



City Purchasing Division
Frances Rodriguez, Director

Emergency Justification For:
MASKS (KN95)

Dated: April 5, 2020

The City of Gallup, New Mexico determined that the following emergency exists. Describe emergency:

With the recent outbreak of the Covid-19 virus in New Mexico, the Governor has declared a Public Health Emergency. An emergency condition therefore exists that is threatening the health and safety of the people of New Mexico and more specifically the citizens of Gallup and surrounding area. In addition, the City of Gallup local government and its various employees are being called upon to assist in containing this virus and therefore sudden, unexpected needs for various goods and services exist.

The emergency procurement method (NMSA 1978, Section 13-1-127) may only be used when there exists a threat to public, 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.

Contract award details and required statutory information is as follows:

I. Name of Agency & Contact Information:

City of Gallup
Frances Rodriguez, CPPB
P.O. Box 1270
Gallup, NM 87305
505-863-1334 phone
888-920-0611 fax
frodriguez@gallupnm.gov

II. Name of Contractor & Address:

CBB8989 Corporation
4403 Hogan Avenue
Rehoboth, NM 87322

Amount of anticipated expenditures:

Not to exceed \$20,000

Term of prospective contract:

Upon the State of New Mexico Governor rescinding the Public Health Emergency Executive Order which was declared on 3/11/2020.

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

An emergency condition exists that is threatening the overall health and safety of the employees of the City of Gallup. In protecting essential employees who cannot work from home such as first responders, utility workers and administrators who may have to be present to make emergency decisions for its employees and for the government in whole.

The goods and services being procured under this emergency determination will vary widely. Some of the goods and services that may be included under this emergency are; personal protective equipment and supplies, medical providers, temporary labor, janitorial services and supplies, decontamination equipment and services, portable equipment, medical supplies, food, rent of facilities necessary to quarantine, IT services for tracking and reporting, and other goods and services necessary to manage, mitigate and contain this deadly virus.

- 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.

The World Health Organization has declared the coronavirus outbreak a pandemic. The Office of the Governor has declared a Public Health Emergency across the state of New Mexico due to three New Mexicans testing positive for COVID-19. Viruses can spread quickly and procurements must be capable of meeting those demands at a moments notice. Procurements that restrict our ability to effectively respond to this pandemic will put our employees and citizens of Gallup at risk of contraction, illness and possibly death.

The procurement of masks with CBB8989 was most practical as they local vendor and therefore the City of Gallup is able to obtain a significant amount of inventory immediately. In addition, no upfront payment is being required as most suppliers for Covid-19 supplies is requiring. The following vendors were contacted but were either out of stock already and/or payment needed to be made upfront. Not being familiar with vendors was reason to not proceed with purchase with some vendors.

Global PPE-out of stock plus wants upfront payment and never heard of vendor before
Amazon-out of stock

- 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 City of Gallup is staying abreast with the NM Department of Health and their Public Health Orders as well as the Office of the Governor Public Health Executive Orders as they are released, various agencies across the state, surrounding states, the Federal Government and the various response agencies across the country and with the World Health Organization to stop the outbreak both locally, nationally and internationally. This emergency will remain active until the Department of Health emergency public health orders and the Governor's Public Health Emergency Declaration are terminated and that the spread and response to this virus has stopped or has been contained.

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


The City of Gallup is being proactive in their efforts to manage, mitigate and contain the virus amongst its employees and within their facilities. The City of Gallup will work collaboratively with the NM Department of Health and OSHA in sustaining a healthy environment for its employees but will furthermore proactively respond to any positive results of its employees and within the workplace. In addition, the City of Gallup is in the process of implementing a plan for each department that is an industry-specific employee safety guidance detailed with COVID-19 Best Practices for Re-Opening and Return to Work Strategy in their efforts to manage, mitigate and contain the virus. With the implementation of these detailed and department oriented plans, emergency procurements will not be necessary and therefore may be competitively or comparably made.

Any questions regarding award may be emailed to Frances Rodriguez at frdriguez@gallupnm.gov

This emergency procurement is per City of Gallup Procurement Code and statutes (NMSA 1978, Section 13-1-127).



Frances Rodriguez, Purchasing Director



Date