



Procurement Reform Recommendations

Require regular and full disclosure on:

- Amount of revenue awarded to out-of-state vs. in-state companies.
- The point basis on how the contract was awarded (the basis for decision).
- Reasons requirements are included in RFP's are not required by the Procurement Code.

Implementation of HJM II passed in the 2014 session:

- Provide training by a qualified procurement authority for chief procurement officers of all agencies.
- Identify the businesses who qualify for the in-state preference on the price agreement.

Provide points for value-added including:

- Headquartered in New Mexico.
- Principle place of business in New Mexico.
- Number of New Mexicans hired.

And/or provide a set aside for small business like the federal government.

Create an independent hearing process for appeals.

From the Albuquerque Business First
:<http://www.bizjournals.com/albuquerque/blog/morning-edition/2014/07/chamber-wants-to-check-on-nm-s-outside-spending.html>

Jul 3, 2014, 6:35am MDT

Chamber wants to check on NM's outside spending



Gary Gerew

Assistant Editor- *Albuquerque Business First*

Email

The Association of Commerce and Industry, New Mexico's statewide chamber of commerce, is asking the state for records related to contract purchases by the New Mexico Department of Transportation, the New Mexico Department of Information Technology, and the New Mexico General Services Department.

ACI President and CEO Dr. Beverlee McClure, in a statement, said the association wants to know how much of the work is being given to companies outside of New Mexico.

"ACI is working to keep businesses, jobs, and opportunities here in New Mexico," McClure said. "Our members have raised concerns that New Mexico companies may not be getting a fair chance to compete for New Mexico tax dollars through the procurement process. If we want to grow as a state and improve the opportunities available to New Mexicans, our state government needs to be looking for opportunities to keep our money here in New Mexico, instead of handing over even more jobs, opportunities, and money to other states. We hope ACI's request will shed light on these concerns, and we will continue to work closely with the state government to improve process and opportunities for New Mexicans."

In the requests, ACI asks state officials to show how much was spent on contractual purchases from companies with billing addresses located in New Mexico versus companies with billing addresses located outside of New Mexico in 2013 and 2014. The three departments in question were selected as they represent the greatest percentages of state expenditures, according to the association.

The ACI also is asking businesses that have had issues with state procurement procedures to contact it in advance of a scheduled July 8 presentation before the Legislature's Interim Economic and Rural Development Committee.

ACI can be contacted at (505) 842-0644, or info@aci-nm.org.

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505.348.8323 | ggerew@bizjournals.com

Jason Espinoza

From: Montoya, Ricardo, NMDOT <Ricardo.Montoya@state.nm.us>
Sent: Thursday, July 03, 2014 2:36 PM
To: Jason Espinoza
Cc: Coriz, David L., NMDOT
Subject: RE: IPRA Request
Attachments: IPRA Request NMDOT.PDF

Mr. Espinoza,

Upon review it has been determined that your attached request is broad and/or burdensome, pursuant to 14-2-10 of the Inspection of Public records Act. Please provide more specific information to better describe the specific record types you are requesting. The NMDOT does not maintain information in such a way to conduct a search according to the parameters of your request. Also, keep in mind that this agency is not obligated to create a record that does not already exist in order to comply with a record request. Your request will not be processed until you provide me with more specific information.

Please let me know if you have any questions.

Thanks,

Ricardo Montoya | Records Management Section
P.O. Box 1149 | Santa Fe, NM 87504
Ph. 505-827-5495 | Fax 505-827-0662
ricardo.montoya@state.nm.us



From: Jason Espinoza [<mailto:jespinoza@aci-nm.org>]
Sent: Wednesday, July 02, 2014 9:30 AM
To: Coriz, David L., NMDOT
Subject: IPRA Request

Mr. Coriz,

Please see the attached Inspection of Public Records Act request.

Thank you for your prompt attention in this matter, and please contact me at 505-842-0644 to discuss any aspect of this request.

