**330.0 EXCLUSIONS TO THE DELEGATED PURCHASING AUTHORITY:**

**330.10 Controlled Items:**
Departments **ARE NOT** authorized to purchase controlled items, regardless of dollar value, **except** as specifically authorized herein.

"Controlled items" includes supplies or services identified below:

1. Requisition Time Schedule items (new vehicles)
2. "Exclusive" Statewide Term Contract issued by the SPB
3. Purchases made through Cooperative Agreements.

**(A) Requisition Time Schedule (RTS)**

The Requisition Time Schedule is a calendar of dates for which requisitions for certain items are due to the SPB. These items are identified as items, which the State of Montana can secure significant cost savings by buying in quantity or purchasing at certain times of the year. Use of the RTS is mandatory for MSU for New Vehicles. Procurement Services and departments **ARE NOT** authorized to purchase new vehicles (cars, trucks, and police pursuit vehicles). Procurement Services will notify all departments with specific dates that Purchase Requisitions for new vehicles are due to Procurement Services.

**(B) Statewide Term Contracts**
Departments are authorized to purchase supplies and services identified on Statewide Term Contracts, regardless of dollar value, except as noted below. The Montana SPB (SPB) established these contracts using competitive procedures.. Procurement Services web site contains a direct link to the State Term Contracts. This list identifies the contract as "exclusive" or "non-exclusive". See[http://gsd.mt.gov/procurement/termcontracts.asp.](http://gsd.mt.gov/procurement/termcontracts.asp)

**Departments ARE NOT AUTHORIZED to purchase:**

**(C) Cooperative Agreements**
The SPB is responsible for making decisions to participate in cooperative purchasing agreements. MSU has agreed to contact the SPB prior to any participation in a cooperative purchasing agreement (MCA, Title 18, chapter 4, 402). Additional information is available at:
<http://gsd.mt.gov/local/cooperativepurchasingprogram.asp> .

**(F) Used Vehicles**

**Departments must purchase Used Vehicles in the following manner:**

a. **Contact Procurement Services with your used vehicle needs.** Procurement Services will contact the State Surplus Property program at (406) 495-6016 to seek information on the availability of used vehicles. If a suitable used vehicle is not available, the State Surplus Property program will give the AGENCY written permission to proceed with the purchase of a used vehicle according to the delegation agreement from the private sector.

b. **Purchase Price.** The department will submit a requisition to Procurement Services if it is anticipated that the total purchase price of a used vehicle(s) may exceed Department’s delegated procurement authority. If not, Department may solicit competition for the used vehicle following the approved procurement methods

**330.20 Surplus Property**

Title 19, chapter 6, MCA, identifies the policies concerning the sale of surplus property and the distribution of the sale proceeds back to the general fund or the appropriate enterprise or internal service fund or designated account. For additional information, please contact Kristin Harbuck in Property Management at 406-994-5504.

**340.00 Exceptions to Delegated Purchasing Authority\*:**Per ARM 2.5.301, 2.5.604(6), & 2.5.607, delegated purchasing authority and competitive procedures are not necessary for the following (see [Appendix AC](http://www.montana.edu/policy/documents/purchasing/Attachments/AppendixAC.pdf)):

|  |
| --- |
| Salaries |
| Travel and per diem |
| Books & Periodicals only available from a single supplier |
| Specific brand name items for resale to the public |
| Subcontractors associated with specific research grant programs, if subcontractors are specifically named |
| License agreements for electronic publications including licensed library materials, journals (scientific, technical, or medical) journal articles, periodicals, and course packs |
| Freight |
| Landfill charges |
| Training |
| Training and conference space rental and catering |
| Services exempted by section 18-4-132, Montana Code Annotated |
| Retirement and social security payments |
| Fresh fruits and vegetables |
| Foods produced in Montana |
| Employment of: Registered professional engineer or architect, surveyor, or real estate appraiser Physician, dentist, pharmacist, or other medical, dental, health care provider, expert witness hired for use in litigation, hearings officer, or attorney as specified by executive order of the governor, consulting actuaries, private investigator, or claims adjusters. |
| Educational Instructors |
| Professional Licenses |
| Dues to Associations |
| Renewal of software license agreements |
| Purchase or renewal of maintenance agreements for software or hardware |
| Advertising placed in publications or on radio, television, or other electronic means |
| Pastoral services |
| Supplies or services whose prices are regulated by the public service commission or other governmental authority |

\*See Part 800.00 for list of exempt purchases required to follow contracting requirements.

Delegated authority and competitive procedures are not required for purchases of supplies or services from Sheltered Workshops. However, prevailing wages are applicable to supplies or services obtained from Sheltered Workshops. Please refer to: <http://gsd.mt.gov/ProcurementServices/shelteredworkshops.mcpx>

A list of supplies and services from the Sheltered Workshops program is available at: <http://gsd.mt.gov/ProcurementServices/shelteredworkshops.mcpx>

Delegated authority and competitive procedures are not required for interagency agreements, unless otherwise prohibited by law.

**700.00     Exceptions to Competitive Procedures**

The following items are exempt from competitive procedures and do not require a Sole Source Justification (PD-14) nor further approval by the Montana SPB, except to the extent contracts are required in accordance with Part 800.00:

* Salaries
* Retirement and social security payments
* Travel and per diem
* Freight
* Landfill charges
* Training
* Training and conference space rental and catering
* Pastoral services
* Fresh fruits and vegetables
* Supplies or services whose prices are regulated by the public service commission or other governmental authority
* Fees for professions exempted by 18-4-132, MCA
* Professional licenses
* Dues to associations
* Renewal of software license agreements
* Purchase or renewal of maintenance agreements for software and hardware
* Services exempted by section 18-4-132, Montana Code Annotated
* Advertising placed in publications or on radio, television, or other electronic means
* Purchasing of specific brand name items for resale to the public
* Subscriptions, publications, and textbooks only available from a single supplier (i.e., published videos, movies and recordings)
* Subcontractors associated with specific research grant program, if the subcontractors are specifically named in the grant.