

1 HOUSE JOINT RESOLUTION NO. 42

2 INTRODUCED BY B. EDWARDS, E. BYRNE, M. CAFERRO, D. HARVEY, K. LOVE, E. MATTHEWS, B.
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5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
6 MONTANA REQUESTING AN INTERIM STUDY OF STATE AGENCY PROCUREMENT PRACTICES; AND
7 REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.
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9 WHEREAS, the Montana Procurement Act has several beneficial purposes, including ensuring fair and
10 equitable treatment of all people who deal with the procurement system in the state of Montana, providing
11 increased economy in state procurement activities, maximizing the purchasing value of public funds, and
12 providing for increased public confidence in the procedures followed by the state in procuring services; and

13 WHEREAS, all state agencies have a responsibility to adhere to the Montana Procurement Act to
14 ensure the responsible, consistent, and transparent use of public funds; and

15 WHEREAS, in recent years there have been multiple state agency procurements that have raised
16 questions about transparency and the appropriate use of public funds; and

17 WHEREAS, the Legislature has a vested interest in ensuring that all laws, including the Montana
18 Procurement Act, are adhered to.
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20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
21 THE STATE OF MONTANA:

22 That the Legislative Council be requested to designate an appropriate interim committee or statutory
23 committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

- 24 (1) review state statutes and administrative rules related to state agency procurement;
25 (2) identify the policies and procedures state agencies use when determining whether to follow
26 standard procurement procedures or how they otherwise determine whether to seek bids or proposals for
27 services;
28 (3) identify any practical obstacles that may impact state agency procurement procedures;

(4) examine all procurement items over \$25,000 for all state agencies over the past 4 years and determine which, if any, have deviated from the Montana Procurement Act;

(5) develop an accounting of the amount of money state agencies have paid to vendors who were selected outside of the standard procurement process;

(6) evaluate the contracts that have deviated from standard processes for signs of waste, fraud, or abuse;

(7) investigate ways to standardize and centralize reporting of all state agency procurement contracts; and

(8) develop recommendations for changes to statute, administrative rule, and agency procedure to prevent future deviations from the Montana Procurement Act.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

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