



FWP Procurement Hand Book

(04/2023)

Centralized Services Bureau

The **Centralized Services Bureau (CSB)/Agency Procurement Officer (APO)** procures and supervises the acquisition of all supplies and services required by the Department.

Goal: Ensure all State Procurement and Contracting, statutes, rules, regulations, and Departmental policies are being followed.

Objective: Offer Procurement and Contract training to Agency Personnel and Pro-Card Users. 1)

Power Point classes

- 2) Online contract management classes **required** for all agency contract liaisons (spb.mt.gov)
- 3) Other procurement classes available spb.mt.gov under "Agency Resources"
- 4) Desk Guide for Acquisition of Supplies and/or Services (Manual)

Goal: Ensure fiscal responsibility of the tax payer dollar through an effective procurement process as mandated by the Montana Procurement Act.

Objective: Better connect FWP personnel with information and resources.

- 1) Ensure up to date forms, templates and manuals are posted on the intranet in a timely manner.
- 2) One on One communication as needed.
- 3) Continue to provide the tools needed to assist employees in making good choices while spending public funds.

Goal: Enhance External Customer Service

Objective: Better connect vendors with information and resources.

- 1) Foster relationship while supporting the State's rules and regulations And FWP's policies. 2) Continue guidance with eMACS.
- 3) Continue to avoid appearance of impropriety
- 4) Conduct business in a manner above reproach in every aspect.

This guide does not include the acquisition of IT items. (Any item or software that connects or downloads to your State Computer) **Contact FWP Technology Services Division Network Support for more information.**

Questions or concerns? Please contact the purchasing office at FWPProcurement@mt.gov.

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1.0 GENERAL

FWP procurement forms are available on the internal website under Forms>Purchasing:

<https://apps.fwp.mt.gov/forms?privRole=U&prntMenu=FWR>

Informational websites: <http://emac.mt.gov/AgencyProcurementForms> and <http://spb.mt.gov>

FWP forms must be used when completing any of the procurement actions identified below.

Only an FWP employee that an Authorized Signer can sign a Requisition, Contract or Purchase Order. Anything between \$10,001 and \$100,000 will require Division Administrator signature; anything over \$101,000 will require the Director's signature.

The Department of Fish, Wildlife & Parks will administer all contracts in compliance with title 18, Chapter 4 of the Montana Code Annotated; Title 2, Chapter 5 of the Administrative Rules of Montana; Chapter 1-0700, the Department of Administration Procurement Procedures; the Department of Administration Risk Management Policies and Procedures Manual; and the Department of Administration Procurement Delegation Agreement.

2.0 OBJECTIVES

1. Ensure compliance with Montana statutes, rules, policies and procedures.
2. Ensure fair and equitable treatment of all people who participate in the procurement process.
3. Maximize the procurement value of public funds.

3.0 CENTRALIZED SERVICES BUREAU (CSB)

The FWP CSB/Agency Procurement Officer procures and/or supervises the procurement of all supplies and services needed by the Department unless the services are to be construction in nature.

4.0 GENERAL TERMS TO KNOW

This section is comprised of a list and definitions of commonly used procurement terms. The definitions presented here are intended to describe the meaning of these words in daily use; they are not intended to be legal definitions.

Authorized Signatory: Department staff given authority to sign requisitions, Purchase Orders, and contracts on behalf of the Department.

Contract: A written or verbal agreement between a Department Fish, Wildlife & Parks division/office and any other governmental, public, or private entity for the procurement of goods or services of any type.

Contract Amendment: An alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of a contract accomplished by a signed, written agreement by all parties to the contract. "Contract Amendment" includes renewals and change orders.

Contract Liaison: The staff member designated to oversee contract terms and compliance and serve as the primary contact between the department and the contracted service provider. Also often referred to as a Contract Manager.

Contractor: An individual, corporation, company, partnership, association, or the like having a contract with the Department.

Contract Management: Planned, ongoing, or periodic activity that measures and ensures contractor compliance with the contract terms and conditions.

PO: For the purposes of this policy, means the Purchasing Officer.

Delegation Agreement: The agreement entered into by FWP and the Department of Administration, State Procurement, authorizing the Department to perform procurement activities in accordance with the delegation agreement, *Title 18, MCA, and Title 2, Chapter 5, ARM.*

Executed Contract: A contract signed by all parties.

Interagency Agreement: A contract or agreement, including a memorandum of understanding (MOU), established between agencies of Montana State government, or with other political subdivisions or governments.

Scope of Work: A scope of work describes the work to be performed or the services to be provided. It describes tasks, directs methodologies to be used, and sets forth the period of performance. It should contain only qualitative and quantitative design and performance requirements.

Solicitation Documentation: All records associated with a procurement including, but not limited to the requisition, solicitation form (e.g., request for proposals (RFP), invitation for bids (IFB), limited solicitation form, sole source/sole brand form), vendor's responses, and evaluation materials.

