MONTANA
DEPARTMENT OF
ADMINISTRATION

State Financial Services Division
Steve Bullock, Governor
John Lewis, Director

Exigency Procurements for Goods and Services

When immediate delivery of goods or services is required in an emergency, the purchase may be exempt from the Montana Procurement Act. (18-4-133, MCA**)**

An "Exigency" is defined 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. (ARM 2.5.201(16))

If an agency makes a determination that an exigency exists, they should first check to see if the goods or services sought can be procured from an existing statewide term contract established by the State Procurement Bureau (SPB). In the event the goods or services sought are not available from an existing statewide term contract, an agency shall follow the rules for exigency procurements as follows (ARM 2.5.605):

(1) An exigency procurement of $5,000 or greater shall be limited to those supplies or services necessary to meet the exigency, as defined in ARM 2.5.201.
(2) The determination as to whether a procurement shall be made as an exigency procurement shall be made by the agency. The determination must be in writing and must state the basis for an exigency procurement and for the selection of a particular vendor.
(3) The procedure used shall be selected to assure that the required supplies or services are procured in time to meet the exigency. However, such competition as is practicable shall be obtained.
(4) A record of each exigency procurement shall be made as soon as practicable and shall set forth:
    (a) the vendor's name;
    (b) the amount and type of the contract;
    (c) a listing of the supplies or services procured under the contract; and
    (d) the written documentation required in (2).

Any questions may be directed to the SPB at spb@mt.gov or 406-444-2575.