



**New Mexico**  
**COUNCIL**  
for Purchasing from  
**PERSONS**  
with Disabilities



**2022**  
**ANNUAL**  
**REPORT**





January 1, 2023

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: Antoinette Holmes, Chair, New Mexico Council for Purchasing from Persons  
with Disabilities

SUBJECT: FY 2022 Annual Report

Enclosed is the Fiscal Year 2021 Annual Report for the State Use Act. The Purpose of the State Use Act [13-1C-1 NMSA 1978] is to increase opportunities for persons with disabilities to achieve maximum personal independence through useful and productive employment. This is achieved by creating an expanded and reliable market for services delivered by persons with disabilities, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on state and federal public assistance programs.



## ABOUT THE COUNCIL

**T**he 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.

### **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.



## Keeping New Mexico Rest Areas Safe and Clean

In a partnership with the New Mexico Department of Transportation (NMDOT) that predates the State Use Act, four nonprofit organizations provide maintenance services to 22 rest areas statewide. Rain, snow, or shine, these State Use Community Rehabilitation Programs (CRPs) continue to maintain both the grounds and onsite structures so that the millions of traveling patrons each year have safe and clean rest areas.

Rest area maintenance is more than just janitorial services. It's a specialized service that the four CRPs, Tresco, Tobosa Development Services, ENMRSH, and Adelante Development Center, perform with an array of skilled workers spanning the four quadrants of the State. Because of the requirement of the State Use Program and the mission of these organizations, most of these skilled workers are individuals with disabilities. Across the state, NMDOT rest area maintenance contracts provided employment opportunities for over 60 New Mexicans with disabilities in fiscal year 2022. These rest areas have been a long-time source of employment for many workers whose disabilities otherwise provide barriers to employment.

*"Our rest area contracts have provided much needed employment opportunities for individuals with disabilities for many years."*

Brian Ammerman with Adelante explains, "our rest area contracts have provided much needed employment opportunities for individuals with disabilities for many years. The rest area worker positions include responsibilities that go well beyond cleaning, including landscaping, minor repair and maintenance of facilities, and water system monitoring.

In many instances, people learn new skills that make them more employable. In several cases, our employees aren't able to make the commute to the larger cities, so opportunities at the rest areas give them a location that's closer to their home."

Altogether, these contracts make the New Mexico Department of Transportation one of the most prominent public supporters of employment for individuals with disabilities. The State Use Program's central nonprofit agency, Horizons of New Mexico, works with the New Mexico Department of Transportation and the four nonprofit organizations to ensure that contract specifications are met and that the rest areas reflect well on the State of New Mexico. Seven days a week, including most holidays, these essential employees will continue to beautify New Mexico roadways, providing this valued service across the state.





# COUNCIL MEMBERSHIP

COUNCIL MEMBERS	TERM	APPOINTED BY
<b>Antoinette Holmes, Chair</b> NM Division of Vocational Rehabilitation AntoinetteF.Holmes@state.nm.us	No Term Limits, Membership includes Vocational Rehabilitation Representative	Governor Appointed Required by State Use Act
<b>Mark R. Hayden, Vice-Chair</b> State Purchasing Agent, State Purchasing Division Mark.Hayden@state.nm.us	No Term Limits, Membership includes State Purchasing Agent or designee	Required by State Use Act
<b>Greg Trapp, Secretary</b> NM Commission for the Blind Greg.Trapp@state.nm.us	10/1/2021 - 10/1/2024	Appointed by Council
<b>Secretary Debbie Romero</b> - Kathleen Pinyan, Designee NM Department of Finance & Administration Kathleen.Pinyan@state.nm.us	3/1/2019 - 2/28/2022	Governor Appointed
<b>Secretary Barbara Vigil</b> - Eli Fresquez, Designee NM Children, Youth, and Families Department Eli.Fresquez@state.nm.us	10/17/2020 - 10/17/2023	Governor Appointed
<b>Lisa Dignan</b> NM Commission for Deaf and Hard of Hearing Lisa.Dignan@state.nm.us	10/1/2021 - 10/1/2024	Appointed by Council
<b>Pam Lillibridge</b> CRP Representative Pam3717@comcast.net	10/1/2021 - 10/1/2024	Appointed by Council Required by State Use Act
<b>Roger Newall</b> Disabled Veteran nmrefsch@msn.com	10/1/2021 - 10/1/2024	Appointed by Council
<b>Mike Kivitz</b> CRP Representative MiKivitz@gmail.com	10/1/2021 - 10/1/2024	Appointed by Council Required by State Use Act

