

OFFICIAL MINUTES

NEW MEXICO COUNCIL FOR PURCHASING FROM PERSONS WITH DISABILITIES

MINUTES

REGULAR MEETING

August 3, 2022 1:30 PM

Conference Call

AGENDA ITEM 1: CALL TO ORDER

Chair Antoinette Holmes called the meeting to order at 1:33 p.m. MDT.

AGENDA ITEM 2: ROLL CALL

Chair Holmes asked Council member Greg Trapp to perform a roll call.

MEMBERS PRESENT

Antoinette Holmes	Council Chair, Division of Vocational Rehabilitation (participating remotely via video)
Greg Trapp	Council Secretary, New Mexico Commission for the Blind Representative (participating remotely via video)
Lisa Dignan	Council Member, New Mexico Commission for Deaf and Hard of Hearing Representative (participating remotely via video)
Mark Hayden	Council Vice-Chair, State Purchasing Director (participating remotely via video)
Pam Lillibridge	Council Member, Community Rehabilitation Program (CRP) Representative (participating remotely via video)
Kathleen Pinyan	Council Member, Designee for Department of Finance and Administration (DFA) Secretary Romero (participating remotely via video)
Eli Fresquez	Council Member, Designee for New Mexico Children, Youth & Families Department (CYFD) Secretary Blalock (participating remotely via video; joined meeting at 1:47 p.m.)
Mike Kivitz	Council Member, Community Rehabilitation Program (CRP) Representative (participating remotely via video)

MEMBERS NOT PRESENT

Roger Newall	Council Member, Disabled Veteran
--------------	----------------------------------

With seven Council members participating remotely via telephone or video at the time of the roll call a

quorum was established.

AGENDA ITEM 3: INTRODUCTION OF GUESTS AND STAFF

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

OTHER PARTICIPANTS

Matt Loehman	Horizons of New Mexico, participating remotely via video
Joseph Perez	Horizons of New Mexico, participating remotely via video
Kyle Radford	Horizons of New Mexico, participating remotely via video
Marie Richter	Horizons of New Mexico, participating remotely via video
Scott DeVetter	Horizons of New Mexico, participating remotely via video
Jessie Shanks	Horizons of New Mexico, participating remotely via video
Taylor McBride	Horizons of New Mexico, participating remotely via video

GUESTS

Karla Soloria	New Mexico Office of the Attorney General, participating remotely via video
Brian Ammerman	Adelante Development Center, participating remotely via video
Michael Davenport	Adelante Development Center, participating remotely via video
Kelly Burma	New Mexico Commission for the Blind, participating remotely via video
Greg Block	Tresco, participating remotely via video
Luis Rios	Tresco, participating remotely via video
Analisa Martinez	Tresco, participating remotely via video
Ernie Byers	DigiPros, participating remotely via telephone
Patrick Lemke	DigiPros, participating remotely via telephone

AGENDA ITEM 4: APPROVAL OF POSSIBLE CHANGES TO THE ORDER OF THE AGENDA AND DELETION OF AGENDA ITEMS

Ms. Karla Soloria, New Mexico Office of the Attorney General, suggested the Council table agenda items 8, 9 and 10 from the agenda presented to the Council for the August 3, 2022 meeting due to the fact that a proper response had not yet been received from the listed member organization's attorney.

Council member Mark Hayden moved to table agenda items 8, 9 and 10 from the Council meeting agenda presented to the Council. Council member Trapp seconded the motion and the agenda was approved as revised – tabling the three agenda items – in a unanimous roll call vote, with members Lisa Dignan, Hayden, Holmes, Mike Kivitz, Pam Lillibridge, Kathleen Pinyan and Trapp voting yes.

AGENDA ITEM 5: APPROVAL OF THE MINUTES OF JULY 6, 2022

Council member Lisa Dignan moved to approve the July 6, 2022 Council meeting minutes. Council member Lillibridge seconded the motion, Council member Kivitz abstained, and the minutes were approved in a 6-0-1 (Approved – Denied – Abstained) roll call vote, with members Dignan, Hayden, Holmes, Lillibridge, Pinyan and Trapp voting yes.

AGENDA ITEM 6: CHAIR UPDATE, ANTOINETTE HOLMES

There was no chair update at this time.

AGENDA ITEM 7: CENTRAL NONPROFIT AGENCY, MATT LOEHMAN

Mr. Matt Loehman, Horizons of New Mexico (Horizons), updated the Council that Horizons was in the process of filling a position for a regional marketing manager for the southern New Mexico region, and hoped to be able to post the position for solicitation within the next few weeks.

