

OFFICIAL MINUTES

ANEW MEXICO COUNCIL FOR PURCHASING FROM PERSONS WITH DISABILITIES

MINUTES

October 8, 2025, 1:30 PM

New Mexico Commission for the Blind
Skills Center

2200 Yale Blvd SE
Albuquerque, NM 87106

AGENDA ITEM 1: CALL TO ORDER

Chair Kathleen Pinyan called the meeting to order at 1:37 p.m. MDT.

AGENDA ITEM 2: ROLL CALL

Kathleen Pinyan	Council Chair
Greg Trapp	Council Secretary, New Mexico Commission for the Blind
Geneva Cordova	Council Member, Designee for New Mexico Department of Finance (DFA) Secretary Propst
Dorothy Mendonca	Council Member, State Purchasing Division Representative (participating remotely via video)
Mike Kivitz	Council Member, Community Rehabilitation Program (CRP)
Pam Lillibridge	Council Vice Chair, Community Rehabilitation Program (CRP) (participating remotely via video)
Antoinette Holmes	Council Member, New Mexico Division of Vocational Rehabilitation (DVR) participating remotely via video)
Roger Newall	Council Member, Disabled Veteran (participating remotely via video)

With eight council members participating in person and via telephone or video at the time of roll call, a quorum was established.

AGENDA ITEM 3: INTRODUCTION OF GUESTS AND STAFF

OTHER PARTICIPANTS

Matt Loehman	Horizons of New Mexico
Joseph Perez	Horizons of New Mexico
Kyle Radford	Horizons of New Mexico (participating remotely via video)
Patricia Torres	Horizons of New Mexico (participating remotely via video)
Greg Block	Horizons of New Mexico (participating remotely via video)

GUESTS

Kelly Burma	New Mexico Commission for the Blind
Chis Harrington	New Mexico Department of Justice (NMDNJ)
Michelle Harmon	ARCA (participating remotely via video)
Gary Chavez	Peak Performers (participating remotely via video)
Therese Baca	Unlimited Office Management Systems (participating remotely via telephone)
Brian Ammerman	Adelante Development Center (participating remotely via telephone)
Tony Watkins	La Casa Inc. (participating remotely via telephone)
Cornelius Smith	Clearly Clean Janitorial Service (participating remotely via telephone)
Doug Craft	Crystal Clear Maintenance (participating remotely via telephone)
Kimberly Andreone	Clearly Clean Janitorial Service (participating remotely via telephone)
Arturo Soliz	Member of the Public

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

Council member Pinyan moved to table move the quarterly report to the next council meeting due to it being in a draft stage. Council member Kivitz moved to the tabling of the quarterly report, Council member Kivitz seconded the motion. The Council unanimously tabling of the quarterly report in a roll call vote, with members Cordova, Holmes, Kivitz, Lillibridge, Mendonca, Newall, Pinyan, and Trapp voting yes.

AGENDA ITEM 5: APPROVAL OF THE REGULAR MEETING ON SEPTEMBER 10, 2025

Council member Lillibridge moved to approve the September 10, 2025, Council meeting minutes. Council member Newall seconded the motion and Council voted the minutes in an unanimous roll call vote, with members Cordova, Holmes, Kivitz, Lillibridge, Mendonca, Newall, Pinyan, and Trapp voting yes.

AGENDA ITEM: CHAIR UPDATE, KATHLEEN PINYAN

There are no chair updates at this time.

AGENDA ITEM 7: CENTRAL NONPROFIT AGENCY (CNA) UPDATE MATT LOEHMAN

Mr. Loehman noted that October is National Disability Employment Awareness Month and highlighted how the New Mexico State Use Act supports this by helping individuals with disabilities find meaningful, fairly

paid work. He acknowledged the New Mexico Council for Purchasing from Persons with Disabilities for their volunteer efforts and leadership in shaping the Act. He noted that the New Mexico law was the first in nation of its kind to businesses, like the ones owned by Ms. Baca, Mr. Craft, and Mr. Smith, to participate and help build successful businesses for themselves and create jobs for others with disabilities.

Mr. Loehman shared that he has recently spoken with providers and partners about proposed changes to the State Use Act rules. While change often brings questions, these conversations have helped clarify the difference between the law and the rules and provided an opportunity to educate stakeholders.

Mr. Loehman thanked the Council for their continued commitment to the program's integrity and shared that Horizons of New Mexico is preparing a draft plan to implement the Council's new procedures for reviewing disabilities documentation. He concluded by noting that this year marks the 20th anniversary of the State Use Act, which continues to reduce unemployment and expand opportunities for New Mexicans with disabilities.