## LEGISLATIVE RECOMMENDATIONS

The Council first expresses its appreciation to the legislature for its ongoing support of the State Use Act. The State Use Program has been incredibly successful since its initial enactment by the legislature. The State Use Program provides valuable employment opportunities to persons with disabilities while providing essential services to public bodies. The Program provided especially critical services during the pandemic, helping the state and public bodies to provide New Mexicans with safe and timely services. Like all segments of society, the State Use Program is dealing with increased costs brought on by the pandemic, including higher costs for fuel and labor. To ensure the continued provision of quality services, contract amounts will need to be adjusted so that adequate supplies can be purchased and employees hired and retained. The Council recommends that the legislature ensure departments and agencies have adequate funding in their budgets to fully and appropriately fund State Use contracts.

## 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 FY22. *(Services listed below, definitions attached)*

### APPROVED SERVICES

- ADA Accessibility Consulting Services
- Auctioneering Services
- Bulk Mailing and Sorting
- Botanical Services
- Call Center Services
- Clerical Data Entry
- Computer Refurbishing
- Courier Services
- Debris Removal
- Decontamination, Sanitation and Sterilization Services
- Dishwashing Services
- Document Imaging
- Document Destruction
- Envelope Stuffing
- Event Planning
- General Labor
- Greeting Services
- Hard Drive Destruction
- Janitorial and Housekeeping Services - Including COVID-19 Disinfecting and other Disinfecting Services
- Kit Assembling
- Landscape Irrigation
- Landscaping
- Lobby Attendant
- Mailing Services

- Management of an Assistive Technology Reuse and Recycling Program
- Meeting Minute Preparation Services
- 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 and Restocking
- Snow Removal
- Transcription Services
- Transportation
- Vehicle Washing
- Wildlife Services Management
- Yard, Grounds, and Lawn Maintenance

- Landscape Architects
- Lawyer Services
- Remediation – Wall Repair
- Survey Services
- Surveyors

### PERMISSIVE SERVICES

- Administrative Reports
- Archeologists
- 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
- Social Media Marketing
- Training Services

### EXCLUDED SERVICES

- Architects
- Employment Support Services

## COUNCIL ACTIVITY

- During its August 4, 2021 meeting, the Council:
  - reviewed and adopted its Open Meetings Act Annual Resolution *(attached)*.
  - approved a requirement for all member businesses to notify the central nonprofit agency if the member is suspended or debarred from contracting with the State of New Mexico.
  - Amended the Council Bylaws to add a statement affirming whistleblower protection *(attached)*.
- During its September 1, 2021 meeting, the Council reappointed members Lia Dignan, Mike Kivitz, Pam Lillibridge, Roger Newall and Greg Trapp to new 3-year terms, pursuant to 13-1C-4(A)(4).
- At its January 5, 2022 meeting, the Council held its annual election of officers. The 2022 officers are:
  - Antoinette Holmes, Chair
  - Mark Hayden, Vice-Chair
  - Greg Trapp, Secretary

Council documents can be found at [horizonsofnewmexico.org/docs](https://horizonsofnewmexico.org/docs)



## New Opportunities Created through State Use



*Gary Peterson assists a customer at his Albuquerque office.*

**G**ary Peterson is a native New Mexican who spent 23 years in the United States Air Force. During his time in the Air Force, he was deployed four times, supporting the Operations Iraqi and Enduring Freedom mission. He also spent a year in South Korea and was deployed many other times to support contingency operations. Mr. Peterson retired from the Air Force in 2013 as a Chief of Logistics Inspections for the United States Air Force Inspector General stationed at Kirtland Airbase in Albuquerque.

Mr. Peterson's desire to become an auctioneer and interest in the industry grew from his frequent attendance of auctions. As he put it: "An auction will get you true market value and let's everyone

have a fair shot at buying the vehicle. There is transparency in the transaction and usually gets top market prices for vehicles. A friendly bidding competition is a good thing." Before opening his business, RT 66 Auctions, in 2018, Mr. Peterson went to the World Wide College of Auctioneering in Mason City, Iowa, where many of the top auctioneers in the country receive training. After earning his certificate, Mr. Peterson apprenticed at several local auction companies to gain experience.

