

**2025  
STATE OF MONTANA  
LEVEL ONE  
PROCUREMENT DELEGATION AGREEMENT**

**Legislative Branch**

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**PROCUREMENT DELEGATION AGREEMENT  
2025**

This Purchasing Authority Agreement is made and entered into between the State Procurement Services Division, Department of Administration (Division), and the Legislative Branch, (Agency). Cindy Nelson represents the Agency as the Agency Procurement Officer (APO). John Thomas, Chief Procurement Officer, State Procurement Services Division (SPSD), represents the Division.

**1.0 DIVISION AUTHORITY**

The Division may procure or supervise the procurement of all supplies and services needed by the State of Montana under 18-4-221, MCA, with certain exceptions. See 18-4-132, MCA. This purchasing authority agreement applies to the expenditure of public funds irrespective of their source. It includes supplies or services that are of no cost to the State and from which income may be derived by the vendor and from which income or a more advantageous business position may be derived by the State.

**2.0 GRANT OF AUTHORITY/TERM**

**2.1 Delegation Criteria.** Under the terms stated in 18-4-222, MCA, the Division delegates procurement authority to state departments, agencies, or officials, including the state university system, based on a determination that the Agency has: (a) a satisfactory performance history exercising similar authority, and (b) employees trained in procurement policies and procedures.

**2.2 Agency Delegation.** Based on Agency's satisfactory performance history, the Division grants Agency Level One delegation purchasing authority effective January 1, 2025 through December 31, 2025, unless terminated earlier under the terms stated in Section 17.

**3.0 FURTHER DELEGATION AUTHORITY**

The Agency may further delegate this procurement authority within its Agency as it deems appropriate provided: (a) at least one employee from the program granted procurement authority meets the training requirements under Section 6.2.2; (b) these Agency employees are capable of exercising authority under Title 18, chapter 4, MCA, ARM Title 2, chapter 5, and the policies established by the Division in the Montana Operations Manual; and (c) all procurements are conducted consistent with this delegation of procurement authority. Further delegation must be documented in writing either in an Agency sub-delegation agreement or in the Agency procurement policy.

#### **4.0 PURCHASES EXEMPT FROM DELEGATION AUTHORITY AND COMPETITIVE PROCEDURES**

The forms of purchasing listed below are exempt and not subject to delegation from the Division to the Agency:

**4.1 Exemptions.** Exemptions are defined under 18-4-132, MCA, and ARM 2.5.301.

**4.2 Sheltered Workshops.** Montana law exempts purchases made from Sheltered Workshops from competitive purchasing procedures (18-5-101, MCA). State agencies may purchase the supplies and services directly from the Sheltered Workshop.

**4.3 Interagency Agreements.** Purchases made through interagency agreements within Montana state government or other political subdivisions or governments, unless otherwise prohibited by law.

**4.4 Surplus Property Program.** Purchases made from the State's Surplus Property Program.

**4.5 Agency Statutory Exemptions.**

- a. **Printing** – Publications Montana Code Annotated per the agency Commodity Code Exception and Exemption Request signed December 13, 2019, under 1-11-301, MCA.

#### **5.0 PROCUREMENT METHODS**

Agency shall utilize the following procurement methods when purchasing supplies and services:

**5.1 Small Purchases – Purchases of less than \$10,000.** Agency may choose a purchasing technique that best meets its needs for all purchases with a total contract value of less than \$10,000. Agency is encouraged to use the State Purchasing Card for small purchases except purchases of information technology resources.

**5.2 Limited Solicitations – Services and Supply Purchases of \$10,000.00 or more and less than \$100,000.** Agency may use a limited solicitation procedure when making services and supply purchases with a total contract value of \$10,000.00 or more and less than \$100,000. A limited solicitation requires a solicitation from a minimum of three viable sources, if available, either orally or in writing, under the guidelines outlined in ARM 2.5.603. The Division encourages agencies to use eMACS for issuing limited solicitations. If eMACS is not used, the Agency shall use the limited solicitation form available on the Division's website to document the procurement and meet all records retention requirements.