Term Contract: A contract for commonly used supplies or services which, when consolidated for purchasing purposes, results in volume adequate to obtain discounted prices. An "exclusive" term contract requires purchase of a supply of service from a contractor holding a term contract for that supply or service. A "nonexclusive" term contract allows purchase of a supply or service from either a contract holding a term contract or from a different source.

Total Contract Value: The entire potential monetary worth of the project from beginning to completion, including the initial contract period and any options to renew. *Ref. ARM 2.5.201(41)*

5.0 DELEGATION OF AUTHORITY

Authorized staff may make procurements of supplies or services up to \$200,000.

Divisions/Offices have several methods available to them for purchasing supplies and services. These methods are based on the "**total contract value**" of the item(s) or service(s) desired.

These procurement methods **do not** apply to Controlled items (which are items already under contract, such as office supplies, janitorial items, disposable food supplies, etc. See 7.0 below).

6.0 SUBMITTING A FIELD REQUISITION

When It Is Necessary

The receipt of an authorized signed field requisition is necessary **before** work can begin on projects or the purchase of goods over \$10,000 are made.

The Division/Office shall submit a signed requisition to the Financial Assistance and Compliance Bureau (FACB) for the following:

- Requests for the procurement of supplies or services under \$10,000.00 by issuing a Purchase Order or Contract (10k & Under Contract) or credit card transaction;
- For purchase of any used equipment;
- The trade-in of used equipment for new equipment; and
- For purchase of any firearm.

What Should Be on It

The requisition must be fully completed with authorized signatures. (IT when needed, Budget, Division Administrator or Director).

Providing the required information on the requisition will expedite work on the project (accurate scope of work or spec sheet, quote with updated pricing, etc.)

The requisition form can be found on the FWP intranet under Forms>Purchasing.

Once a requisition has been submitted through procurement channels, the only person allowed to speak to vendors is the Agency Procurement Officer. If you receive calls or emails from vendors during this period, forward that information to FWPProcurement@mt.gov.

7.0 CONTROLLED ITEMS (TERM CONTRACTS)

The Concept Behind Controlling Certain Items

Purchasing is one of the few government functions cutting widely across agency lines - a function with the primary mandate to conserve public funds. One component of protecting the tax dollar is to centralize the procurement of "common-use" supplies and services through statewide contracts.

While the DOA State Procurement Bureau (SPB) delegates authority to state agencies to make some purchases, major areas of these "common-use" supplies and services are "controlled" by the Division due to the expertise required and the need to ensure the greatest level of competition through the power of volume purchasing. Therefore, purchase of "controlled" items must be made through Term Contracts.

Term Contracts can be viewed at: <http://svc.mt.gov/gsd/apps/termcontractdefault.aspx>

Controlled items must be obtained the following ways:

- **"Exclusive" Statewide Term Contracts:** **SPB** establishes statewide term contracts for the convenience of agencies to be utilized on an as-needed basis. If/when needed, Departments must purchase all supplies and/or services on an "Exclusive" Term Contract from the contract holder. If Departments fail to do so, it will be financially liable for any payment to the contract holder. SPB also establishes "Non-exclusive" Term Contracts. Departments are not required to purchase from these contracts, but if it does not, it agrees to follow procurement methods to purchase that supply or service.

- **Montana eMarket Center.** Departments ***shall purchase office supplies, fine and coarse paper, janitorial supplies, and food service and culinary products through the Montana eMarket Center unless*** it has met the requirements of section 18-4-302(3), MCA. If 18-4-302(3), MCA, applies, Department staff shall make every effort to notify SPB or the FWP PO of the price discrepancy before making the purchase.
- **Amazon Business Account.** In cases where the exclusive term contracts cannot supply what is needed or a lower price can be found elsewhere, other businesses can be used on approval from the Procurement Officer. When users choose to use Amazon, there is a specific Amazon account within the emacs portal that must be used and the user must be registered to use this account. Personal Amazon accounts **cannot** be used.
- **Printing.** All large print jobs that can't be accommodated in your office need to go through State Print & Mail (<https://gsd.mt.gov/SPM>). They will make the determination as to whether they can accommodate the job or if you can use a third-party vendor. If a print job needs to be bid out, please contact State Print & Mail and prepare a field requisition with an accurate description of the work that needs to be done. This includes all items that may have items with printing, such as brochures, etc. It must be written in the solicitation and contract that Contractor will work with Print and Mail services for the printing of the item(s). ***Please review Mont. Code Ann. § 701, 705 for Power to contract Printing, and Penalty for failing to do so.***
- **New or Used Vehicles.** Departments shall purchase or lease all new vehicles by submitting a field requisition to the Department PO, who will obtain necessary approvals and work with SPB following the deadlines established in the Requisition Time Schedule (RTS.) Twice per model year, the State of Montana issues bids for passenger cars and light duty trucks (up to 1 ton).