Mr. Peterson attended procurement opportunity training at the Albuquerque Hispano Chamber of Commerce, where he learned about Horizons of New Mexico and how they help service-disabled veteran business owners get State and local contract opportunities through the New Mexico State Use Program. After reaching out to Horizons of New Mexico to learn more about the Program and then becoming a State Use member business in 2021, Mr. Peterson was awarded his first contract to conduct the annual vehicle and equipment auction for the New Mexico Department of Transportation. RT 66 Auctions hosted the auction online due to COVID-19 concerns. Due to the scope and extensive inventory of the auctions, Mr. Peterson hired two other service-disabled veterans to help him.

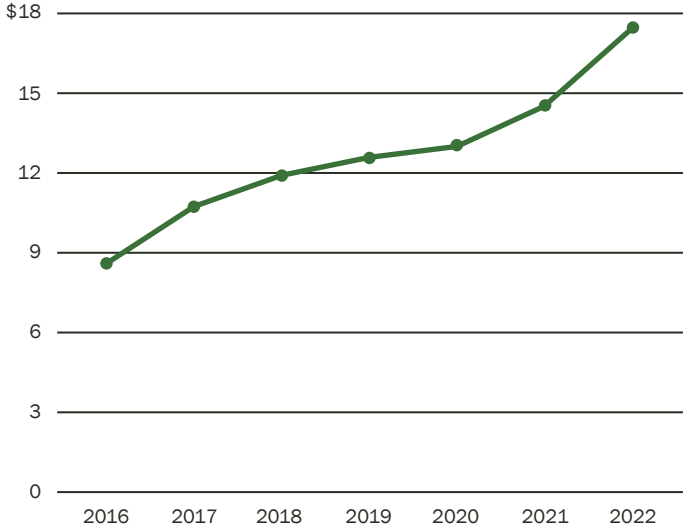
***"The State Use Program will help us and other service-disabled veterans work in areas that are meaningful to us and help procurement officials keep work here in New Mexico."***

Mr. Peterson and his team traveled across the State to all six New Mexico Department of Transportation district offices to prepare for the auction. Before the auction went live, they also held three sales to allow local municipalities the opportunity to buy equipment before the public sale. "The cities loved it because they could see what was up for sale and then select what they wanted," Mr. Peterson said. When all was said and done, the overall value of the three sales and the main auction was over \$2 million.

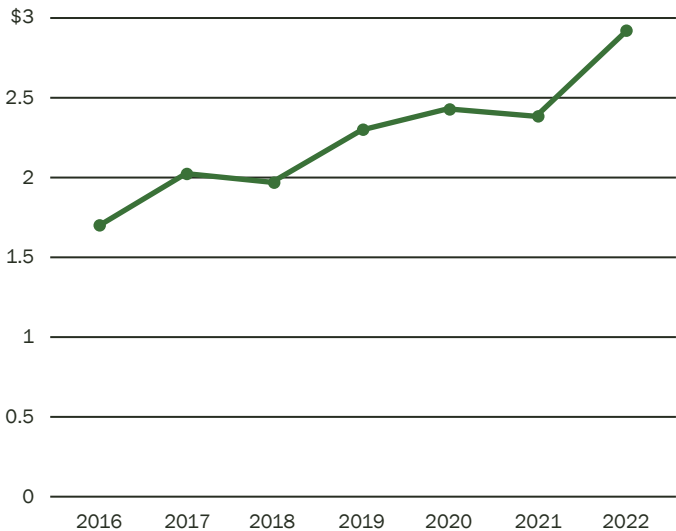
With his first successful statewide auction through the State Use Program completed, Mr. Peterson looks forward to hiring more service-disabled veterans to help him deliver auctions for other State and local government agencies and expanding his business further through the Program. He sees the value in contracting through the Program, saying, "the State Use Program will help us and other service-disabled veterans work in areas that are meaningful to us and help procurement officials keep work here in New Mexico."

