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POLICY DIRECTIVE NO. 13-4 **ORIGINALLY EFFECTIVE July 31, 2013** **SECOND AMENDMENT EFFECTIVE June 22, 2016**

This written policy is established pursuant to section 67-5720, Idaho Code and Idaho Purchasing Rule 42.10(iv) (IDAPA 38.05.01.42.10(iv)).

Policy Directive 13-4 was amended on October 7, 2015 to include an exemption for "Professional Case Reviewers."

Policy Directive 13-4 was further amended on June 22, 2016 to include an exemption for "Administrative Hearing Officers."

The Administrator of the Division of Purchasing has determined to exempt from competitive acquisition procedures the acquisition of certain legal services, litigation consultants, and expert witnesses (not already exempt as a small purchase under Idaho Purchasing Rule 44 (IDAPA 38.05.01.44)) as follows:

Specialized legal services acquired by state entities and approved by the Attorney General pursuant to the provisions of Idaho Code section 67-1406(3).

Litigation consultants, professional case reviewers, administrative hearing officers, and expert witnesses whose services are directly related to threatened, pending or potential litigation in which the state entity is or may be a party; or whose services are required in association with administrative proceedings conducted by the state pursuant to IDAPA or Idaho Code.

The conditions applicable for the exemption to apply are as follows:

1. The state entity must request the exemption in writing, stating the basis for the request and the request must be evidenced and approved by existing legal counsel or other applicable authority;
2. The administrator must grant the request in writing;
3. The state entity shall, upon request of the administrator, provide an accounting of moneys spent pursuant to the exemption;
4. The exemption must be reviewed by the administrator no less than every three (3) years; and
5. The administrator may revoke the exemption at any time if the administrator determines the terms of the exemption are not being met or if revocation is in the best interest of the state.

Sarah Hilderbrand, Administrator