In general, the two dates for passenger car and light duty trucks are set for September and February.

The FWP PO will notify all divisions of upcoming vehicle calls. Pre-requisition forms will be furnished help aid in vehicle selection.

- **Fleet Vehicle Repairs.** (**Note: these are separate from project vehicle repairs*). All tire purchases or repairs more than \$1,000 must have an authorization number issued by the Fleet Accountant.

If the overall cost of the repair is **under \$1,000**, you may get the work done and pay with the blue vehicle WEX card. Submit **all** receipts with the monthly vehicle log.
- **Project Vehicle Repairs.** Repairs can be made up to \$10,000 using your brown project WEX card. If estimates come in over \$10,000, you must send a Field Requisition to the Purchasing Officer at CSB. This also applies to any FWP vehicle with a plate number of FWP 7xx.
- **Aircraft Repairs.** There are several active service contracts for repairs and scheduled maintenance. Please contact Chief Pilot at 406-444-7700 for details. If the repair is **over \$10,000** please contact the Purchasing Officer at CSB.
- **Aircraft Pilot Services.** FWP maintains a contract with a list of qualified vendors for pilot services.

Contact the Chief Pilot or the Purchasing Officer for details. These are the **only** authorized pilots for department use.

- **Information Technology.** An approval must be authorized by the FWP Technology Services Division (TSD) for all data processing equipment to include, but not limited to: computers, terminals, GPS units, scanners, cell phones, wireless equipment or any equipment that can be integrated with computers and all services related to technology. All software must have prior approval from the TSD unit. Complete a Field Request and send to TSD for approval. You will then route for all authorized signatures and submit to FWP Purchasing Officer. You can find TSD forms by going through FWP's internal website (<https://apps.fwp.mt.gov/>), clicking on Forms & Policies, then Technology.
- **Firearms.** Before making a purchase, ask the Enforcement Training Officer if any weapons are available within the Department. Weapons **cannot** be purchased with the state Pro-Card. All weapon purchases require a department purchase order issued by the Purchasing Office in CSSB. The Division Administrator must approve the field requisition, and then it should be submitted to the Purchasing Officer.
- **Montana Correctional Enterprises.** If you purchase directly from MCE you do not need to go through the Purchasing Officer, no matter the dollar amount. *Regulations regarding the acquisition of goods and services from MCE are detailed in Mont. Code Ann. § 53-1-301.*

8.0 PRIOR APPROVAL REQUIRED

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

- **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. For locations outside of the 10-mile radius, purchase of printing equipment can be accomplished by using the term contract. Fill out a field requisition and send to PO for processing.
- **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. (Section 2-17-301(3), MCA)
- **Surplus Property Trade-Ins.** Surplus property trade-ins must be approved by the General Services Division's Surplus Property Program. (Section 18-4-226, MCA). As such, these must all be pursued using the above method for submitting a field request. CSSB will seek approval from DOA for the trade.
- **Information Technology Resources and Contracts.** **Contact FWP Technology Services Division.**

9.0 PROCUREMENT METHODS

The below methods **do not** apply to **controlled items** purchased through exclusive term contracts, requisition time schedules, office supply term contracts, janitorial term contracts, coarse paper term contracts, or Print &

Mail Services. Division/Offices shall utilize the following procurement methods when purchasing supplies and services:

9.1 SMALL PURCHASES: PROCUREMENT LESS THAN \$10,000

Ensure the supply or service is not a “controlled item”. Supplies or services with a “**total contract value**” of \$10,000.00 or less may be purchased without obtaining competitive quotations or bids, unless one singular item will be over \$10,000. Budget will need to verify your budget has equipment authority in those instances.

Policy

Mont. Code Ann. §18-4-305, Small purchases, states: “Any procurement not exceeding the amount established by rule may be made in accordance with small purchase procedures established by the Department of Administration. ***Procurement requirements may not be artificially divided so as to constitute a small purchase under this section.***”

PROCEDURE – Small Purchase of Commodities

- Small purchases may be made without bid documentation; however, comparison shopping is recommended.
- Small purchases should be carried out with various vendors on a rotating basis if similar pricing, service and expertise are available (Continually doing business with one particular vendor/contractor, with the exclusion of others will result in adverse public relations).
- Use the Pro-card when possible.
- If vendor requires a purchase order, please contact CSB and supply a completed Field Requisition and Quote with all vendor contact information, including FEIN.