**5.3 Formal Competition (Invitation for Bids or Request for Proposals) Services Purchases of \$100,000 or more.** Agency shall submit a requisition through eMACS to the Division for any services or supply purchase with a total contract value of \$100,000 or more for processing by the Division.

**5.4 Sole Source/Sole Brand.** An Agency APO may determine that a purchase is a sole source/sole brand for purchases with a total contract value within the Agency delegated procurement authority. For purchases over an Agency's level of delegated procurement authority, the Division shall make the sole source/sole brand determination unless specifically authorized in Section 19.0 of this Agreement. In cases of reasonable doubt, competition should be solicited.

For any requested sole source procurement with a total contract value exceeding \$100,000, the Division or procuring agency must provide public notice of intent to sole source as provided in ARM 2.5.503. An intent to sole source shall be posted on the Division's website for ten (10) business days to allow for public review and comment before the Division may approve sole source procurement.

- a. **Exemptions.** Exemptions are defined under ARM 2.5.604.
- b. **Records.** Agency shall maintain records of sole source/sole brand purchases over \$10,000 as required by ARM 2.5.604(5) by using the "Sole Source Procurement Justification" form or "Sole Brand Procurement Justification" form available on the Division's website.
- c. **Modification/Extension or Renewal.** Any modification, extension, or renewal to an existing sole source contract requires the agency to provide the Division with a new justification form.

**5.5 Exigency Purchase.** The Montana Procurement Act does not apply if a public exigency exists. An exigency purchase is defined in ARM 2.5.201(16). Where statutorily allowed, Agency may declare an exigency without the Division's approval. The Agency shall maintain a record of all exigency purchases as required by ARM 2.5.605 and submit an exigency declaration to the Division.

## **6.0 PROCEDURES/REQUIRED TRAINING**

**6.1 Written Procedures.** Agency shall maintain written procedures for handling all purchases and follow the Division's Montana Operations Manual Policies. The Agency shall review written procedures every two years and update written procedures as necessary. The Agency shall provide copies of its written procedures during the Division's compliance review or upon the Division's request.

### **6.2 Staff Training Requirements.**

**6.2.1 APO Training Requirements.** The person listed as the APO, or their replacement, must have completed, at minimum, the Level 2 Procurement Training, complete a minimum of ten (10) hours of continued education annually, and attend required Division meetings. Agency agrees that if required at a later date, the APO shall obtain any Division-required professional certification, either from the Division or through a nationally recognized procurement certification program approved by the Division.

**6.2.2 Agency Procurement Staff Training Requirements.** All agency procurement staff, including those further delegated procurement authority under Section 2.1 must have completed all Division-approved training courses deemed necessary.

**6.2.3 Agency Contract Managers.** All agency contract managers (as defined in State Policy) must complete, at a minimum, the Level 1 Contract Officer and Contract Manager Training offered by the Division. Agency agrees that if required at a later date, Contract Managers shall obtain any additional training required by the Division.

**6.3 Purchases above Level of Delegated Authority.** If Agency requires the purchase of a supply and/or service above its level of delegated authority, it shall submit to the Division a requisition in eMACS, and an SPSPD Contracts Officer shall conduct the procurement.

The deadlines for submitting requisitions for fiscal year-end procurements are: (a) April 1 of that FY for an RFP and (b) May 1 for an IFB. See MOM Policy.

**6.4 Division Signature.** All contracts established through the Division on the Agency's behalf must comply with all statutes, rules, and Montana Operations Manual policies. All contracts and contract amendments established through the Division on the Agency's behalf must be signed using an electronic signature process in eMACS, initiated by the SPSPD Contracts Officer.

**6.5 Referral to Division.** If Agency chooses not to exercise its approved delegated procurement authority, it may submit its requisition to the Division for action.

## **7.0 GENERAL REQUIREMENTS**

**7.1 Procurement Documents.** Agency shall use the most current version of the Division's procurement forms on the Division's website. Requests for exceptions or changes to existing approved forms must be submitted to the Division for approval.

**7.2 Requests for Exceptions to Standard Terms and Conditions and Contracts.** Agency agrees that the Division shall approve all vendor requests for exceptions to the Division's Standard Terms and Conditions and standard contract.

