



**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 (ALTSD)**

II. Chief Procurement Officer: **Marlene Acosta** Telephone Number: **505-469-0311**

III. Name of Contractor: **OASIS ENTERPRISES SHARE VENDOR ID #66376**

Address of Contractor: **1305 DEWEY LANE, ALAMOGORDO, NM 88310**

Amount of prospective contract: **\$300,000.00 Estimated**

Term of prospective contract: **Through June 30, 2022**

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

Aging & Long-Term Services would like approval of this Emergency procurement request to provide aid to the Village of Chama for potable water delivery.

- V. 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.

The statutory duties of the ALTSD are to establish and maintain a comprehensive state-wide program designed to meet the needs of the state's aged population including but not limited to strengthening and coordinating services of state and local public bodies for the benefit of the aged; as well as to promote and develop programs of community resources and facilities designed to meet the needs of older persons.

An emergency declaration was made for the Village of Chama by the Rio Arriba County Commissioners, through Resolution 22-071 as the village water storage has fallen to dangerously low levels. On approximately June 9, 2022, it was discovered that the water service to the Village of Chama residents ceased to operate adequately and sufficiently, and all households were effectively out of safe drinking water. This local emergency constitutes a public health emergency to the residents of the Village of Chama, and the Resolution 22-071 states that the resulting damage is of such magnitude as to be beyond local control and requires the resources of the State to minimize economic and physical harm necessary to protect the public health, safety, and welfare of the people and property in the Village of Chama.

As part of the Chama Emergency Water Project, Aging & Long-Term Services Department is providing the Village of Chama with \$300,000.00 in aid to pay for water delivered by Oasis Enterprises, through June 30, 2022. As demographics for the Village of Chama indicate close to 40% of the population is over age 50, ALTSD is compelled to provide this assistance to the community. Oasis Enterprise is a vendor for the state of New Mexico and is currently providing potable water to the Village of Chama. Invoices will be paid to Oasis Enterprise subject to the approval of this emergency request. Selection of the vendor was made based on the vendor that could provide the most water the quickest.

- VI. 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.).

Aging & Long-Term Services feels that the Village of Chama could not be prepared for such an emergency due to unforeseen circumstances and thus has offered to help with this situation by providing aid in the method of funds to pay for Water and services directly

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

Due to the nature of the emergency and end of the fiscal year, ALTSD must resort to an emergency procurement in order to provide the necessary aid.

Certified by:

Date: June 23, 2022

Marlene Acosta

Agency Chief Procurement Officer

Agency Approval by:

Date: June 23, 2022

Katrina DeFreese

Cabinet Secretary/Governmental Entity Head or Designee