



State of New Jersey  
OFFICE OF THE STATE TREASURER  
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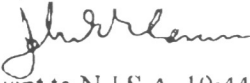
RICHARD J. CODLY  
*Acting Governor*

January 17, 2006

JOHN E. MCCORMAC, CPA  
*State Treasurer*

MEMORANDUM

**To:** Susan Jacobucci, Director  
Division of Local Government Services

**From:** John E. McCormac, State Treasurer 

**Subject:** Approvals of 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 the provisions of N.J.S.A. 19:44A-20.4 and 20.5, to address public exigencies in a timely and effective manner. As you are aware, the recent campaign finance reform legislation, (P.L. 2004, c. 19), N.J.S.A. 19:44A-20.12, provides in pertinent part that:

“Nothing contained in this act shall be construed as prohibiting the awarding of a contract when the public exigency requires the immediate delivery of goods or performance of emergency services as determined by the State Treasurer.”

In order to facilitate such determinations, for those public agencies covered under the provisions of N.J.S.A. 19:44A-20.4 and 20.5, including county colleges covered under the provisions of N.J.S.A. 19:44A-20.4, I have determined that the circumstances of a public exigency shall presumptively exist when a public agency finds that the public health, safety, or welfare requires the immediate delivery of goods or the performance of services; provided, however, that the award of any such contracts shall be made pursuant to the provisions of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 et seq., or N.J.S.A. 18A:64-25.6, if applicable. Only when such circumstances exist, including those relating to the formal declaration of an emergency by the Governor, and the above-cited provisions of law and regulation are fully satisfied, may contracts be awarded to address public exigencies.

Furthermore, with the exception of contracts awarded in direct response to a declared State of Emergency, the contracting agent of the public agency shall file with your office an “Emergency Procurement Report,” on a form to be promulgated by your office, within 30 days of the date the contract was issued. The report shall include a full description of the circumstances surrounding the emergency, the names of all contractors, a complete list of all goods or services procured, and a detailed listing of all fees and payments to be made. A copy of any report filed with your office shall be forwarded to my office in a timely manner. Any other request for the exercise of a waiver of the provisions of N.J.S.A. 19:44A-20.4 et seq. for public exigency should be filed, in the first instance, with your office. I ask that your office promptly review the request and recommend to my office an appropriate action. Please take appropriate action to communicate this directive to affected public agencies.

Thank you for your assistance in this important matter