AGENDA ITEM 8: UPDATE NEW STATE USE PROVIDERS

Mr. Loehman advised that there is a provider that is rejoining the program, called Equal Steps. They provide ADA consulting services, event planning, marketing and training. We just got to find an opportunity. This is for a qualified individual.

AGENDA ITEM 9: PUBLIC HEARING TO GATHER PUBLIC COMMENTS ON THE PROPOSED CHANGES TO NMAC TITLE 2, CHAPTER 40, PART 5: PUCHANCING OF SERVICES FROM PERSONS WITH DIABILITIES

On October 20, 2025, Chair Kathleen Pinyan convened a public hearing for the proposed rescission and replacement of NMAC 2.4.5. Chair Pinyan stepped out of her role as Council Chair to serve as the Public Hearing Officer. The hearing began shortly after 2:00 p.m. MDT.

The hearing was called to address rule updates required by the State Archives. Because the existing rules were outdated, the Council was required to rescind and replace them entirely rather than amend them. Although only six sections contained substantive changes, the full replacement was necessary to meet archival standards. The hearing served as the final stage for oversight and public comment, with the Council present to listen but not to deliberate.

Hearing Officer Pinyan outlined procedures to ensure order, equal opportunity to speak, and full documentation of the record. Exhibits were presented, including proposed rule language, public notices, repeal and replacement drafts, and sign-in sheets for in-person and online participants. Key revisions included updated definitions in Section 7(B), prohibition of brokering in Section 8, and alignment of contractor award language in Section 10. Section 11 clarified CNA review authority, Section 15 refined the 75% direct labor ratio and 12-month measurement method, and Section 16 added provisions for information and records confidentiality.

During public comment, Mr. Soliz expressed concern about Horizons of New Mexico's compliance with the State Use Act. He urged the Council to prioritize enforcement over revisions to Rules and requested an

investigation into RFP-related noncompliance, review of provider documentation, and a written response. He cited the 75% requirement and definition of disability as areas of concern, suggesting that the latter could be interpreted too broadly.

Mr. Tony Watkins thanked the Council for the opportunity to comment. He shared that his nonprofit organization, La Casa Inc., serves domestic-violence survivors in southern New Mexico and expressed interest in becoming a provider. He stated that the language appeared inclusive of conditions such as PTSD and depression. Chair Pinyan advised him that broader program questions could be raised during the Council's public comment session, scheduled as item 11 on the agenda, and noted that the next Council meeting would occur on November 12, 2025, at 1:30 p.m. MDT at the New Mexico Commission for the Blind.

No additional public comments or exhibits were received. Hearing Officer Pinyan thanked participants and adjourned the hearing at 2:04 p.m. MDT. The Council will reconvene at a later meeting to review feedback and determine whether to modify or approve the proposed replacement rules.

AGENDA ITEM 10: COUNCIL DISCUSSION OF PUBLIC COMMENTS, PROPOSED CHANGES TO THE NEW NMAC LANGUAGE, IF ANY AND APPROVAL OF FINAL NMAC LANGUAGE

Chair Pinyan opened the floor for discussion regarding the updated NMAC language and any additional exhibits, including the sign-in sheet. Council Member Kivitz emphasized that the key change was not just updating the law but clarifying ratio and disability compliance, which he felt was important for public understanding.

Chair Pinyan recalled that the subcommittee had discussed removing the language stating the 75% direct labor ratio requirement and in its place reference the State Use Act Law directly to avoid conflicts. She noted updated language allowing CNA to independently review compliance without prior authorization.

Council member Kivitz reiterated the importance of clear documentation for disability claims and expressed support for efforts to strengthen compliance procedures. Chair Pinyan confirmed that the team had worked on updating review procedures and acknowledged the need to cite the statute defining disability in New Mexico.

Council member Kivitz suggested using the disability determination worksheet, which includes certification by state or federal bodies. Chair Pinyan asked if the Council wanted to formally cite the statute defining disability in New Mexico. Kivitz deferred to legal counsel but supported any clarification efforts.

Chair Pinyan asked Mr. Harrington from the NMDOJ whether adding a citation would require an amendment. Mr. Harrington confirmed it would, but noted the language was still under public review and could be amended before finalization. Chair Pinyan suggested referencing the Federal Rehabilitation Act of 1973 and the VA's 50% disability standard and asked whether New Mexico statutes should also be included. Mr. Harrington asked for the relevant section, and Chair Pinyan cited Section 8, Definitions 2.40.57 and Section H.

Council Member Kivitz deferred to Council Member Trapp, who clarified that the Federal Rehabilitation Act provides a clear definition of disability, excluding temporary conditions like broken bones. Chair Pinyan explained that eligibility could be based on a vocational rehabilitation employment plan or a VA disability rating of 50% or more. Kivitz felt this was sufficient for non-legal purposes.