Sincerely,
Jason

Jason A. Espinoza
Vice President, Government Affairs
Association of Commerce and Industry
PO Box 9706



July 2, 2014

David Coriz
NM Department of Transportation
Records Custodian SB-5
Santa Fe, NM 87501

Via email: David.Coriz@state.nm.us

Dear Mr. Coriz:

I am writing to request public information, pursuant to NMSA 1978, Article 14, Chapter 2, commonly known as the New Mexico Inspection of Public Records Act. I am seeking the following information:

The dollar amount of contractual purchases in Fiscal Year 2013 by the New Mexico Department of Transportation from companies with billing addresses located in New Mexico versus companies with billing addresses located outside of New Mexico

The dollar amount of contractual purchases in Fiscal Year 2014 by the New Mexico Department of Transportation from companies with billing addresses located in New Mexico versus companies with billing addresses located outside of New Mexico

A list of all contractual purchases between July 1, 2012 and June 30, 2014 by the New Mexico Department of Transportation. The list of contractual purchases should include company name, dollar amount billed, and billing address.

If the information requested is available in an electronic format, I wish to receive an electronic copy of the information requested at jespinoza@aci-nm.org. Please notify me of the cost of this request before any action is taken.

Thank you for your prompt attention in this matter, and please contact me at the 505-842-0644 to discuss any aspect of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Espinoza', written in a cursive style.

Jason Espinoza
Vice President for Government Affairs



July 3, 2014

Rebecca Latham
Communications Director
NM Tourism Department
491 Old Santa Fe Trail
Santa Fe, NM 87501

Via email: Rebecca.Latham@state.nm.us

Dear Ms. Latham:

I am writing to request public information, pursuant to NMSA 1978, Article 14, Chapter 2, commonly known as the New Mexico Inspection of Public Records Act. I am seeking the following information:

The dollar amount of contractual purchases in Fiscal Year 2013 by the New Mexico Tourism Department from companies with billing addresses located in New Mexico versus companies with billing addresses located outside of New Mexico

The dollar amount of contractual purchases in Fiscal Year 2014 by the New Mexico Tourism Department from companies with billing addresses located in New Mexico versus companies with billing addresses located outside of New Mexico

A list of all contractual purchases between July 1, 2012 and June 30, 2014 by the New Mexico Tourism Department. The list of contractual purchases should include company name, dollar amount billed, and billing address.

If the information requested is available in an electronic format, I wish to receive an electronic copy of the information requested at jespinoza@aci-nm.org. Please notify me of the cost of this request before any action is taken.

Thank you for your prompt attention in this matter, and please contact me at 505-842-0644 to discuss any aspect of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Espinoza', written over a light blue horizontal line.

Jason Espinoza
Vice President for Government Affairs



July 2, 2014

Estevan Lujan, PIO
NM Department of Information Technology
PO Box 22550
Santa Fe, NM 87502-2550

Via email: Estevan.Lujan@state.nm.us

Dear Mr. Lujan:

I am writing to request public information, pursuant to NMSA 1978, Article 14, Chapter 2, commonly known as the New Mexico Inspection of Public Records Act. I am seeking the following information:

The dollar amount of contractual purchases in Fiscal Year 2013 by the New Mexico Department of Information Technology from companies with billing addresses located in New Mexico versus companies with billing addresses located outside of New Mexico

The dollar amount of contractual purchases in Fiscal Year 2014 by the New Mexico Department of Information Technology from companies with billing addresses located in New Mexico versus companies with billing addresses located outside of New Mexico

A list of all contractual purchases between July 1, 2012 and June 30, 2014 by the New Mexico Department of Information Technology. The list of contractual purchases should include company name, dollar amount billed, and billing address.

If the information requested is available in an electronic format, I wish to receive an electronic copy of the information requested at jespinoza@aci-nm.org. Please notify me of the cost of this request before any action is taken.

Thank you for your prompt attention in this matter, and please contact me at the 505-842-0644 to discuss any aspect of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Espinoza', written over a white background.

Jason Espinoza
Vice President for Government Affairs



July 2, 2014

Tim Korte, PIO
NM General Services Department
Public Information Office
180 Bataan memorial Building
407 Galisteo Street
Santa Fe, NM 87501

Via email: Tim.Korte@state.nm.us

Dear Mr. Korte:

I am writing to request public information, pursuant to NMSA 1978, Article 14, Chapter 2, commonly known as the New Mexico Inspection of Public Records Act. I am seeking the following information:

The dollar amount of contractual purchases in Fiscal Year 2013 by the New Mexico General Services Department from companies with billing addresses located in New Mexico versus companies with billing addresses located outside of New Mexico

The dollar amount of contractual purchases in Fiscal Year 2014 by the New Mexico General Services Department from companies with billing addresses located in New Mexico versus companies with billing addresses located outside of New Mexico

A list of all contractual purchases between July 1, 2012 and June 30, 2014 by the New Mexico General Services Department. The list of contractual purchases should include company name, dollar amount billed, and billing address.