**7.3 Purchasing Vendors List.** The purchasing vendors' list is available in eMACS.

## **8.0 CONTROLLED ITEMS: PURCHASES EXCLUDED FROM DELEGATED AUTHORITY**

Unless specifically addressed elsewhere in this Agreement, Agency shall buy "controlled items" through the Division. "Controlled items" are:

**8.1 Statewide Term Contracts.** The Division establishes statewide term contracts for the convenience of agencies to be utilized on an as-needed basis. If/when needed, Agency shall purchase all supplies and/or services on a statewide term contract from the contract holder unless otherwise specified. If Agency fails to do so, it will be solely responsible for any payment to the contract holder. The Division also establishes "Non-exclusive" statewide term contracts. Agency is not required to purchase from these contracts, but if it does not, it agrees to follow procurement methods specified in Section 5.0 to purchase that supply or service.

**8.2 eMACS Marketplace.** Agency shall purchase office supplies, fine and coarse paper, janitorial supplies, and food service and culinary products through the eMACS Marketplace unless it has met the requirements of 18-4-302(3), MCA. If 18-4-302(3), MCA, applies, Agency shall maintain supporting documentation showing the purchase meets the exception criteria.

**8.3 Printing.** Agency shall purchase all printing through the Print and Mail Services Bureau of the General Services Division, Department of Administration, unless it receives an exemption from the Print and Mail Services Bureau.

**8.4 New or Used Vehicles.** Agency shall purchase or lease all new vehicles through SPSPD following the deadlines established in the Requisition Time Schedule. The specific due dates when agencies are required to issue vehicle requisitions are located on the Division's website. Agency shall purchase used vehicles in the following manner:

- a. **Contact Surplus Property Program.** Agency shall contact the Surplus Property program at (406) 444-9921 to seek information on the availability of used vehicles. If a suitable used vehicle is not available, the Surplus Property Program shall provide Agency with written permission to proceed with the purchase of a used vehicle according to this Agreement from the private sector.
- b. **Purchase Price.** If the total purchase price of a used vehicle(s) is anticipated to exceed the Agency's delegated procurement authority, the agency shall submit a requisition to SPSP. If not, the Agency may solicit competition for the used vehicle following the approved procurement methods referenced in Section 5.0.

## **9.0 PRIOR APPROVAL REQUIRED**

As required by law, Agency shall obtain prior approval to purchase certain supplies and services, ***regardless of Agency's delegated procurement authority***. Agency shall obtain prior approval from the appropriate state agency before submitting a requisition to SPSP for the following items:

**9.1 Printing-related Equipment.** All large-scale printing-related equipment involving duplicating, printing, bindery, and graphic arts equipment for state agencies within a 10-mile radius of the Capitol area must be approved by the Print and Mail Services Bureau of the General Services Division. (ARM 2.5.202). Prior approval is not required for the purchase of office printers and copiers.

**9.2 Mail Equipment.** Mail equipment to be used within a 10-mile radius of the Capitol area must be approved by the Print and Mail Services Bureau of the General Services Division, 2-17-301(3), MCA.

**9.3 Surplus Property Trade-Ins.** Surplus property trade-ins must be approved by the General Services Division's Surplus Property Program, 18-4-226, MCA.

## **10.0 RECORDS**

Agency shall maintain adequate records to document the procurement process. Training in procurement documentation methods and retention schedules is available through the Division. Under 18-4-221, MCA, the Division may audit and monitor the implementation of its rules and the requirements of the Montana Procurement Act.

## **11.0 TECHNICAL ASSISTANCE**

The Division shall provide training and technical assistance to Agency upon request. The Division shall furnish interpretation of applicable statutes, administrative rules, policy, or this delegation of procurement authority and make on-site visits to assist agencies in complying with this Agreement.

## **12.0 REPORTING REQUIREMENTS**

**12.1 Annual Reporting Requirements.** Agency shall submit annual reports by state fiscal year to the Division no later than the due date established by the Division. Division shall notify the Agency of required reports and due dates no later than the first week of July each year.

