

**CHAPTER 4-12-03
DELEGATION OF PURCHASING AUTHORITY**

Section

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4-12-03-01. Delegation of purchasing authority.

The director or director's designee may delegate purchasing authority, in writing, to the head of a state agency or institution. The head of the state agency or institution may delegate that person's authority to specific individuals. The delegation will specify dollar limits for making required determinations, approving limited and noncompetitive procurements, conducting procurements, and amending contracts. The delegation may specifically include or exclude certain commodities or services. The authority remains in effect for the time specified in the written delegation unless revoked in writing by the director, director's designee, or the head of the state agency or institution.

History: Effective August 1, 2004.

General Authority: NDCC 54-44.4-04

Law Implemented: NDCC 54-44.4-03, 54-44.4-04

4-12-03-02. Request for additional delegation.

The head of a state agency or institution may request a special delegation of purchase authority for a specific requirement. The request must be made in writing to the state procurement office and approval obtained before the agency or institution issues a solicitation or awards a contract.

History: Effective August 1, 2004.

General Authority: NDCC 54-44.4-04

Law Implemented: NDCC 54-44.4-03, 54-44.4-04

4-12-03-03. Decision to delegate.

1. Factors to consider in making the decision to delegate include:
 - a. The procurement expertise or other specialized knowledge of the potential delegate;
 - b. The past experience of the potential delegate in exercising similar authority;
 - c. The degree of economy and efficiency to be achieved in meeting the state's requirements if authority is delegated;
 - d. The available resources of the office of management and budget to exercise the authority if it is not delegated; and
 - e. The consistency of delegation under similar circumstances.
2. Provisional or partial delegation may be made to employees and officials who have limited training or experience.

History: Effective August 1, 2004.

General Authority: NDCC 54-44.4-04

Law Implemented: NDCC 54-44.4-03, 54-44.4-04

4-12-03-04. Compliance with state procurement policies.

1. Any person with delegated purchasing authority will exercise this authority in accordance with the terms of the delegation, the state laws, rules, and office of management and budget procurement written directives.
2. State agencies and institutions may adopt internal procurement policies and procedures that are consistent with state laws, these rules, and office of management and budget procurement written directives.

History: Effective August 1, 2004.

General Authority: NDCC 54-44.4-04

Law Implemented: NDCC 54-44.4-03, 54-44.4-04

4-12-03-05. Procurement officer training program.

The state procurement office conducts a procurement training and development program. The state procurement office may charge fees for training on a cost-recovery basis.

History: Effective August 1, 2004.

General Authority: NDCC 54-44.4-04

Law Implemented: NDCC 54-44.4-03, 54-44.4-04