



**STATE OF NEW MEXICO
EMERGENCY DETERMINATION FORM**

The emergency procurement method (NMSA 1978, Section 13-1-127) may only be used when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

1. the functioning of government;
2. the preservation or protection of property; or
3. the health or safety of any person.

I. Name of Agency: **Aging & Long-Term Services Department**

Agency Chief Procurement Officer: **Marlene Acosta**

Telephone Number: **505-469-0311**

II. Name of Contractor: **HELP NM**

Address of Contractor: **5101 COPPER NE
Albuquerque, NM 87108**

Amount of prospective contract: **\$103,000.00 ESTIMATED**

Term of prospective contract: **N/A (no contract). PO possibly through end of February. (estimated)**

III. Please thoroughly list the services (scope of work), construction or items of tangible personal property of the contract:

- **Wood**
- **Propane**
- **Portable Heaters**
- **Water**
- **Food Boxes**

- 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.

On December 14, 2021, there was a power outage due to a severe windstorm throughout New Mexico. The assistance and emergency assistance may include providing wood, propane and portable heaters, water and food boxes. Assistance under this provision shall be provided directly to those identified as older adults or adults with disabilities in need due to the power outage and emergency situation with below freezing temperatures in the areas of Rio Arriba, San Miguel, San Juan, Santa Fe, Taos and Sandoval Counties. Potential senior recipients will be screened and tracked by HELP NM Inc. for verification of need. Rio Arriba and Taos County are currently under an emergency disaster declaration and on December 22, 2021, Governor Michelle Lujan-Grisham signed an executive order declaring an emergency for the below freezing temperatures in San Juan, Santa Fe, Rio Arriba and Taos counties. The vendor will track those impacted by having no propane, as a result of the propane vendor failing to service timely.

- V. Please 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.).

The department will work closely with Homeland Security, Emergency Management Services, Area Agencies on Aging to plan for emergency necessities for older adults and adults with disabilities, in the event that winter related storms impact the safety of those being served. The winter storm and power outage hitting Rio Arriba, Taos, Santa Fe, Sandoval, San Juan and San Miguel compounded an issue that some residents had with a company not filling propane for over a 3-month period, leaving many with no heat source and in danger with freezing temperatures. Regulation and Licensing was included, and the Executive Order signed by Governor, Michelle Lujan-Grisham enabled immediate response on December 22, 2021, however measures were needed to procure water, food and firewood to keep seniors safe.

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

The department will procure safety packages, to include blankets, food boxes, hygiene necessities and even some bundles of firewood. These items will be procured in collaboration with NM Corrections Department and held at Senior Centers to be given to seniors at risk during weather related emergencies. The department will issue an Invitation to Bid if procurement of emergency items are not able to be procured using the statewide price agreements.

Certified by:

Date: 12/27/2021

Marlene Acosta

Agency Chief Procurement Officer

Agency Approval by:

Date: 12/27/21

Katrina Holtrum-Lopez

Cabinet Secretary/Governmental Entity Head or Designee



12.27.2021



Approved Emergency Procurement FY22

Approval letter must be attached to all purchase orders and payments, including p-card post audits.

The agency must ensure compliance with 13-1-127.D, NMSA 1978 and submit a report of accounting, within 60 days of the end of the fiscal year, to DFA and LFC if the emergency procurement is for planning or preparing for the emergency indicated in the letter.

The agency must also ensure compliance with 13-1-128.C, NMSA 1978 and submit required documentation to GSD via their website for posting on the Sunshine Portal. Required documentation is outlined in 13-1-128.E, NMSA 1978.