**12.2 Annual Procurement Plans.** Agency shall submit annual procurement plans to the Division each year by September 15, on forms provided by the Division MOM Policy.

**12.3 Summary of Purchases Exceeding Delegated Authority.** If Agency erroneously completes a purchase exceeding or outside of its delegated authority, Agency shall provide the Division a summary of the purchase within 30 days from either the purchase date, or the date the error was found. This summary must include an explanation of the circumstances surrounding the purchase.

**12.4 Other Reports as Required by the Division.** Agency shall comply with any additional reporting requirements set by the Division.

### **13.0 DISPUTES**

**13.1 Written Complaints, Disputes, or Protests.** Agency shall maintain, as part of its solicitation or contract file, all written complaints, disputes, or protests concerning solicitations, awards, or the administration of a contract under its delegated authority, along with Agency's responses. Agency shall investigate and respond in writing to all such disputes and protests, following 18-1-402 and 18-4-242, MCA, and ARM 2.5.406. Agency shall report all formal protests to the Division.

- a. Responsibility for Costs.** Agency shall pay any costs or damages associated with any dispute within its delegated authority.
  - i. Responsibility for costs associated with protests, contested case hearings, and judicial action involving a solicitation issued by the Division on Agency's behalf will be handled on a case-by-case basis.
- b. Mediation of Disputes.** The Division may informally mediate disputes between bidders, offerors, or contractors and Agency as requested by either party.
- c. Documentation Required.** Agency shall document complaints and performance issues against a contractor and notify the Division of the complaints as soon as possible.

### **14.0 COOPERATIVE PURCHASING**

The Division may make decisions to participate in cooperative purchasing agreements with Montana political subdivisions or other state or local governments under 18-4-402, MCA and ARM 2.5.610. The Division may reject participation in any cooperative solicitation or contract on the State's behalf. Agency shall contact the Division before participating in any cooperative purchasing agreement. Any exceptions require prior Division approval.

### **15.0 MODIFICATION**

Agency may request a change to this Agreement by submitting a written request and justification to the Division within 30 days before the desired effective date. Performance consistent with this Agreement shall continue until Agency receives written approval from the Division. The Division may modify any part of this Agreement upon 30 days' advance written notice.

### **16.0 FAILURE OF ENFORCEMENT NOT A WAIVER**

The Division's failure to enforce any of the provisions of this Agreement at any time may not be construed to be a waiver of such provision and shall not affect the validity of any part of the Agreement or the right of the Division to thereafter enforce such provision.

## **17.0 SUSPENSION/TERMINATION**

**17.1** If Agency fails to follow any material term or provision of this Agreement, the Division may suspend or terminate this Agreement or any portion of it by giving written notice to the Agency specifying the effective date. Suspension or Termination of this Agreement does not relieve Agency of liability for damages it causes while acting under this Agreement. If Agency fails to fulfill its obligations required by a suspension order, the Division may terminate this Agreement or any portion of it.

**17.2** Division may, by written notice, terminate this Delegation Agreement in whole or in part for agency's failure to materially perform any of the requirements, services, duties, terms, or conditions contained in this Agreement. Division may also terminate this Agreement for convenience.

## **18.0 AGENCY COMPLIANCE REVIEWS**

Under 18-4-221, MCA, the Division may audit and monitor the implementation of its rules and the requirements of the Montana Procurement Act. The Division has — as described below-- implemented an agency compliance review program to monitor compliance with this Agreement. Agency shall cooperate with the Division during on-site reviews or by providing timely reports and documentation as required.

**18.1 Review Frequency.** An Agency compliance review will be completed a minimum of once every three years, or more frequently as the Division deems necessary. Additionally, the Division shall review Agency reports annually for compliance.

**18.2 Access to Records.** Agency shall provide the Division access to procurement records (see Section 11) during the compliance review.


**18.3 Review Report.** The Division shall summarize findings of the Agency compliance review in a report to the APO and Agency Director.