Chair Pinyan noted that supplemental security income (SSI) recipients are presumptively disabled, but eligibility may not always reflect the underlying disability. She clarified that individuals over 65 may receive SSI due to income, not disability, while those under 65 must meet disability criteria. Council members discussed the Social Security definition, which requires a physical or mental impairment preventing substantial gainful activity for at least 12 months or resulting in death.

Chair Pinyan asked whether the four definitions discussed—Federal Rehabilitation Act, VA disability rating, SSI/SSDI, and vocational rehabilitation—adequately address the regulatory environment. Kivitz found the language satisfactory. Trapp added that the Individuals with Disabilities Education Act (IDEA) was not referenced because it pertains to education, not employment, and is not directly relevant to vocational rehabilitation.

Chair Pinyan asked for final comments and whether the Council wished to move forward with the language as written. Council Member Cordova moved to approve the proposed NMAC language with an effective date of November 4, 2025. Chair Lillibridge seconded. The motion passed unanimously with Council Members Cordova, Holmes, Kivitz, Lillibridge, Mendonca, Newall, Pinyan, and Trapp voting yes.

AGENDA ITEM 11: PUBLIC COMMENTS

Chair Pinyan addressed Mr. Tony Watkins of La Casa Inc. regarding questions from a prior hearing and clarified that the Council does not determine disability status, as that authority lies with federal and state agencies. She explained that the Council's role is to assess provider compliance with requirements related to disability determination. Mr. Watkins shared that La Casa serves survivors of domestic violence who experience trauma, PTSD, and depression that hinder employment, conditions that may qualify as serious mental illness. He expressed interest in joining the provider network, and Council Member Lillibridge recommended reviewing the NMAC definition of a Community Rehabilitation Program (CRP) and consulting with the Division of Vocational Rehabilitation for guidance.

Council Member Kivitz noted that CRPs must primarily benefit individuals with disabilities, as outlined in NMAC 2.40.5.7E, and advised that La Casa's mission and governing documents reflect that purpose. Mr. Watkins added that La Casa is expanding services to include elder housing for survivors with dementia and employment support for clients struggling to maintain jobs. Chair Pinyan clarified that CRP designation applies to organizations providing employment-related rehabilitation services to individuals with disabilities. The Council encouraged La Casa to review CARF standards and federal definitions under 34 CFR 363.5 to assess potential eligibility and alignment with programs such as AbilityOne.

During public comment, Mr. Soliz questioned the reported number of 300 employees with disabilities. Mr. Loehman responded that Horizons verifies compliance through documented labor hours rather than headcount, as disability information is confidential and protected under HIPAA. Council Members reminded

participants that disability disclosure is voluntary and should never be solicited at job sites. Chair Pinyan emphasized that upcoming compliance reviews will confirm program accuracy, reinforce privacy protections, and strengthen public trust in the State Use program.

AGENDA ITEM 12: 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 meeting materials or additional information about any contracts listed on the agenda.

*Note: Please help us accommodate our co-workers, clients, and visitors who are sensitive to scented items by being conscientious in your use of perfume, aftershave, lotion, hair products, or other fragrances.

a) New Contracts Over \$5,000

(none)

b) FY 26 Renewal Contracts Over \$5,000

1. *New Mexico Governor's Commission on Disability and provider ADA Accessibility Consultant; ADA Accessibility Consulting Services, Santa Fe: FY 25 -- \$8,951.00, FY 26 -- \$8,941.00*

Council member Homes moved to approve contract B1, Council member Mendonca seconded the motion, and the contract was approved in an 8-0-0 (Approved-Denied-Abstained) roll call vote with member Cordova, Holmes, Kivitz, Lillibridge, Mendonca, Newall, Pinyan and Trapp all voting yes.

c) *Temporary Staffing Service Contracts*

1. New Mexico Department of Health and provider Peak Performers; Temporary Staffing Services -- Records Analyst I, Information Technology Services, Santa Fe -- Billable Hourly Rate: \$42.55, Amount Billed Through September -- \$91,593.98, Projected Total -- \$368,285.57

Council member Newall moved to approve contact C1, Council member Lillibridge seconded the motion, and the contract was approved in an 8-0-0 (Approved-Denied-Abstained) in a roll call vote with member Cordova, Holmes, Kivitz, Lillibridge, Mendonca, Newall, Pinyan and Trapp all voting yes.

d) Changes & Increases

(none)