PROCEDURE – Small Purchase of Services

- You may select the vendor of your choice; however, comparison shopping is recommended.
- Purchases should be carried out with various vendors on a rotating basis if similar pricing, service and expertise are available (Continually doing business with one particular vendor/contractor, with the exclusion of others will result in adverse public relations).
- A \$10k & Under Contract will be used for all services under \$10,000.00 that will last longer than one day and are more than \$1000. A short form \$10k & Under Contract will be used for services expected to only last one day and are less than \$1000.
- Worker’s Compensation, Liability Insurance, Independent Contract Form may be required.
 - **Under \$10,000 Contract**
 - Requestor will use same procedure above for Field Requisitions on all \$10k and Under service procurement requests. These will require Division Administrator approval.
 - PA will send requestor a template to be completed by Requestor. Requestor will include scope of work, pricing, and all contact information, FEIN, and the email address of the vendor’s authorized signer.
 - Requestor will return Contract to PA for review and Contract Number.
 - PA will then submit to Agency APO and Legal for review.
 - PA will upload the document into FWP’s eMACS account for signature by all parties via docusign.
 - Docusign will send all signers a completed copy of the contract once signed. PA will forward completed contract to Requestor who can then reach out to vendor and send a final copy of the contract.

- **Requestor will retain the original contract and insurance copies in their file. These files are not maintained by CSB. Keep your documentation.**

9.2 LIMITED SOLICITATIONS – Service & Commodity Purchases between \$10,001 and \$100,000

Ensure the supply or service is not a “controlled item” (see 7.0 above).

Please ensure the “**total contract value**” of \$10,001 and \$100,000 is calculated for determination of value. If the contract will last 7 years, at \$5,000 per year, the total contract value is \$35,000.

The Purchasing Officer will conduct all Limited Solicitations. The PO may, on a case-by-case basis instruct the authorized staff to complete this solicitation. If you would like to learn how to conduct your own Limited Solicitation please contact the CSB Chief for training requirements.

This process requires a documented solicitation from a minimum of three viable sources, if available, either orally or in writing, under the guidelines set forth in ARM 2.5.603.

The Department of Administration/State Procurement Bureau encourages agencies to use the Montana Acquisition and Contracting System (eMACS) for issuing limited solicitations.

Policy

*Mont. Code Ann. §18-4-305, Limited Solicitation, states: “Any procurement not exceeding the amount established by rule may be made in accordance with small purchase procedures established by the Department of Administration. **Procurement requirements may not be artificially divided so as to constitute a small purchase under this section.**”*

Procedure

- Requestor must submit a signed field requisition (instructions above) along with a detailed item specification or services Scope of Work. Consider the following items: delivery timeline and other delivery requirements, three qualified vendors along with their contact information, including email address; and, a quote from at least one vendor (this is used to estimate authority needed for the purchase).
- The APO will be responsible for creating and issuing the final purchase document (Purchase Order or Service Contract).

9.3 Formal Competition (Invitation for Bids or Request for Proposals) Services and Commodities above \$100,001

The Procurement and Contracting Officer will conduct all Formal Competition solicitations.

PROCEDURE - Formal Process – Supplies/Equipment and Services \$100,001 less than \$200,000

Purchases of Commodities with a "Total Contract Value"

- This procedure requires an Invitation for Bid (IFB) or Request for Proposal (RFP).
- Submit a signed requisition along with detailed item specifications via the above instructions.
 - Vendor list, with all contact information (including accurate email address).
 - Complete product description or scope of work.
 - Delivery requirements and timeline.
- The PO will complete the procurement for the Requestor, work with the Requestor on the final award (ensure it meets Requestors specifications and value requirements), and issue any final Purchase Order as needed. Final signatures will be obtained through DocuSign.

PROCEDURE - Formal Process - \$200,000 and greater
Purchases of Commodities or Services with a "Total Contract Value"

- Above FWP Delegation Authority
- Submit a signed field requisition following the above instructions.
- Include updated quote.
- Include scope of work or specifications.
- Include any visual aids like maps, etc.
- APO will obtain approval from OBPP
- State Procurement (DOA) will conduct IFB or RFP.
- DOA will issue Contract or Purchase Order and all signatures will be obtained through DocuSign.

9.4 Sole Source Procurement/Sole Brand

Under some limited circumstances, an agency may need to consider making a "**sole source procurement**", for purchases with a total contract value of \$200,000 or less. For purchases over \$200,000, State Procurement shall make the sole source determination unless specifically authorized. Because this acquisition takes place without the benefit of competition, FWP should be extremely reluctant to pursue this procurement method. In cases of reasonable doubt, competition should be solicited.

Sole source procurement means an award for a supply or service to the only known capable vendor, occasioned by the unique nature of the requirement, the vendor, or market conditions.

Sole brand procurement means an award for a specific brand, occasioned by the unique nature of the product.

Circumstances which might necessitate sole source procurement could include:

- considerations regarding compatibility of current services or equipment, accessories, or replacement parts;
- there is no existing equivalent product to the one required; or
- only one source is acceptable or suitable for the supply or service item.

PROCEDURE

Written justification is required for a "sole source" and "sole brand" with purchases greater than \$10,000.00. Submit a completed requisition form and a "sole source" or "sole brand" form to the Purchasing Officer. These forms are also included on the FWP Intranet under Forms>Purchasing. The APO will make final determination. If the request is denied, the APO will work with the requestor and process the purchase in accordance with delegated procurement procedures.