# STATE USE SUCCESS

**SALES GROWTH**  
IN MILLIONS



**WAGES GROWTH**  
IN MILLIONS



**282**  
Individuals with Disabilities Employed



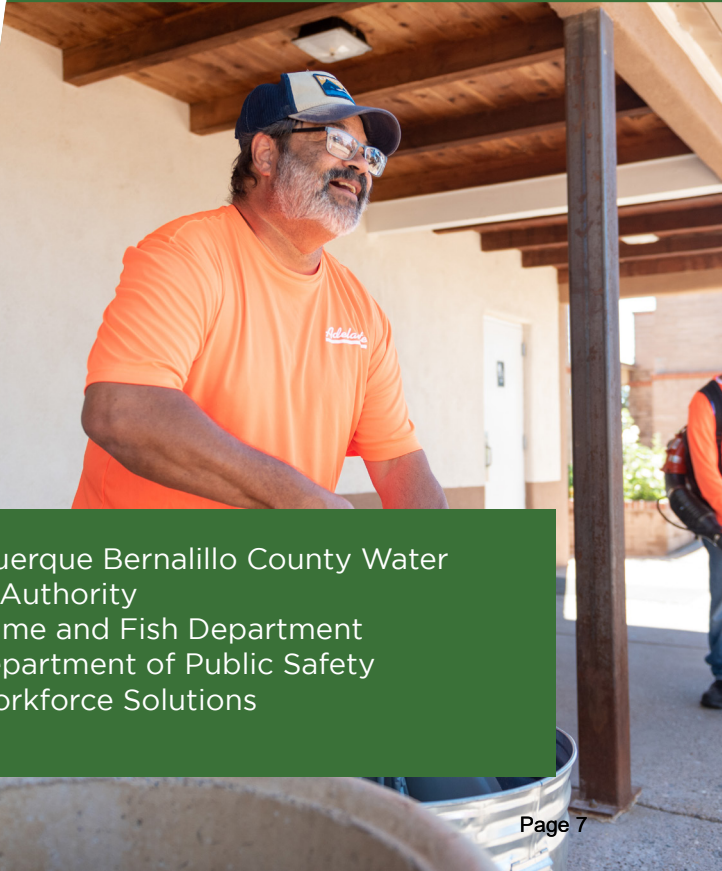
**236,212**  
Hours Worked by Individuals with Disabilities



**\$2.95 MILLION**  
Wages Paid to Individuals with Disabilities

## TOP 10 CUSTOMERS

1. NM Human Services Department
2. NM Department of Transportation
3. City of Albuquerque
4. NM Health Insurance Exchange
5. NM Department of Health
6. NM Military Affairs Department
7. Albuquerque Bernalillo County Water Utility Authority
8. NM Game and Fish Department
9. NM Department of Public Safety
10. NM Workforce Solutions

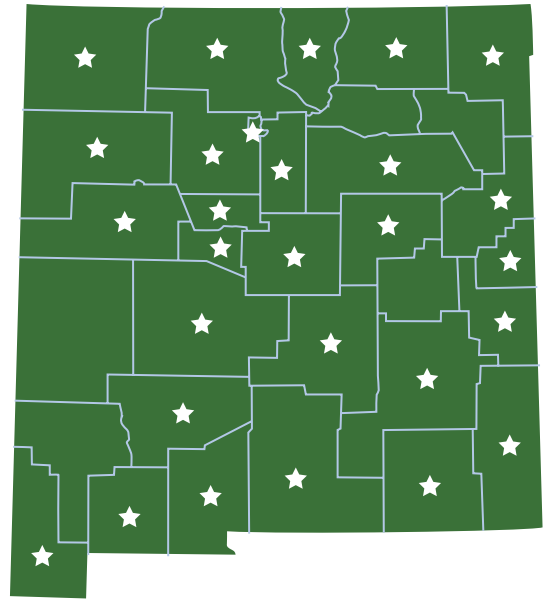




In fiscal year 2022, the State Use Program continued to successfully promote independence and self-sufficiency for New Mexicans with disabilities through employment. The New Mexico Council for Purchasing from Persons with Disabilities approved 149 contracts across 28 counties. These important contracts created employment opportunities for 282 New Mexicans with disabilities working at 16 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 \$2.95 million in wages for 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 2023 and create additional meaningful avenues to employment.



