



STATE OF NEW MEXICO EMERGENCY DETERMINATION FORM

The emergency procurement method (*NMSA 1978, Section 13-1-127*) may only be used when the service, construction or item of tangible personal property procured:

1. is needed immediately to:
 - a. control a serious threat to public health, welfare, safety or property caused by a flood, fire, epidemic, riot, act of terrorism, equipment failure or similar event; or
 - b. plan or prepare for the response to a serious threat to public health, welfare, safety or property caused by a flood, fire, epidemic, riot, act of terrorism, equipment failure or similar event; and
2. cannot be acquired through normal procurement methods.
 - a. The agency entering into an emergency procurement should employ a competitive process to the extent practicable under circumstances.

The purchase or lease of heavy road equipment is not allowed under the emergency procurement statute.

The state purchasing agent or a central purchasing office that makes an emergency procurement shall outline its determination of the basis for the procurement and its selection of the contractor in writing and include the writing in the procurement file. (That writing can be made on this form.) Promptly thereafter:

- the state purchasing agent shall post notice of the procurement on its website; or
- the central purchasing office shall post notice of the procurement on its website, if it maintains one, and shall transmit the notice to the state purchasing agent for posting on the state purchasing agent's website.

NOTE: the state purchasing agent or a central purchasing office that makes an emergency procurement to plan or prepare for the response to a serious threat to public health, welfare, safety or property caused by a flood, fire, epidemic, riot, act of terrorism, equipment failure or similar event shall account for the money spent in making the procurement and report on that accounting to the legislative finance committee and the department of finance and administration within sixty days after the end of the fiscal year in which the procurement was made.

I. Name of Agency:

Agency Chief Procurement Officer:

CPO Email Address:

II. Name of Contractor:

Address of Contractor:

Amount of prospective contract:

Term of prospective contract:

III. Thoroughly list the services (scope of work), construction or items of tangible personal property being procured:

IV. Provide an explanation for the justification of the procurement including a description of the emergency condition(s) requiring use of emergency procurement and the practicable competition utilized in compliance with *NMSA 1978, Section 13-1-127*.

V. Describe what measures are being taken to minimize the duration and effect of this particular emergency procurement (for example: is the emergency only in place until a competitive process can be completed, etc.).

VI. Describe what measures the Agency will take in the future to prevent/mitigate use of an emergency procurement under similar circumstances.

Certified by:

Date: _____

Agency Chief Procurement Officer

Agency Approval by:

Date: _____

Cabinet Secretary/Governmental Entity Head or Designee