Exigency Procurement

Under very limited circumstances, an agency may need the flexibility to make an "exigency" purchase. Exigency purchases are typically made outside of the normal purchasing procedures due to a sudden and unexpected happening or unforeseen occurrence or condition which requires immediate action. **It should never include a situation created by poor planning.**

Need is fundamental to justifying an exigency procurement -- the procedure shall not be used to satisfy personal preferences or convenience on the part of the agency, for preventing funds from reverting at the end of the fiscal year, or for any reason that seeks to circumvent regular procurement methods.

Policy

The Montana Procurement Act does not apply if a public exigency exists. An exigency purchase is defined in ARM 2.5.201(16) as "a purchase made without following normal purchasing procedures due to a sudden and unexpected happening or unforeseen occurrence or condition which requires immediate action." An exigency purchase of \$5,000 or greater is limited to those supplies or services necessary to meet the exigency. Where statutorily allowed, AGENCY may declare an exigency, it does not require the DIVISION'S approval. The AGENCY shall maintain a record of all exigency purchases as required by ARM 2.5.605.

PROCEDURE

The following procedures must be considered when making a determination regarding exigency purchases:

1. An exigency procurement must be limited to those supplies and services necessary to meet the exigency.
2. The determination as to whether the procurement is an exigency must be made by the APO. The authorized staff must submit the justification and item or services in writing to APO and must state the basis for the exigency procurement.

10.0 CONSTRUCTION

If your procurement involves building repairs, electrical, digging, roadwork, or any construction, please contact our Design & Construction unit at 406-841-4013.

11.0 REQUISITION SCHEDULE

Centralized Services has incorporated a calendar of dates when certain items are coordinated for procurement to save the department and our taxpayer dollars. If your division plans on purchasing one of the items listed below, please complete a Field Requisition with all authorized signatures with a list of specifications and forward to the Purchasing Officer by the following suggested dates:

Project Vehicles	August 30 th
Trailers	August 30 th
Snowmobiles	August 30 th
ATVs/UTVs	September 30 th
Fishing Nets	September 30 th
Trail Cameras	September 30 th
Boats/Motors	October 30 th

12.0 EQUIPMENT TRADE-INS

Approval by the Property and Supply Bureau, SPB, DOA, is required. A Field Requisition must be submitted to the department PO. (MCA 18-4-226, ARM 2.5.701-2.)

13.0 FORMING AND WRITING SPECIFICATIONS

The term “specification” refers to that portion of a solicitation that describes the characteristics of the supply or service sought and is designed to provide the basis for obtaining a supply or service that will satisfy a particular need. Additionally, a specification which is properly written will not be unduly restrictive and will promote competition. However, the purpose of bid specifications is not solely to obtain the least expensive items, but the desired quality at the most competitive price.

Specification Requirements

Specifications are the major portion of the competitive process. Winning bids must meet all specifications listed in the requisition. Specifications are included with the purchase requisition and should do four things:

1. **Identify Minimum Requirements.** Specifications describe the minimum acceptable requirements of the supply or service the agency needs. Minimum, in this sense, does not mean substandard; it simply means those characteristics that a product must have to be considered. When writing a specification, include every feature that is needed.
2. **Allow for Competitive Bids.** Specifications should ensure that vendors can compete. Competition is the best way to ensure equitable treatment of vendors and low prices. Generally, specifications based upon performance requirements will allow for more competition than a specification based upon design requirements.
3. **List Evaluation Criteria and Test Methods.** Specifications should state how the supply or service requested will be evaluated for award. If products will be compared, each vendor needs to know how those comparisons will be made. If an agency is basing an evaluation on physical tests, the testing methods must be stated. If the agency is making a comparison of manufacturers' literature describing the requested products, that must be so stated, and vendors must be informed, in the bid request, that they must provide that information with their bid.
4. **Provide for a Fair Award at the Lowest Possible Cost.** Specifications should ensure that an agency gets the supplies it needs at a reasonable price, and that the award will be made fairly. To perform those functions, specifications should be simple and clear, identifying exactly what is needed.

How to Write Specifications

Specifications provide a precise description of the critical features a supply or service must have to satisfy a division's needs. A specification should be written from the general to the specific. There are two basic types of specifications:

- a. Design Specification:** A purchase specification setting forth the essential characteristics that an item bid must possess to be considered for award and so detailed as to describe how the product is to be manufactured. See “performance Specification”.
- b. Performance Specification:** A specification describing the performance characteristics sought in a product or service; a purchase description accenting performance over design; a functional rather than a generic or physical specification. See “Design Specification”.