\*Counties with State Use contract(s)

**\$16,945,055**

Contracts Approved by the New Mexico Council for Purchasing from Persons with Disabilities  
\*includes multi-year contracts

**\$256,531**

Contracts Directly Distributed Under CNA Authority

**\$48,911**

Contracts Directly Distributed Under CNA Authority in Cases of Urgent and Immediate Need



**FY22 COUNCIL MEETING ACTIVITY**

MEETING DATE	CONTRACTS APPROVED	CONTRACTS DIRECTLY DISTRIBUTED
July 7, 2021	25	6
August 4, 2021	10	73
September 1, 2021	9	37
October 6, 2021	5	27
November 3, 2021	4	17
December 1, 2021	4	17
January 5, 2022	4	22
February, 2022	5	12
March 2, 2022	6	11
April 6, 2022	1	28
May 4, 2022	6	16
June 1, 2022	28	19
June 22, 2022	42	118

## 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. Auctioneering Services  
*Providing a service in a live indoor/outdoor, or online setting that connects buyers and sellers through a process of bidding to maximize value for seller's assets.*
3. 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.*
4. 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.*
5. Call Center Services  
*Centralized office used for receiving or transmitting a large volume of requests by telephone.*
6. Clerical Data Entry  
*Entering or updating data into a computer system. Data is often entered into a computer from paper documents using a keyboard.*
7. 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.*
8. Courier Services  
*Fast, door to door pickup and delivery service for high-value goods or urgently required documents.*
9. Debris Removal  
*Removal of various types of debris from a property.*



10. Decontamination, Sanitation, and Sterilization Services  
*The services include the proper containment and decontamination and sanitation services, in performance of the remedial microbial and viral contaminant services and/or incidental hazardous cleaning/disinfectant cleaning services.*
11. Dishwashing Services  
*The process of cleaning cooking utensils, dishes, cutlery.*
12. 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.*
13. Document Destruction  
*On-site or plant-based destruction of private, confidential, or possibly sensitive documents.*
14. Envelope Stuffing  
*Preparing documents and envelopes for mail-out.*
15. 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.*
16. General Labor  
*Non-specialized physical labor performed in or outside an office setting.*
17. 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.*
18. Hard Drive Destruction  
*Destruction of data on electronic media so that it is completely unreadable and cannot be accessed or used for unauthorized purposes.*
19. Janitorial and Housekeeping Services  
*Commercial property cleaning, including professional offices, educational, medical and industrial business cleaning.*
20. 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.*
21. Landscape Irrigation  
*Services include the installation and/or maintenance of landscaping irrigation/sprinkler and drip systems.*

22. Landscaping  
*Management of property vegetation and grounds, including mowing, edging, planting, fertilizing, weed control, watering, pruning, and trimming.*
23. Mailing Services  
*Third-party coordination and mailing of documents as instructed by customer.*
24. 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.*
25. Meeting Minute Preparation Services  
*Preparation of verbatim or non-verbatim meeting minutes, including topics discussed and vote outcome.*
26. 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.*
27. 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.*
28. Plant Rental Services  
*Leasing and maintenance of (typically) indoor vegetation.*
29. Printing Services  
*Preparation and printing of documents or other media. Can include layout, design, color correction, packaging and other related services.*
30. Receptionist, Filing and Clerical Services  
*Performing of day-to-day office tasks, such as answering phones, filing and entering data into spreadsheets.*
31. Recycling Services  
*Collection and separation of materials for recycling.*
32. Rest Area Maintenance  
*Full-service maintenance of roadside rest areas, including janitorial services, landscape maintenance, and repair services.*
33. Screen Printing  
*Creation of custom printed apparel items using a screen-printing press.*
34. Shelf Stocking and Restocking



*Can include receiving merchandise, unloading or unpacking it, marking it with codes to be identified, stocking shelves.*

35. 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.*

36. Transcription Services

*Conversion of speech (either live or recorded) into a written or electronic text document.*

37. Transportation

*Personal transportation services for individuals or groups to appointments, events, or specific locations.*

38. Vehicle Washing

*Cleaning of exterior and interior of fleet or individual passenger vehicles, excluding airplanes.*

39. Wildlife Services Management

*Wildlife control through hunting, trapping, and fishing. Also includes study of wildlife population, location and depredation.*

40. 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. Lawyer Services  
*Licensed professionals who are qualified to offer advice about the law or represent others in legal matters.*
6. Survey Services  
*Conducting surveys via focus groups, sample grouping, or other methods.*
7. 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.*

8. Social Media Marketing

*The use of social media platforms and websites to promote products, services, or other customer initiatives and agendas.*

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

OPEN MEETINGS RESOLUTION

August 4, 2021

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 4th day of August, 2021 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.

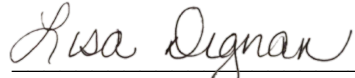
14. Meetings Held During Times of State Emergencies: In the event that the Governor declares a state of emergency due to the spread of an infectious disease, due to the spread of chemical, biological, or radiological hazards, or due to some other comparable disaster or emergency, and if postponing one or more 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 made available during the meeting for downloading.
- (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 4th day of August, 2021.