AGENDA ITEM 8: DISCUSSION OF WHETHER MEMBER BUDDY CHECK II MATERIALLY BREACHED HORIZONS OF NEW MEXICO MEMBERSHIP AGREEMENT

Agenda item 8 was tabled as voted by the Council in agenda item 4.

AGENDA ITEM 9: APPROVAL OF COUNCIL DETERMINATION AS TO WHETHER MEMBER BUDDY CHECK II MATERIALLY BREACHED HORIZONS OF NEW MEXICO MEMBERSHIP AGREEMENT

Agenda item 9 was tabled as voted by the Council in agenda item 4.

AGENDA ITEM 10: APPROVAL OF IMMEDIATE TERMINATION OF HORIZONS OF NEW MEXICO MEMBERSHIP AGREEMENT WITH MEMBER BUDDY CHECK II FOR REASONS OF MATERIALLY BREACH, BASED ON COUNCIL DETERMINATION OF SUCH BREACH

Agenda item 10 was tabled as voted by the Council in agenda item 4.

AGENDA ITEM 11: APPROVAL OF SERVICE CONTRACTS

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

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

a) New Contracts \$5,000 and Under

(None)

b) New Contracts Over \$5,000

1. *Village of Cimarron and member Rt 66 Auctions; Auctioneering Services, Equipment Auction – Contract for 10% of Auction Gross Proceeds with Pre-auction gross proceeds Expected to exceed \$25,000 (e.g., \$2,500 for a \$25,000 auction or \$3,500 for a \$35,000 auction)*

Council member Pinyan moved to approve contract B1. Council member Trapp seconded the motion and the Council voted unanimously to approve the contract in a roll call vote, with members Dignan, Hayden, Holmes, Lillibridge, Pinyan, and Trapp voting yes.

c) FY 23 Renewal Contracts \$5,000 and Under

1. *New Mexico Human Services Department and member Adelante Development Center; Document Destruction Services, Income Support Division, Multiple Locations: FY 22 - \$1,687.55, FY 23 -- \$3,024.25*

Council member Eli Fresquez joined the meeting at this time, 1:47 p.m.

Council member Lillibridge moved to approve contract C1. Council member Pinyan seconded the motion, Council member Kivitz abstained, and the Council voted to approve the contract in a 7-0-1 roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Lillibridge, Pinyan, and Trapp voting yes.

d) FY23 Renewal Contracts Over \$5,000

1. *Governor's Commission on Disability and member Adelante Development Center; Computer Refurbishing: FY 22 -- \$42,750.00, FY 23 -- same*

Council member Lillibridge moved to approve contract D1. Council member Hayden seconded the motion, Council member Kivitz abstained, and the Council voted to approve the contract in a 7-0-1 roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Lillibridge, Pinyan, and Trapp voting yes.

2. *New Mexico Department of Health and member Adelante Development Center; Document Destruction Services, Public Health Division, Southeast Region: FY 22 -- \$4,426.12, FY 23 -- \$5,377.81*

Council member Dignan moved to approve contract D2. Council member Pinyan seconded the motion, Council member Kivitz abstained, and the Council voted to approve the contract in a 7-0-1 roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Lillibridge, Pinyan, and Trapp voting yes.

3. *New Mexico Human Services Department and member Adelante Development Center; Mailing Services, Santa Fe: FY 22 -- \$19,857.48, FY 23 -- \$21,596.88*

Council member Lillibridge moved to approve contract D3. Council member Pinyan seconded the motion, Council member Kivitz abstained, and the Council voted to approve the contract in a 7-0-1 roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Lillibridge, Pinyan, and Trapp voting yes.

4. *New Mexico Tourism Department and member Adelante Development Center; Mailing Services, New Mexico Magazine Enchantment Issue, Santa Fe: FY 22 -- \$15,936.88, FY 23 -- \$8,746.98*

Contract D4 was pulled from consideration by the member organization.

5. *New Mexico Tourism Department and member Adelante Development Center; Mailing Services, New Mexico Tourism Calendar, Santa Fe: FY 22 -- \$24,889.81, FY 23 -- \$14,653.97*

Council member Dignan moved to approve contract D5. Council member Pinyan seconded the motion, Council member Kivitz abstained, and the Council voted to approve the contract in a 7-0-1 roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Lillibridge, Pinyan, and Trapp voting yes.