The following outline may be used as a guideline:

1. **Name of Supply or Service:** Begin a specification by listing the name of the supply or service sought: "compact sedan," for example, or "photocopier maintenance." Do not list a specific brand name in the title.
2. **Purpose/Use for Supply or Service:** State the purpose for which the item will be used. For example, a lawn mower specification might be: "suitable for daily use (4-6 hours) on a large grounds complex." Vendors should know the intended use to decide what type of product to bid.
3. **Description of Supply or Service:** List all the critical features the product must perform or have in order to meet agency requirements. Use a specification that indicates **performance** requirements if the agency is interested in the end-product. Use a **design** specification, which details how a product is engineered, if the agency is interested in how a product will achieve that end result, or if the agency has a specific physical requirement for the product. Agencies should recognize that it is difficult to draft design specifications without being restrictive and limiting competition. A combination of performance and design requirements is often the most ideal specification.

Identify the minimum requirements, but make sure the stated minimum is a product that will satisfy the agency. If there are **brand name-or-equal** products that are of the appropriate quality level, list several of the brand names and model numbers, indicating the level or quality desired. However, this does not indicate a restriction to or acceptance of only those brands.

Agencies need to be careful to not imply that only a certain brand name would be acceptable when preparing their bid specifications. Agencies should conduct product research to locate additional brands which may be able to meet their needs.

4. **List Special Requirements:** Provide any special requirements that the product or vendor must perform. Warranty, service, parts, and training requirements must be listed.
5. **Unusual Conditions:** Describe any unusual conditions, such as installation, field test, fiscal year funding source, etc.
6. **Services:** No service will begin until the contract has been approved, all signatures affixed, and proofs of insurance, certifications, and licenses are received by the PO.
7. **Delivery Date:** Always indicate when product delivery is needed or required. If a delivery time is not specified. It will be very hard to cancel the contract for non-delivery.
8. **Delivery Location:** Be specific about delivery location and any special delivery requirements. Bids should state that supplies are to be shipped F.O.B. destination, meaning that the title of the supplies remains with the vendor until the supplies are unloaded at the final destination. When supplies are purchased F.O.B. destination, the vendor is responsible for transportation charges and any damage to the supplies while they are being shipped. Do not use a P.O. Box address in delivery instructions; use a street address where supplies may be delivered.

8. **Agency Contact Person:** List the name, address, and phone number of the agency contact person.

Avoid Unnecessarily Restrictive Specifications

9. **Receiving Procedures:** Describe if necessary, any receiving procedures (if testing,

Beware of Specification Hazards!

Good specifications practice and Montana law prohibit unduly restrictive (Mont. Code Ann. § 18-4-234). Restrictive specifications only serve to limit sampling or other evaluation will be performed when commodity is delivered to competition and in the end, do not promote the overall economy for the purposes intended. **determine acceptability**). Things we need to consider are:

1. Who developed the specifications?
2. Did they come from a vendor?
3. When was the last time the specifications were updated?
4. Do the specifications always seem to lead to a purchase of the same brand?
5. Do the specifications state some requirements that formerly guaranteed a certain level of performance or life cycle prediction that is no longer true?
6. Are your specifications drawn from a recognized national or professional standard?
7. Are the specifications costing you money rather than getting you the best product?
8. Do you have specifications that are not necessary and that lead to a purchase of one brand over another for no real reason?
9. Is there a reason for a specification that eliminates certain products?
10. Are the specifications so narrow that you will be stuck accepting a product that doesn't meet your needs? The harsh reality is that most of the time, you will have to accept the item that your specifications called for, even if something "better" comes along.
11. Time spent researching specifications at the front end of a solicitation is time that is very well spent in ensuring you will be getting the best possible product for your agency--and avoiding any allegations of unduly restrictive specifications.

14.0 INTERAGENCY/INTERGOVERNMENTAL AGREEMENTS OR MOUs

Service contracts with, or in conjunction with, other governmental agencies (federal, state, county, school district, weed control district, etc.) do not require formal purchasing procedures. These are commonly called "cooperative agreements" or "memorandums of understanding" (MOUs). Please follow the normal field requisition channels but also provide contracting parties; description of services and/or reporting requirements; beginning and ending dates; and total anticipated costs. The APO will assign a contract number and ensure proper signatures/approvals are obtained from all parties, including FWP Legal.

15.0 ADDENDA/AMENDMENTS

An addendum, or amendment, is the process used to revise, clarify, or modify an original contract. Addenda may not be used to circumvent rules or avoid purchasing procedures. FWP must include language in the Invitation for Bid or RFP document that states contract modifications may be made by written addenda only.

Adjustments must be approved at the same dollar level as original purchases.

All adjustments and modifications must be in writing and signed by all parties named in the original contract unless personnel changes dictate otherwise.

"Total Contract Value" must be considered to proceed when renewing a contract

Categories & Procedures

FWP may increase the total dollar amount of the original contract only when:

1. The correct procedures were used to select the original contractor and implement the contract;
2. The original contract has not expired or been terminated as of the date all parties approve the addendum;
3. The cost increase is not associated with any change in the scope of the work not authorized by FWP in writing; and
4. The amount of the increase does not exceed the dollar amount of the original contract.

