting
3. Special Meetings: Notice shall be given at least 72 hours in advance of any special meeting.
4. Emergency Meetings: Emergency meetings may be called by the Chair upon at least 24 hours' notice, or by the Vice Chair should the Chair be unavailable, or by a majority request of at least 7 members, unless threat of personal injury or property damage requires less notice. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens, or of the State of New Mexico, or of local public bodies from substantial financial loss.
5. Rule Hearings: Notice of rulemaking proceedings shall be given at least 30 days prior to the hearing date.
6. For purposes of regular meetings, notice requirements are met if notice of the date, time, place, and how to obtain a copy of the agenda is published in a newspaper of general circulation

at least 10 days prior to the meeting. Notice shall also be placed on the web page of the designated central nonprofit agency at least 10 days prior to the meeting. Notice shall also be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

7. For purposes of special meetings, notice shall be placed on the web page of the designated central nonprofit agency at least 72 hours before the meeting. Notice shall also be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

8. For purposes of regular and special meetings, meeting agendas shall be placed on the web page of the designated central nonprofit agency at least 72 hours prior to the meeting.

9. For purposes of emergency meetings, notice requirements are met if notice of the date, time, place, and a copy of the agenda is made reasonably available under the circumstances, which may include posting at the office of the designated central nonprofit agency, placement on the web page of the designated central nonprofit agency, and using other appropriate methods. Notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

10. For the purpose of rule hearings, notice requirements shall be met if notice of the date, time, place, subject of the hearing, the manner in which interested persons may present their views, and where copies of the proposed regulations may be obtained, is published in a newspaper of general circulation and the New Mexico Register. In addition, the notice of hearing shall be posted at the office of the designated central nonprofit agency, posted on the web page of the designated central nonprofit agency, and placed using other appropriate methods. Notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

11. All notices shall include information on how persons with disabilities may request a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service as may be required by the Americans with Disabilities Act.

12. A member of the New Mexico Council for Purchasing from Persons with Disabilities may attend by conference telephone or other similar communications equipment, including Internet-based technologies. However, such attendance is allowed only when it is otherwise difficult or impossible for the member to attend in person. In addition, each member thus participating must be identified when speaking, all participants must be able to hear each other at the same time, and the public must be able to hear any member who speaks during the meeting.

13. The Council may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under the Open Meetings Act.

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Council taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close. The vote of each member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

(b) If a closed meeting is to be conducted when the Council is not in an open meeting, the closed meeting shall not be held until appropriate public notice is given.

(c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

14. Meetings Held During Times of State Emergencies: In the event that the Governor declares a state of emergency due to the spread of an infectious disease, due to the spread of chemical, biological, or radiological hazards, or due to some other comparable disaster or emergency, and if postponing one or more essential or time-sensitive items of business until the conclusion of the state of emergency would be inconsistent with the proper and efficient operation of the Council, the New Mexico Council for Purchasing from Persons with Disabilities may hold a meeting designed to preserve the health and safety of the public while also adhering to the purposes of the Open Meetings Act. This shall consist, where possible, of the members of the Council appearing telephonically or by video webcast, with the public able to observe the proceedings at both a physical location and a video webcast or telephonic location. However, where such arrangements are not possible due to public health or safety concerns, and at the election of the Chair, or of the Vice Chair should the Chair be unavailable, the Council may hold a video and/or telephonic meeting, subject to all of the following conditions and limitations:

(a) Each member participating must be identified when speaking, all participants must be able to hear each other at the same time, and the public must be able to hear any member who speaks during the meeting.

(b) A video webcast or telephonic meeting may only be held if the members of the Council are unable to meet in a physical location due to the state of emergency, including when an order is in place limiting or prohibiting public gatherings.

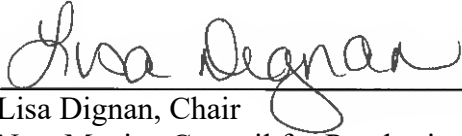
(c) Both the notice and the agenda of any video webcast or telephonic meeting shall provide information to the public on how the meeting may be accessed remotely, either through the video webcast, telephone, or similar technology. All meeting documents, except those which are exempt from disclosure as a public record, shall be available on the website of the Central Nonprofit Agency before and during the meeting for public access and review, or shall be available during the meeting for downloading through whatever video webcasting service may be used for the meeting.

(d) At any video webcast or telephonic meeting, all votes shall be cast through a roll-call vote. The Chair shall suspend all discussion in the event that the audio is interrupted or becomes unintelligible.

(e) The Council shall make an audio recording of any video or telephonic meeting and, within five business days of the meeting, post the recording on the website of the Central Nonprofit Agency for a period of not less than thirty days. The Council shall

maintain a copy of the recording for a period of at least three years, or as may otherwise be required by state or federal records retention laws, and make the recording available as may be required by the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019).

Passed by the New Mexico Council for Purchasing from Persons with Disabilities this 15th day of April, 2020.

A handwritten signature in cursive script, reading "Lisa Dignan", written over a horizontal line.

Lisa Dignan, Chair
New Mexico Council for Purchasing from Persons with Disabilities