6. *Albuquerque Bernalillo County Water Utility Authority and member Crystal Clear Maintenance; Janitorial Services, Soil Amendment Facility, Albuquerque: FY 22 -- \$7,400.52, FY 23 -- \$9,931.68*

Council member Trapp moved to approve contract D6. Council member Hayden seconded the motion and the Council voted unanimously to approve the contract in a roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Kivitz, Lillibridge, Pinyan, and Trapp voting yes.

7. *Dona Ana County and member DigiPros; Printing Services, County Assessor's Office, Las Cruces: FY 22 -- \$42,689.32, FY 23 -- \$45,342.91*

Council member Kivitz moved to approve contract D7. Council member Dignan seconded the motion and the Council voted unanimously to approve the contract in a roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Kivitz, Lillibridge, Pinyan, and Trapp voting yes.

8. *Albuquerque Bernalillo County Water Utility Authority and member LifeROOTS; Janitorial Services, San Juan Chama Water Treatment Plant, Albuquerque: FY 22 (6 months) -- \$18,215.88, FY 23 (12 months) -- \$47,534.52*

Council member Kivitz moved to approve contract D8. Council member Lillibridge seconded the motion and the Council voted unanimously to approve the contract in a roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Kivitz, Lillibridge, Pinyan, and Trapp voting yes.

9. *Albuquerque Bernalillo County Water Utility Authority and member LifeROOTS; Janitorial Services, Customer Service and Call Center, Albuquerque: FY 22 (6 months) -- \$55,330.20, FY 23 (12 months) -- \$108,585.12*

Council member Dignan moved to approve contract D9. Council member Pinyan seconded the motion and the Council voted unanimously to approve the contract in a roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Kivitz, Lillibridge, Pinyan, and Trapp voting yes.

10. *Albuquerque Bernalillo County Water Utility Authority and member LifeROOTS; Janitorial Services, Wastewater Utility Division Facility, Albuquerque: FY 22 (6 months) -- \$68,869.32, FY 23 (12 months) -- \$182,900.88*

Council member Lillibridge moved to approve contract D10. Council member Pinyan seconded

the motion and the Council voted unanimously to approve the contract in a roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Kivitz, Lillibridge, Pinyan, and Trapp voting yes.

11. *New Mexico Department of Transportation and member Tresco; Rest Area Maintenance, District 1 Rest Areas: FY 22 -- \$2,463,788.34, FY 23 -- \$2,726,430.08*

Council member Kivitz moved to approve contract D11. Council member Hayden seconded the motion and the Council voted unanimously to approve the contract in a roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Kivitz, Lillibridge, Pinyan, and Trapp voting yes.

12. *New Mexico Department of Workforce Solutions and member Tresco; Janitorial Services, Carlsbad: FY 22 -- \$12,994.92, FY 23 -- \$15,384.72*

Council member Lillibridge moved to approve contract D12. Council member Pinyan seconded the motion, Council member Trapp abstained, and the Council voted to approve the contract in a 7-0-1 roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Kivitz, Lillibridge, and Pinyan voting yes.

e) Changes & Increases

1. *Los Alamos Public Schools and member Adelante Development Center; Document Destruction Services, Los Alamos: Current -- \$4,217.95, New -- \$5,091.56*

Council member Lillibridge moved to approve contract E1. Council member Pinyan seconded the motion, Council member Kivitz abstained, and the Council voted to approve the contract in a 7-0-1 roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Lillibridge, Pinyan, and Trapp voting yes.

2. *New Mexico Department of Health and member Adelante Development Center; Document Destruction Services, Santa Fe: Current -- \$4,492.81, New -- \$5,553.98*

Council member Trapp moved to approve contract E2. Council member Pinyan seconded the motion, Council member Kivitz abstained, and the Council voted to approve the contract in a 7-0-1 roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Lillibridge, Pinyan, and Trapp voting yes.

3. *New Mexico Department of Veteran Services and member Disabled American Veterans; Transportation Services: FY 22 -- \$30,000.00, FY 23 -- \$47,000.00*

Council member Dignan moved to approve contract E3. Council member Kivitz seconded the motion and the Council voted unanimously to approve the contract in a roll call vote, with members Dignan, Fresquez, Hayden, Holmes, Kivitz, Lillibridge, Pinyan, and Trapp voting yes.