Extension

FWP may continue or lengthen an existing contract for an additional period of time when:

1. The correct procedures were used to select the original contractor and implement the contract;
2. The original contract has not expired or been terminated as of the date both (or all) parties execute the extension; and
3. The terms of the extension were in the solicitation and in the original contract.

The extension modifies only the time authorized for the completion or performance of the original contract and states that all other terms and conditions of the original contract remain in effect.

Renewal

A renewal allows continuation of an existing contract, usually in one-year increments. When the time comes for a contract renewal several factors must be considered according to MCA § 18-4313. They are as follows:

1. Were the terms of the extension or renewal included in the solicitation?
2. Will the total contract term, including any extensions or renewals, exceed seven years? (MCA § 18-4-313 requires that a contract, lease, or rental agreement for supplies or services may not be made for a period of more than seven years, including all extensions and renewals.) However, contracts involving Information Technology may run for up to ten years. Please contact TSD for IT purchases.
3. Are funds appropriated or otherwise available to support continuation of performance for the contract?
4. Does the contract serve the best interests of the state by encouraging effective competition or otherwise promoting economies in state procurement?

In addition, the required insurance and contract security must continue to be in place and in effect for the entire contract renewal period. (See *ARM 2.5.502*).

All renewals require appropriate paperwork with approvals that correspond to the total cost and service-type needed.

- All changes to the contract, including renewals, must be completed by the PO. If a contract is up for renewal the PO will send a form to justify the renewal to ensure the requestor is satisfied by the performance of the vendor.

17.0 CONTRACT MONITORING

Each requestor (Contract Liaison) is required monitor the contracts they are responsible for. The purpose is to monitor the duration of the contract, ensure that insurance and security documents are

current and remain in effect, work is being completed as requested, and all accounting/bill pay. These individuals are **required** to take the online Contract Management course through the SPB website. Please contact CSB for the link.

18.0 CONTRACT ENFORCEMENT

Contract Liaisons should be monitoring contract performance for issues of nonperformance. Review deadlines, deliverables, payments, well-documentation of modifications. Addressing problems as soon as they are noticed. It is recommended that Contract Liaisons meet regularly with the contractor to assure good communication and that the contractor understands what is expected. **If you are having problems enforcing a contract, contact the FWP APO.**

19.0 VENDOR PROTESTS

The department may be required to respond to a vendor protest concerning the solicitation, award, or administration of a contract within their authority. **All protests must be directed and handled by the Centralized Services Bureau Chief.**

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Weapons Procurement and Disposal Policy

M.O.M. Policy 335; Mont. Code Ann. § 7-32-305; FWP Field Property Procedures Manual

All weapons are classified as sensitive equipment and must be procured, inventoried, and disposed of according to this policy.

Procurement

For purposes of this policy, a weapon is defined as a firearm – any shotgun, handgun, rifle, muzzleloader, dart gun or capture gun or consisting of a metal tube from which a projectile is fired at high velocity device.

Weapons cannot be procured with the state Pro-Card. All weapon purchases require a department purchase order issued by the PO in CSSB. The requestor's Division Administrator must approve the field requisition.

Accountability

Once the weapons are received, the employee (custodian) must compare the weapon's serial number with the invoice and complete an Asset Addition Form (CSS AM-1). This form, along with a copy of the invoice, must be submitted to CSSB within 15 days of receipt. If the Department receives a donated weapon, the Asset Addition Form (CSS AM-1) must be completed and submitted to CSSB along with a memo describing the source of the donation.

Weapons will be recorded in the state's asset management system and inventoried annually. A current list will be sent to the employee (custodian) prior to inventory with the inventory completed by June 30th each year. The employee (custodian) will verify the existence of all weapons on the list either by returning the inventory form or bi-annually in-person with CSSB staff during physical inventory.

Any missing weapons must be reported immediately to the employee's supervisor and to the CSSB Chief. A Report-of-Survey Form (CSS AM-6) must be filed with CSSB for any missing weapons and if stolen, a police report must be filed with copies sent to CSSB. The employee (custodian), Regional Supervisors, Park Managers, and Bureau Chiefs are ultimately accountable for all weapons under their supervisory control. Failure to account for missing weapons will result in disciplinary action.

Disposal

All weapons that are defective or no longer required will be returned to CSSB for proper disposal. The employee (custodian) must complete an Asset Deletion Form (CSS AM-2) and submit it with the weapon. All weapons must be returned unloaded.

The Division Administrator must approve all weapons donated (including those donated to museums, non-profit organizations, and inter-governmental agencies) prior to the transaction being completed. Surplus Property procedures must be followed. An Asset Deletion Form (CSS AM-2) and memo describing the donation must be submitted to CSSB prior to the transaction.

