



**C.L. "Butch" OTTER**  
Governor  
**ROBERT L. GEDDES**  
Director  
**SARAH HILDERBRAND**  
Administrator

# State of Idaho

Department of Administration  
Division of Purchasing

650 West State Street B-15 (83702)  
P. O. Box 83720  
Boise, ID 83720-0075  
Telephone (208) 327-7465  
Fax: 208-327-7320  
<http://purchasing.idaho.gov>

## **POLICY DIRECTIVE NO. 13-3** **REVISED OCTOBER 1, 2018**

Pursuant to Idaho Division of Purchasing Rule 42.09 (IDAPA 38.05.01.42.09), a determination has been made that competitive solicitation procedures are impractical, disadvantageous, and unreasonable when applied to the purchase of:

### **1. Idaho Health Registries –**

- a. The Idaho Cancer Registry established in Idaho Code §57-1701 - 1707
- b. The Idaho Trauma Registry established in Idaho Code §57-2001 – 2007

**2. Specialized Foster Care Services (Level 1-3) –** As provided for in the Rules Governing Family and Children's Services, IDAPA 16.06.01.400, and 16.06.01.483 through 16.06.01.484, and Children's Mental Health Services rules, IDAPA 16.07.37.500, and 16.07.37.583 through 16.07.37.584 wherein eligibility and rates are provided.

**3. Professional, Treatment Foster Care, and Intensive Treatment/Residential Care Facilities (Level 4-6) –** As provided for in Rules Governing Family and Children's Services, IDAPA 16.06.01.485 through 16.06.01.487, and Children's Mental Health Services rules, IDAPA 16.07.37.600 through 16.07.37.700 wherein guidelines for placement of children and for selection of the proper facility are provided.

**4. Child Care Services –** As provided for in Rules Governing the Idaho Child Care Program, IDAPA 16.06.12.305 through 16.06.12.305.04, wherein fees for day care services are established.

**5. Minimum standard rates for Services –** Services for which the Department is required to and has established minimum standards of service provision performance by rule or by independent certification by a recognized entity in the field, and for which a standard fee or rate of reimbursement for service methodology is established by promulgated rule.

**6. Medical professionals licensed to practice in the State of Idaho individually (or as part of an Idaho medical clinic) including, but not limited to:**

- a. Medical Doctors/Medical Directors
- b. Doctors of Osteopathy
- c. Dentists
- d. Podiatrists
- e. Psychologists
- f. Optometrists

- g. Physician Assistants and Nurse Practitioners
- h. Registered Nurses and Licensed Professional Nurses
- i. Therapists – Physical, Occupational, Speech, etc.
- j. Audiologists
- k. Pharmacists
- l. Pathologists
- m. Nursing consulting services
- n. Licensed Dieticians
- o. Certified Nursing Assistants
- p. Acupuncturists
- q. Polysomnographic Technicians

**7. Locum Tenens Agreements** – Locum tenens agreements are used to provide short-term or term or temporary health care professionals, including temporary nursing staffing agreements, to fill staff vacancies. They are normally used to cover critical staff positions during times of vacancy due to vacations, extended illness or resignation.

**8. Community Services Block Grant (CSBG)** – Community action agencies and other neighborhood-based organizations providing direct services as detailed in the CSBG Act, Public Law 105-285 (42 US code 9901); community action associations who provide CSBG administrative oversight responsibilities.

#### **9. Recruitment Agencies – Contingency Recruitment of Medical Professionals**

In order to use this exemption, authorized purchasers must use prudent business judgment in evaluating the value of exercising the exemption in lieu of competition. The goal of this exemption is to maximize the value of the benefit commensurate with the degree of effort, time available, and price reasonableness.

The conditions applicable to this exemption are as follows:

1. If additional suppliers become available to service the equipment, the agency must compete the service in accordance with applicable Code, Rule and Policy.
2. The contracting agency must maintain a fully documented file for each contract executed under this Policy Directive, including verification of the availability of only a single supplier (e.g. manufacturer’s letter) as well as a copy of this Policy Directive.
3. Agencies utilizing this Policy Directive must consult with legal counsel prior to executing a contract with the supplier, to ensure compliance with Idaho law.
4. Agencies utilizing this Policy Directive shall, upon request of the Administrator, provide an accounting of moneys spent pursuant to the exemption.

This exemption shall be effective until this Policy Directive is revised or rescinded.

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Sarah Hilderbrand, Administrator