



State of New Jersey

OFFICE OF THE STATE TREASURER

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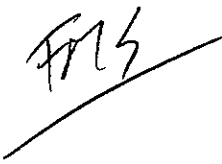
CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

FORD M. SCUDDER
State Treasurer

MEMORANDUM

TO: Timothy J. Cunningham, Director
Division of Local Government Services
Department of Community Affairs

FROM: Ford M. Scudder, State Treasurer 

DATE: November 4, 2016

SUBJECT: Public Exigencies Pursuant to N.J.S.A. 19:44A-20.12

This memorandum addresses situations in which the immediate delivery of goods or the performance of emergency services is required in order for counties and municipalities, as well as county and municipal agencies covered under provisions of N.J.S.A. 19:44A-20.4 and 20.5, to address public exigencies in a timely and effective manner. Through a memorandum dated January 17, 2006, then State Treasurer McCormac set forth the circumstances under which a public exigency shall presumptively exist for public agencies covered under the above-referenced statutory provisions, as well as for county colleges subject to N.J.S.A. 19:44A-20.4, along with certain reporting requirements.

I hereby **rescind** the portion of Treasurer McCormac's January 17, 2006 directive that required the contracting agent of the public agency to file with the Division of Local Government Services an "Emergency Procurement Report." I understand then Treasurer McCormac wanted these reports to be issued so that the Division of Local Government Services could monitor local governments' use of emergency procurements to ensure discretion was not being abused. However, I have every confidence that a decade of experience, in conjunction with certain checks and balances (including audits and potential review by various State agencies) obviates the need for continued reporting. I **affirm** the balance of the January 17, 2006 directive.

Should you feel that such reports will be helpful at any point in the future, feel free to reinstitute them under your general authority to regulate local government matters, including procurement. Please take appropriate action to communicate this directive to affected public agencies. Thank you for your assistance in this matter.