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

a) New Service Contracts Directly Distributed Under CNA Authority

1. *New Mexico Department of Veterans Services and member Adelante Development Center; Document Destruction Services, Albuquerque - \$944.08*
2. *New Mexico Early Childhood Education and Care Department and member Adelante Development Center; Document Destruction Services, Roswell - \$559.48*
3. *New Mexico Public Defenders' Office and member Adelante Development Center; Document Destruction Services, Carlsbad - \$519.54*
4. *City of Albuquerque and member Buddy Check II; Printing Services, Fire Department -- \$130.31*

Ms. Soloria noted that there would be no need for the Council to take any action on the validity of the approval of contract A4 due to the fact that the contract amount was so small, but, moving forward, the Council should consider declining to approve contracts with that member organization until the resolution of its ongoing legal issues with the Council.

b) FY23 Renewal Service Contracts Directly Distributed Under CNA Authority

1. *Los Puentes Charter School and member Adelante Development Center; Document Destruction Services, Albuquerque: FY 22 -- \$148.00, FY 23 - \$172.52*
2. *New Mexico Children, Youth, and Families Department and member Adelante Development Center; Document Destruction Services, Santa Fe: FY 22 -- \$798.48, FY 23 - \$937.22*
3. *New Mexico Corrections Department and member Adelante Development Center; Document Destruction Services, Albuquerque: FY 22 -- \$2,049.79, FY 23 - \$2,388.78*
4. *New Mexico Crime Victims Reparation Commission and member Adelante Development Center; Document Destruction Services, Albuquerque: FY 22 -- \$240.12, FY 23 - \$861.14*
5. *New Mexico Division of Vocational Rehabilitation and member Adelante Development Center; Document Destruction Services, Española: FY 22 -- \$322.63, FY 23 - \$559.48*
6. *New Mexico Division of Vocational Rehabilitation and member Adelante Development Center; Document Destruction Services, Santa Fe: FY 22 -- \$322.63, FY 23 - \$559.48*
7. *New Mexico Human Services Department and member My Bug Guyz; Pest Control Services, Bernalillo: FY 22 -- \$1,625.40, FY 23 - \$1,775.04*

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

(None)

AGENDA ITEM 13: APPROVAL OF ADDED AND REMOVED SUITABLE SERVICES

There were no added or removed services to approve at this time.

AGENDA ITEM 14: CENTAL NONPROFIT AGENCY QUARTERLY REPORT, MATT LOEHMAN

Mr. Loehman reported that the Council had approved 76 contracts – employing 254 individuals with disabilities and totaling \$10 million – during the reporting period. He added that the Horizons had directly distributed 58 new contracts for approval, as well as 12 renewal contracts and 3 contracts distributed in cases of immediate or urgent need, in that same period.

AGENDA ITEM 15: DISCUSSION OF RESPONSIBILITIES OF THE COUNCIL FOR PURCHASING FROM PERSONS WITH DISABILITIES TO CALCULATE FAIR MARKET VALUE, INCLUDING FORMULAS AND METHODS

After lengthy discussion where no resolution or cause for action was decided, the Council agreed to continue the discussion of agenda item 15 at the next Council meeting.

AGENDA ITEM 16: DISCUSSION OF THE APPLICATION OF THE STATE USE ACT TO ELECTRIC VEHICLE CHARGING STATIONS

The Council discussed the ways in which the addition of electric vehicle charging stations might be incorporated at safety rest areas across the state under the State Use Act. Council member Hayden noted that, currently, federal law prohibited the installation of those stations because they would be deemed concession.

Mr. Loehman announced that the New Mexico Department of Transportation held a meeting where this topic had been discussed, and the agency seemed unsure about how the stations would be incorporated if that ever became a possibility.

The Council eventually agreed to table the discussion and continue it at a later meeting date.

AGENDA ITEM 17: SUBCOMMITTEE UPDATES

There were no subcommittee updates at this time.

AGENDA ITEM 18: OPEN PUBLIC FORUM AND PUBLIC COMMENTS

There was no public comment at this time.

AGENDA ITEM 19: COUNCIL DISCUSSION

There was no Council discussion at this time

AGENDA ITEM 20: SUGGESTED AGENDA ITEMS FOR FUTURE MEETINGS

In addition to agenda items 15 and 16, Council member Kivitz requested that Horizons provide the Council with an update about the contract distribution process at the next Council meeting.

Council member Kivitz and Pinyan left the meeting at this time, causing the Council to lose a quorum.

AGENDA ITEM 21: DATE AND LOCATION OF NEXT MEETING

The dates of the next Council meetings were scheduled for Wednesday, September 7, 2022, to take place at 1:30 p.m. MDT, remotely via video conference.

AGENDA ITEM 22: ADJOURN

With no further business, the meeting was adjourned at 3:32 p.m.

Antoinette Holmes

Antoinette Holmes, Chair

9/27/2022

Date