A handwritten signature in cursive script that reads "Lisa Dignan". The signature is written in black ink and is positioned above a horizontal line.

Lisa Dignan, Chair

New Mexico Council for Purchasing from Persons with Disabilities

# NEW MEXICO Council for Purchasing from Persons with Disabilities

## BYLAWS

Adopted: August 4, 2021

### ARTICLE I

#### PURPOSE

The purpose of these bylaws is to provide for the proper and efficient administration of the New Mexico Council for Purchasing from Persons with Disabilities, hereafter "Council," and to further the purposes set forth in the State Use Act.

### ARTICLE II

#### MEMBERSHIP

The membership of the Council shall be comprised of persons appointed as set forth in the State Use Act.

### ARTICLE III

#### OFFICERS AND EXECUTIVE COMMITTEE

Officers shall be elected at the first meeting of each calendar year, or as may otherwise be necessary to fill vacant positions. The officers shall consist of a Chairperson, a Vice-Chairperson, and a Secretary. The officers shall constitute an executive committee.

As allowed by the Open Meetings Act, the Chairperson or the Executive Committee may be authorized to make decisions pending action by the full Council, or be delegated certain duties and responsibilities.

### ARTICLE IV

#### COMMITTEES

The Chairperson may appoint such standing and ad hoc committees as may be necessary to further the business of the council, provided that no committee shall constitute a quorum as set forth in the State Use Act. The committees may also include persons who are not Council members, but who have subject-matter or other expertise.

### ARTICLE V

#### MEETINGS

The Council shall meet at least four times annually, and all meetings shall be conducted in accordance with the Open Meetings Act. A quorum for conducting business shall consist of a minimum of seven members as set forth in the State Use Act. Should a quorum not be established, the members present may dissolve into a committee, provided that no vote or action may be taken that would require a quorum.

## ARTICLE VI

### ATTENDING BY PHONE OR OTHER SIMILAR COMMUNICATIONS EQUIPMENT

As allowed by the Open Meetings Act, a member of the Council 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, and only at the discretion of the Chairperson. 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.

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 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 Chairperson, or of the Vice Chairperson should the Chairperson be unavailable, the Council may meet virtually through video or telephonic methods.

## ARTICLE VII

### PARLIAMENTARY PROCEDURE

The current edition of Robert's Rules of Order shall serve as a general guide for the conducting of meetings. However, the failure to act in accord with Robert's Rules of Order shall not negate or nullify any action of the Council.

## ARTICLE VIII

### CONDUCT

The members of the Council agree to abide by the terms and provisions of the Governmental Conduct Act, including but not limited to the following provisions of the Governmental Conduct Act:

- A. Council members shall treat Council membership as a public trust, using the powers and resources of membership only to advance the public interest and not to obtain personal benefits or pursue private interests incompatible with the public interest.
- B. Council members shall conduct themselves in a manner that justifies the confidence placed in him by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.
- C. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times reasonable efforts shall be made to avoid undue influence and abuse of office in public service.
- D. No Council member may request or receive, and no person may offer a Council member, any money, thing of value or promise thereof that is conditioned upon or given in exchange for promised performance of an official act.
- E. A Council member shall disqualify himself from engaging in any official act directly affecting his financial interest.

#### ARTICLE IX

#### WHISTLEBLOWER PROTECTION

The New Mexico Council for Purchasing from Persons with Disabilities affirms that it is the policy of the Council that no individual shall be discharged, demoted, suspended, threatened, harassed, denied a contract or in any other manner be discriminated against for disclosing to the Council, the State Purchasing Agent, the Office of the State Auditor, the Office of the Attorney General, or other appropriate state or federal officials information that the individual reasonably believes is evidence of mismanagement of a State Use Act contract, a waste of state or federal funds, an abuse of authority relating to a State Use Act contract, a danger to public health or safety, or that otherwise constitutes a violation of law, rule, or regulation.

#### ARTICLE X

#### AMENDMENTS

These by laws may be amended by a majority vote of the Council members present at any regular or special meeting at which a quorum is present, provided a written notice of the proposed change has been provided to each member of the Council at least five days prior to the meeting.

  
\_\_\_\_\_  
LISA DIGNAN, CHAIR

8.5.2021  
\_\_\_\_\_  
DATE