**18.4 Corrective Action.** If non-compliance or unsatisfactory performance is documented in the Agency compliance review report, the Agency shall provide the Division a corrective action plan addressing issues identified, including dates the corrective measure will be implemented. The Division shall provide guidance as needed for Agency to return to compliance.

## **19.0 AGENCY SPECIFIC DELEGATED AUTHORITY- N/A**


## SIGNATURES

Approved for Agency by:


Signed by:  
 1/6/2025  
F649B1F26D3C49B...  
Cindy Nelson, APO Date  
Legislative Branch

DocuSigned by:  
 1/21/2025  
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Agency Executive Director Date  
Legislative Branch, Legislative Services Division

Reviewed for Legal Content by:

Signed by:  
 1/6/2025  
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Agency Legal Date  
Legislative Branch

Approved for Division by:

Signed by:  
 1/3/2025  
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John Thomas, CPO Date  
Department of Administration

Signed by:  
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Misty Ann Giles, Director Date  
Department of Administration

Reviewed for Legal Content by:

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 1/3/2025  
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Don Harris, Chief Legal Counsel Date  
Department of Administration



## **ATTACHMENT A - Agency Delegation Liaison—Roles and Responsibilities**

The delegation liaison identified in each agency procurement delegation agreement serves as the “Agency Procurement Officer” (APO) for the agency. The APO shall:

### **General**

- Responsible for agency compliance with procurement delegated authority, the Montana Procurement Act, its associated rules and policies, and the agency delegation agreement.
- Keeps Branch five Directors informed of all new procurement activity and ensure they have appropriate authority for all agency procurement work.
- APO shall establish & maintain an agency procurement & contract management policy which will be reviewed/updated no less than every two years.
- APO is responsible for submitting a completed requisition and draft documents for all new solicitations.
- APO is responsible for ensuring all evaluation committee members from the agency are responsible and responsive. This includes ensuring: all declarations are signed and submitted; staff has approval from their supervisor to participate; staff has set aside the appropriate time needed for review and evaluation; and staff will participate in any debriefing requested by vendors.
- Identifies and approves “Agency Procurement Staff” and “Agency Contract Managers” and ensures compliance with required training/certification as required in the delegation agreement.
- APO shall oversee and ensure agency procurement staff, including sub-delegated staff, adheres to the Montana Procurement Act.
- APO shall engage agency leadership to review/update the agency procurement delegation agreement as necessary.
- APO shall ensure the agency is using the most current of SPSD procurement forms and standard terms and conditions.
- APO shall ensure the agency is meeting all SPSD deadlines (including, but not limited to, annual procurement forecast, fiscal year end, renewals, reporting).
- APO shall ensure agency procurement and contract records are complete in accordance with statutes/rules/policies.
- APO shall work with the designated agency pro-card contact and accounting staff to ensure compliance with statutes, rules, policies, procedures, and established contracts.
- APO is the point of contact for Agency Compliance Reviews conducted by SPSD and is responsible for following all requirements and recommendations provided by SPSD.
- Attends and participates in all SPSD required meetings, check-ins, touchpoints and reviews .

### **Communication**

- APO shall serve as SPD’s main point of contact for the agency and ensures all communications are timely, appropriate, and professional.
- APO shall set a monthly meeting with agency leadership to provide updates and SPD feedback for agency procurement.
- Responsible for distribution of information related to procurement & contracting activities within their agency (e.g. new/updated policies, reports, training opportunities, etc.).
- Serves as procurement resource for agency’s procurement personnel and vendors.

### **Agency Approval Authority**

- The APO, or their designated backup, is required to review and approve in eMACS all requisitions and sole source procurement requests to SPD for the agency.
- The APO is responsible for approving agency users in all modules of eMACS.
- The APO is the agency approval authority in all workflow steps within eMACS sourcing module for agency approvals.

### **Reporting**

- The APO is responsible for ensuring timely submittals of all required reporting, including but not limited to:
  - Annual Procurement Plans
  - Annual Contract Reports
  - Annual Sole Source Reports
  - Annual Exigency Reports
  - Annual report of written complaints, disputes, or protests
  - Reporting on procurement staff and contract manager training compliance
  - Any other reporting as requested by SPD or required

## ATTACHMENT B - Definitions

"Alternative procurement method" means a method of procuring supplies or services in a manner not specifically described in this chapter, but instead authorized by the department under 18-4-302.