Exception

Mont. Code Ann. § 7-32-305 states that game wardens who are terminating from service and are eligible for a retirement benefit may request to purchase firearms that have been issued to them and that are legal for a private citizen to possess. If the request is accepted, the parties shall agree on the purchase price, not to exceed fair market value.

In order to purchase a weapon, wardens must first submit a written request through the Captain, the

Enforcement Bureau Chief, and the Division Administrator. After approval, the Enforcement Division must inform CSSB of the transaction by sending them a copy of the "Request to Purchase Duty Weapon" form and a copy of the bill of sale.

Ammunition

Ammunition at headquarters and area offices will be stored and inventoried in an authorized storage area or container. This is the responsibility of the employee (custodian) of the weapons.

Proper hazardous warning labels must be posted on outside doors of ammunition storage areas.

Signature

/s/ M. Jeff Hagener

M. Jeff Hagener, Director

FREQUENTLY ASKED QUESTIONS

Q. What is total contract value?

A. Total Contract Value is the entire potential monetary worth of a project from beginning to completion, including the initial contract period and options to renew. *Example: A janitor contract is used for \$3,000 per year with options to renew for five more one-year periods; the total contract value would be \$18,000. (A total of six years x \$3,000 per year).* You cannot break up these values by year and try to circumvent the procurement process. If you elect to do a one year contract only to keep it under \$10,000, the following year you will be required to bid the service or commodity out.

Q. Can I send an email to get started on the procurement before I get the field requisition approved by all parties?

A. Email is always welcome if you have a question or need help in the planning of your procurement. It will not begin the actual procurement process.

Q. When do I need a contract?

A. You need a contract *anytime* you have a service done on behalf of the department. However, sometimes these aren't cost effective, in which case contact the APO to determine liability and proper route.

Q. How long does procurement take?

A. Procurement is a long process by nature. When planning your purchases take the following in mind:

- * How long will it take you to draft your scope or specifications?
- * How long will it take you to receive an accurate quote?
- * What is current market like for items you want to run through procurement? Is delivery fast or slow? (This is why there are procurement deadlines listed above).
- * Is this an IT project? Consider IT workload and timeline for approval.
- * Division Administrator workload; How long will it take the Division Administrator to sign and forward to FACB?
- * FACB workload; How long does FACB need to review documents for completeness, obtain approvals from budget and possibly the director's office before being forwarded to Procurement.
- * Procurement workload; How long does it take to process all paperwork, review for completeness, draft sample contract or purchase order for solicitation, timeline for actual solicitation (usually 2-4 weeks depending on type)? Will bids be received, or will it have to be bid out again? How long for additional authority approval if bids come in over approved amount on field request?
- * Legal workload; How long for legal to review complete contract draft?
- * Vendor timing; How long will it take vendor to submit their required insurance and licensing documentation? How long is final signature process?

* Is it over \$200,000? State Procurement workload (purchasing for all state agencies that don't have necessary authority to make their purchases).

Taking all those items into consideration a good rule of thumb is to allow a **minimum** of three months for the procurement process to play out if there are no hang-ups.

Q. Why does the department need to ensure the contractor has either an independent contractor certificate or workers' compensation insurance?

A. State statute requires independent contractors to have either an exemption certificate or to purchase workers' compensation insurance coverage for liability purposes.

Q. I would like to hire an employee of FWP to do extra work and pay them under a personal service contract; is this allowed?

A. There are caveats to this question, please contact the APO.

Q. Who decides what procurement process to use?

A. The Agency Purchasing Officer will review the field requisition and scope of work and make the procurement determination.

Q. Can I contact a vendor to make sure they submit a bid or ask how their bid process is coming along?

A. No. Once procurement has received the field requisition, only the APO may be in contact with the vendors. If it is disclosed that field staff have been in contact with vendors, the solicitation will be canceled and re-issued in order to determine all vendors have the same chance to compete.

Q. Why would we do a Request for Proposal (RFP)?

A. The RFP is used when several factors need to be considered in addition to cost. Thus, these solicitations are awarded based on a scoring system, as opposed to low-bid. The RFP will state the relative importance of all evaluation factors.

Q. What is a limited solicitation?

A. The limited solicitation is for a good or service that won't exceed \$100,000 **total** contract value. You can choose who you solicit, and only have to solicit a minimum of three vendors. These are fairly informal. Bids are awarded to low-bidder

Q. What is an Invitation for Bid?

A. This is a formal solicitation process, commonly referred to as an IFB. These are sealed bids that can be challenged by outside parties if they deem necessary. Bids are awarded to low-bidder only.

Q. How do I get some business cards or printing/graphic design work done?

A. Contact State Print & Mail via email at spm@mt.gov or via <https://gsd.mt.gov/SPM>. **All print jobs that cannot be completed in house must go through State Print & Mail, per statute.**

Q. I need to get the roof replaced on our building. How do I do this?

A. Contact our Design and Construction Bureau for any remodeling, construction, electrical, or maintenance of buildings.