1. Service Contracts Directly Distributed Under Central Nonprofit Agency Authority

a) New Service Contracts Directly Distributed Under CNA Authority

1. *City of Rio Rancho and provider Adelante Development Center; Document Destruction Services, Rio Rancho -- \$369.07*
2. *City of Roswell and provider Adelante Development Center; Document Destruction Services, Roswell -- \$1,634.28*
3. *County of Valencia and provider Adelante Development Center; Document Destruction Services, Los Lunas -- \$229.38*
4. *New Mexico Department of Health and provider Adelante Development Center; Document Destruction Services, Santa Fe -- \$701.76*
5. *New Mexico Department of Health and provider Adelante Development Center; Document Destruction Services, Santa Fe -- \$1,382.16*
6. *New Mexico Department of Public Safety and provider Adelante Development Center; Document Destruction Services, Clovis -- \$950.28*
7. *New Mexico Early Childhood Education and Care Department and provider Adelante Development Center; Document Destruction Services, Santa Fe -- \$3,855.86*
8. *San Miguel County and provider Adelante Development Center; Document Destruction Services, Las Vegas -- \$608.28*
9. *San Miguel County and provider Adelante Development Center; Document Destruction Services, Las Vegas -- \$839.96*
10. *City of Albuquerque and provider Greetings, Etc., Printing Services, Department of Animal Welfare -- \$270.30*
11. *City of Rio Rancho and provider Greetings, Etc.; Printing Services, Fire and Rescue Department -- \$455.21*

b) FY26 Renewal Service Contracts Directly Distributed Under CNA Authority

(none)

c) Temporary Staffing Service Contracts Directly Distributed Under CNA Authority

1. *New Mexico Aging and Long-Term Services and provider Peak Performers; Temporary Staffing Services -- Administrative Assistant IV, Santa Fe -- Billable Hourly Rate: \$42.52*
2. *New Mexico Department of Health and provider Peak Performers; Temporary Staffing Services -- Records Analyst I, Information Technology Services, Santa Fe -- Billable Hourly Rate: \$42.55*
3. *New Mexico Department of Health and provider Peak Performers; Administrative Assistant II, Administrative Services Division, Santa Fe: Billable Hourly Rate -- \$34.30*
4. *New Mexico Department of Health and provider Peak Performers; Administrative Assistant IV, Administrative Services Division, Santa Fe: Billable Hourly Rate -- \$42.54*
5. *New Mexico Tourism Department and provider Peak Performers; Customer Service Representative II, Santa Fe: Billable Hourly Rate -- \$38.24*
6. *Santa Fe County and provider Peak Performers; Temporary Staffing Services, Administrative Assistant II, Legal Division – Billable Hourly Rate: \$38.24*

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

(none)

AGENDA ITEM 14: CENTRAL NONPROFIT QUARTERLY REPORT

This item has been tabled until the November 12, 2025, Council Meeting.

AGENDA ITEM 15: DISCUSSION AND APPROVAL OF LEGISLATIVE RECOMMENDATIONS

Council Member Trapp raised concerns about the 75% direct labor ratio requirement under the State Use Act, noting that it can unintentionally exclude businesses owned by individuals with disabilities—especially in cases of joint ownership between a disabled and non-disabled spouse. He emphasized that the Act’s intent is to empower disabled individuals through employment and entrepreneurship. Trapp referenced Maryland as one of only two states with similar laws and noted that he helped pass New Mexico’s version with the goal of including private entrepreneurs.

Chair Pinyan responded that creating exceptions to the 75% direct labor ratio requirement could complicate compliance and would require measurable criteria. She suggested adding this issue to a future legislative wish list.

Council member Trapp noted that the upcoming session is a short financial session, making it impractical to pursue amendments now. He recommended revisiting the issue in 2027.

Chair Pinyan agreed and advised the council to consider this for future review.

AGENDA ITEM 16: SUBCOMMITTEE UPDATES

Chair Pinyan advised that there are no subcommittees as of October 8, 2025.

AGENDA ITEM 17: CLOSING PUBLIC COMMENTS

There were no public comments.

AGENDA ITEM 18: SUGGESTED ITEMS FOR FUTURE MEETINGS.

Chair Pinyan advised that starting in November we will have our annual compliance meeting, so we should add to the agenda which we have tabled and our open meetings resolution, we will need to add this to the agenda.

AGENDA ITEM 19: DATE AND LOCATION OF NEXT MEETING

The date of the next Council meeting was scheduled for November 12, 2025, to take place at 1:30 p.m. MDT at the New Mexico Commission for the Blind and remotely via Zoom.

AGENDA ITEM 20: ADJOURN

With no further business, the meeting was adjourned at 3:09 p.m. MDT.

Kathleen Pinyan

Kathleen Pinyan, Chair

12/23/2025

Date