"American-made" means either a product made exclusively within the United States or a value-added product consisting of a product that contains 50% or more of materials from the United States.

"Business" means a corporation, partnership, individual, sole proprietorship, joint-stock company, joint venture, or other private legal entity.

"Change order" means a written order, signed by an authorized department representative, directing the contractor to make changes that the changes clause of the contract authorizes the department to order without the consent of the contractor.

"Contract" means all types of state agreements, regardless of what they may be called, for the procurement or disposal of supplies or services.

"Contract modification" means a written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of a contract accomplished by mutual action of the parties to the contract.

"Contractor" means a person having a contract with a governmental body.

"Cooperative purchasing" means procurement conducted by or on behalf of more than one public procurement unit.

"Cost-reimbursement contract" means a contract under which a contractor is reimbursed for costs that are allowable and allocable in accordance with the contract terms and the provisions of this chapter and a fee, if any.

"Data" means recorded information, regardless of form or characteristic.

"Designee" means an authorized representative of a person holding a superior position.

"Displacement" means the layoff, demotion, or involuntary transfer of a state employee.  
Displacement does not include changes in shift or days off or reassignment to other positions within the same class and at the same general location.

"Employee" means an individual drawing a salary from a governmental body, whether elected or not, and any noncompensated individual performing personal services for a governmental body.

"Established catalog price" means the price included in a catalog, price list, schedule, or other form that:

- (a) is regularly maintained by a manufacturer or contractor;
- (b) is either published or otherwise available for inspection by customers; and
- (c) states prices at which sales are currently or were last made to a significant number of any category of buyers or buyers constituting the general buying public for the supplies or services involved.

"Food" means articles normally used by humans as food or drink, including articles used for components of articles normally used by humans as food or drink.

"Produced" means planted, cultivated, grown, harvested, raised, collected, processed, or manufactured.

"Governmental body" means a department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other entity, instrumentality, or official of the executive, legislative, or judicial branch of this state, including the board of regents and the Montana university system.

"Grant" means the furnishing by the federal government of assistance, whether financial or otherwise, to a person or agency to support a program authorized by law.

Grant does not include an award whose primary purpose is to procure an end product, whether in the form of supplies or services. A contract resulting from an award is not a grant but a procurement contract.

"Invitation for bids" means all documents, whether attached or incorporated by reference, used for soliciting bids.

"Local public procurement unit" means a county, city, town, or other subdivision of the state or a public agency of any such subdivision; public authority; educational, health, or other institution; to the extent provided by law, any other entity that expends public funds for the procurement of supplies and services; and any nonprofit corporation operating a charitable hospital.

"Person" means any business, individual, union, committee, club, other organization, or group of individuals.

"Printing" means the reproduction of an image from a printing surface generally made by a contact impression that causes a transfer of ink or the reproduction of an impression by a photographic process and includes graphic arts, typesetting, binding, and other operations necessary to produce a finished printed product.

Printing does not include rebinding or repair by a library or an office, department, board, or commission of books, journals, pamphlets, magazines, and literary articles held as a part of its library collection.

"Procurement" means acquisition with or without cost, buying, purchasing, renting, leasing, or otherwise acquiring any supplies or services. The term includes all functions that pertain to the obtaining of any supply or service, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Procurement does not include the acquiring of supplies or services by gift.

"Procurement officer" means any person authorized to enter into and administer contracts and make written determinations with respect to contracts. The term includes an authorized representative acting within the limits of the representative's authority.

"Public procurement unit" means a local or state public procurement unit of this or any other state, including an agency of the United States, or a tribal procurement unit.

"Purchase description" means the words used in a solicitation to describe the supplies or services to be purchased and includes specifications attached to or made a part of the solicitation.

"Purchasing agency" means any governmental body, other than the department, that is authorized by this chapter or its implementing rules or by way of delegation from the director to enter into contracts.

