MEMORANDUM

To:                                        Contract File

From:

Date:

Subject:                               Critical Need Procurement Pursuant to 29 Del. C., §6907 [select (a) or (b)] – [enter critical need here]

In an effort to protect and maintain the safety and security of the citizenry, and to prevent irreversible damage to our institutions and citizens, I am identifying the [enter critical need here] as an on-going critical need. There exists no contracts in place to address these immediate needs and the circumstances will not permit the opportunity to follow the timelines established within the procurement code as found in 29 *Del. C.*, Chapter 69 or to effectively create contracts to service this need through normal procedures. These conditions could not be reasonably foreseen and have therefore created a [select critical need or emergency].

The following conditions have created a critical need.

* [enter details of how the critical need and/or emergency situation occurred]

29 *Del. C.*, §6907[select (a) or (b)] provides for Emergency procedures and critical need for professional services and specifically states:

[delete any section unnecessary for the memo (a) or (b)]

“(a) An agency head may waive any or all provisions of this chapter to meet the critical needs of the agency as required by emergencies or other conditions where it is determined to be in the best interest of the agency. The agency head may determine an emergency condition exists by reason of extraordinary conditions or contingencies that could not reasonably be foreseen and guarded against. An emergency condition creates an immediate and serious need for materiel and/or nonprofessional services that cannot be met through normal procurement methods for the protection of public health, safety or property.

(1) Any procurement pursuant to this subsection shall be limited to those materials and/or nonprofessional services necessary to satisfy the emergency.

(2) Any public works project contracted pursuant to this subsection shall be subject to § 6960 of this title.

(3) Any public works project contracted pursuant to this subsection shall be subject to § 6962(d)(4)b. of this title.

(4) A copy of each emergency determination processed under this procedure shall be kept on file by the agency.

(b) In addition to the waiver provisions provided for in subsection (a) of this section, an agency head may waive any or all provisions of subchapter VI of this chapter to meet a critical need of the agency as required by an emergency or other condition where it is determined to be in the best interest of the agency. The agency head may determine a critical need exists by reason of conditions or contingencies that could not reasonably be foreseen and guarded against. A critical need creates a need for professional services that cannot be met through normal procurement methods.

(1) Any procurement pursuant to this subsection shall be limited to those professional services necessary to satisfy the critical need.

(2) A copy of each critical need determination processed under this procedure shall be kept on file by the agency.”

In fulfillment of the [Enter Agency Name] responsibilities, I hereby determine that this is a critical need and authorize the entering into agreements with [identify providers] to fulfill the [enter critical need reason and enter way critical need will be mitigated here ]. This arrangement(s) will terminate after sufficient time to solicit, award and execute a contract(s) to fulfill the on-going needs of the agency [or after a given amount of time].

[Enter Agency Name] shall make every effort to minimize the [select critical need or emergency procurement ]authorization and time period until a formal award can be finalized.