

State Use Act FAQ

1. What is the purpose of the State Use Act?
Answer: The purpose is to encourage and assist persons with disabilities to achieve maximum personal independence through useful and productive employment by ensuring an expanded and constant market for services delivered by persons with disabilities, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on welfare and entitlements.
2. What is the role of the Central Non-profit Agency (CNA)?
Answer: To broker service contracts between public agencies and qualified members with disabilities or community rehabilitation programs that hire individuals with disabilities.
3. What types of contracts apply to the State Use Act?
Answer: The State Use Act applies to “Services and Professional Services” contracts only.
4. To what organizations does the State Use Act apply?
Answer: This act applies to any and all state government agencies, county and city government, school districts, police department, fire department, publicly funded colleges and universities, and any organization that receives state aid monies.
5. How is the State Use Act intended to work?
Answer: The State Use Act grants a first right of refusal to the Central Non-Profit Agency (CNA) for those contracts which the CNA can provide the service required. The services that can be provided are pre-approved by the State Council for Procurement from Persons with Disabilities (Council).
6. Does first right of refusal mean that this is now non-competitive?
Answer: This does level the playing field and provide a non-competitive environment for the CNA, but pricing must be competitive and “Fair Market Pricing” established by the Council must be attained.
7. What is the State Council for Procurement from Persons with Disabilities?
Answer: The council is the body created by the legislation to oversee the CNA and administration of the State Use Act. The council is comprised of the State Purchasing Agent, a representative from the State Department of Vocational Rehabilitation, persons with disabilities, Community Rehabilitation Programs, and Governor Appointees.

8. Can the CNA monopolize all service contracts within the state of New Mexico?

Answer: The short answer is “NO”. The CNA does not have the manpower to perform on all service contracts within the state, and is estimating that 1% or 2% of the total contract base would be realistic target.

9. What services can the CNA provide?

Answer: The CNA web site www.nmabilities.org lists all services which can be provided. The services can be found on the Service Summary page. All services found on this page have been approved by the Council. The CNA can be contacted directly at 505-345-1540 to address any questions or concerns.

10. How is the State Procurement Code followed?

Answer: Any state body or local public body entering into an agreement with the CNA pursuant to the State Use Act [13-1C-1 NMSA 1978] is exempt from the provisions of the Procurement Code (12-1-28 NMSA 1978).