"Request for proposals" means all documents, whether attached or incorporated by reference, used for soliciting proposals.

"Responsible" means the capability in all respects to perform fully the contract requirements and the integrity and reliability that will ensure good faith performance.

"Responsive" means conforms in all material respects to the invitation for bids or request for proposals.

"State public procurement unit" means a state department, agency, or official that expends public funds for the procurement of supplies and services.

"Services" means the furnishing of labor, time, or effort by a contractor.

Services does not include employment agreements or collective bargaining agreements, the provision of human services administered by the department of public health and human services, or services related to construction contracts.

"Specification" means any description of the physical or functional characteristics or of the nature of a supply or service. It may include a description of any requirement for inspecting, testing, or preparing a supply or service for delivery.

"Supplies" (1) means all property except as otherwise provided by law, including but not limited to equipment, materials, printing, and commodities, and excluding land or any interest in land.

Supplies can also mean all supplies owned by the state.

"Surplus supplies" means any supplies having a remaining useful life but that are no longer required by the agency in possession of them. This includes obsolete supplies, scrap materials, and supplies that have completed their useful life cycle.

"Term contract" means a contract in which supplies or services are purchased at a predetermined unit price for a specific period of time.

"Tribal procurement unit" means a tribal government, tribal entity, or official of a tribal government located in Montana that expends tribal funds or funds administered by a tribe for the procurement of supplies and services to the extent provided by tribal or federal law.

"Using agency" means any governmental body of the state that uses any supplies or services procured under this chapter.

"Vendor" means a person who offers or may offer supplies or services to a public agency.

## ATTACHMENT C – Referenced Statutes, Rules, and Policies

### Montana Code Annotated

#### [Montana Procurement Act](#)

Title 18, Chapter 4

#### [General Provisions](#)

18-4-132, MCA

#### [General procurement authority and duties of the department – rules](#)

18-4-221, MCA

#### [Surplus Supply – Rules](#)

18-4-226, MCA

#### [Exclusive Remedies for Unlawful Solicitation or Award](#)

18-4-242, MCA

#### [Methods of Source Selection – Authorization For Alternative Procurement Methods](#)

18-4-302(3), MCA

#### [Cooperative Purchasing Authorized](#)

18-4-402, MCA

#### [Administrative Procedures – Exhaustion – Time Limits](#)

18-1-402, MCA

#### [Supervision of Mailing and Copying Facilities](#)

2-17-301(3), MCA

#### [Information Technology – Internet Privacy; Definitions](#)

2-17-506(7), MCA

#### [Information Technology – Internet Privacy; Powers and Duties of Department](#)

2-17-512, MCA

#### [Information Technology – Enforcement Responsibilities](#)

2-17-514, MCA

#### [Information Technology – Internet Privacy; Exemptions](#)

2-17-516, MCA

#### [Contracted Services](#)

47-1-121, MCA

#### [Local Government and State Agency Energy Performance Contracts](#)

90-4-11, MCA

#### [Montana Community Service Act](#)

90-14-1, MCA

## **Administrative Rules of Montana**

### [State Procurement](#)

Title 2, Chapter 5

### [Definitions](#)

ARM 2.5.201

### [Department of Administration Responsibilities](#)

ARM 2.5.202

### [Delegation of Purchasing Authority](#)

ARM 2.5.301

### [Requisitions from the Agencies to the Division](#)

ARM 2.5.302

### [Bidder, Offeror, or Contractor Protest](#)

ARM 2.5.406

### [Small Purchases or Limited Solicitations of Supplies and Services](#)

ARM 2.5.603

### [Sole Source Procurement](#)

ARM 2.5.604

### [Exigency Procurements](#)

ARM 2.5.605

### [Cooperative Purchasing](#)

ARM 2.5.610

### [Review and Approval Process for Procurement, Development, and Oversight of Information Technology Resources and Software and Managemetn Systems](#)

ARM 2.12.204

## **Policies, Procedures, & Additional Resources**

### [Montana Operations Manual](#)

### [Montana Administrative Procedure Act](#)

### [Montana Public Defender Act](#)

### [Equal Pay for Montana Women](#)