If the information requested is available in an electronic format, I wish to receive an electronic copy of the information requested at jespinoza@aci-nm.org. Please notify me of the cost of this request before any action is taken.

Thank you for your prompt attention in this matter, and please contact me at the 505-842-0644 to discuss any aspect of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Espinoza', written over a white background.

Jason Espinoza
Vice President for Government Affairs

During the summer of 2013, my company, POD, was contacted by a former NM Superintendent of Insurance, about teaming with an out of state company on the State Health Insurance Exchange project. He said that this out of state firm was looking to team with local companies with specific capabilities and experience that had a good reputation with the State of NM. POD and another local company were the two companies they wanted to team with.

POD's proposed role was to provide the lead business analyst responsible for defining the state's requirements for the Exchange and software developers to help with programming. We were told that they wanted to work with us because we knew the State and we would save them spin up and travel costs. So, we entered into a legal teaming agreement with this out of state company that promised us work in specific areas. This teaming agreement included a clause that allowed the out of state firm to terminate our teaming agreement with written notice and justification from the State.

When this out of state firm was selected as a finalist and they were asked to make an oral presentation, we were asked to help prepare for this presentation and have our lead analyst attend the meeting in Santa Fe. When we told them that our lead analyst had plans to be out of state at a client meeting, they said that they thought it was vitally important that this person attend the meeting, and asked us to bear the additional expense to change his travel plans to travel back to help prepare for and attend the meeting. We agreed and attended the oral presentation.

After this out of state firm was notified of their selection by the State, we were subsequently told that during the price negotiations, the out of state firm was asked by the State of NM to drop the two local subcontractors as a cost savings measure. The out of state firm told us that they agreed to this and was subsequently awarded the contract.

We were very confused by this and when we asked the out of state firm to produce the written notice from the client denying our approval as a subcontractor as required under the teaming agreement, their attorney declined to produce it and threatened legal action if we pursued it any further. We decided it was not financially viable to pursue legal action on our part and we dropped it.

As you can see, this is a situation of bait and switch where the out of state firm makes certain representations to the State and the local vendor to secure the work and then walks away with the contract and does all the work themselves. This is not an isolated case.

As a result, our state tax dollars, paid to the State by the citizens and businesses in this state, flow out of the state.

We ask the legislature to work with NAWBO to enact legislation to help prevent this from happening in the future.

Thank you.

Samantha Lapin
President/CEO
POD, Inc.



STATE OF NEW MEXICO
Tourism Department

491 Old Santa Fe Trail • P.O. Box 20002 • Santa Fe, NM 87501

Susana Martinez
Governor

John Sanchez
Lt. Governor

Monique Jacobson
Cabinet Secretary

Brian O'Neill
Deputy Cabinet Secretary

July 7, 2014

Jason Espinoza
Vice President, Government Affairs
Association of Commerce and Industry
PO Box 9706
Albuquerque, NM 87199-9706
Jespinoza@aci-nm.org

Re: Request for Information

Mr. Espinoza:

I am in receipt of an emailed letter dated July 3, 2014, sent by you, in which you requested the following information:

"The dollar amount of contractual purchases in Fiscal Year 2013 by the New Mexico Tourism Department from companies with billing addresses located in New Mexico versus companies with billing addresses located outside of New Mexico;

"The dollar amount of contractual purchases in Fiscal Year 2014 by the New Mexico Tourism Department from companies with billing addresses located in New Mexico versus companies with billing addresses located outside of New Mexico; and

A list of all contractual purchases between July 1, 2012 and June 30, 2014 by the New Mexico Tourism Department. The list of contractual purchases should include company name, dollar amount billed, and billing address."

J. Espinoza IPRA letter
July 7, 2014
Page 2

The New Mexico Tourism Department (NMTD) has chosen to treat your request under the Inspection of Public Records Act (IPRA).

Pursuant to IPRA, a response will be forthcoming within 15 calendar days of our receipt of your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Pickering", with a large, sweeping flourish extending to the right.

Richard Pickering
Records Custodian
New Mexico Tourism Department
491 Old Santa Fe Trail
Santa Fe, New Mexico 87501
Richard.Pickering@state.nm.us