

Policy and Procedures Manual

New Mexico Abilities

General

New Mexico Abilities is the Central Non-Profit Agency established by and operating under the aegis of Title 2, Chapter 40, Part 5 of New Mexico's Administrative Code and the New Mexico Council for Purchasing from Persons with Disabilities hereafter referred to as the Council.

Membership of New Mexico Abilities will consist of certified eligible Community Rehabilitation Programs (CRPs) as defined by Title 2, Chapter 40, Part 5.7 E of New Mexico's Administrative Code, Individuals With A Disability defined by Title 2, Chapter 40, Part 5.7 H of New Mexico's Administrative Code, and Qualified Individuals defined by Title 2, Chapter 40, Part 5.7 I of New Mexico's Administrative Code, hereafter referred to as Members.

The duties of New Mexico Abilities are: to hold contracts; facilitate the equitable distribution of orders for services to be procured by state agencies and local public bodies; and market approved services to state agencies and local public bodies.

The mission of New Mexico Abilities is to employ persons with disabilities; negotiate contracts; educate and train members; promote the program to members and government agencies; and to ensure that all members operate in an ethical manner.

Membership

Prior to becoming members of New Mexico Abilities applicants must furnish documents to show that they are eligible.

Members must furnish necessary documentation and complete the membership application. A staff member of New Mexico Abilities will visit the prospective member to ensure that all is in order. In addition for each contract a Disability Certification must be completed for each person with a disability used on the contract and that form must be held on file for a minimum of three years after the completion of the contract, or the individual's term of service. Disability Certification Worksheets are included in the forms section.

New members will be surveyed for capabilities. Required training can be arranged through New Mexico Abilities.

An updated list of all capabilities will be furnished to the Council each month.

Disability Determination

All members will be required to keep records of contracts a minimum of three years after the completion of the contract or after the departure of the employee. Records required by New Mexico Abilities include the following:

Certification of Disabilities

For each individual with a qualifying disability, documentation of that disability must be maintained for a minimum of three years after the completion of the contract or the

departure of the individual. Proof of eligibility from Vocational Rehabilitation, Commission for the Blind, SSI/SSDI, Medicaid Waiver or fifty percent disability from the Veterans Administration, precludes the requirement for other evidence of disability determination. Persons who are disabled but do not have the proof of eligibility above may be documented utilizing a medical statement and, if required, the Disability Determination Worksheet included in the forms section of this section. For ease of inspection, proof of eligibility should be attached to the **Certification of Disabilities record**. Full compliance with HIPAA is required.

Distribution of Contracts

- The membership agreement and inspection must be complete before any contract can be awarded.
- The member must have the competency to perform the contract.
- The contract must have the potential to provide positive integrated work outcome for persons with disabilities.
- Persons with disabilities must make an appreciable contribution. We encourage all members to engage persons with disabilities for all aspects of the contract.
- During the State Fiscal Year at least seventy-five percent of persons with disabilities must be used in the direct labor for the provision of the contracted services.
- Members who find new contract opportunities will be assigned those contracts so long as the requirements above can be met.

- Members will retain contracts unless they decide to abandon the contract or are otherwise unable to fulfill the specifications of the contract.
- If two members vie for the same contract and capabilities are equal, New Mexico Abilities will assign the contract based on low dollar volume with New Mexico Abilities. If that is equal, longevity as a member will prevail.
- All contracts must be approved by the Council prior to being offered.

Only Members of New Mexico Abilities are eligible for contracts under Title 2, Chapter 40, Part 5 of New Mexico's Administrative Code. All members must have signed a membership agreement (copy in the forms section).

Definitions:

Direct Labor Requirement – During the State Fiscal Year at least seventy-five percent of persons with disabilities in the direct labor for the provision of services for any contract.

Grievances

Procedures for grievance not covered by contract requirements will be provided by the Council. The Council will provide arbitration on disputes when requested by members or by potential members.

New Mexico Abilities Member Code of Ethics

- Members will never misrepresent their organization or its service to New Mexico Abilities or allow it to be misrepresented.

- Members will not discredit fellow members and persons with disabilities by offering substandard services or by seeking more than fair payment for services.
- Members will stand behind each service and guarantee satisfaction.
- Members will provide services without discrimination on the basis of race, color, religious creed, disability, ancestry, national origin, age or sex.
- Members will adhere to all appropriate state, federal and local laws regarding employment
- Members will observe sound and ethical business practices.

Fees

The operating budget for New Mexico Abilities shall be derived from a fee from contracts distributed to members and individuals. The fee for all contracts is five percent (5%).

Quarterly Statistics Reports

A quarterly statistics report is required from each producing member. In order to ensure completion of this form and to provide New Mexico Abilities and the Council with valuable data on the number of hours worked and wages earned by our workers, New Mexico Abilities reserves the right to withhold payment until the report is received. A copy of this report is located in the Forms Section.

Audit

An audit of New Mexico Abilities' financial records shall be made at the end of each fiscal year by an independent certified public accounting firm. The complete audit report is to be made available to the Council for its review.

Attachments - Forms

- **Quarterly Report**
- **Membership Agreement**
- **Certification of Disabilities**
- **Disability Determination Worksheet**
- **Contract Cost Worksheet**