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LEGISLATURE OF THE STATE OF IDAHO  
Sixty-third Legislature Second Regular Session - 2016  
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IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

AN ACT

1 RELATING TO STATE PROCUREMENT; AMENDING SECTION 67-5728, IDAHO CODE, TO DE-  
2 FINE A TERM AND TO PROVIDE THAT STATE INSTITUTIONS OF HIGHER EDUCATION  
3 MAY PROCURE PROPERTY OUTSIDE AN OPEN CONTRACT UNDER CERTAIN CIRCUM-  
4 STANCES.  
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 67-5728, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 67-5728. PROCURING AND PURCHASING BY STATE INSTITUTION OF HIGHER EDU-  
10 CATION. (1) For the purposes of this section:

11 (a) "State institution of higher education" means Lewis-Clark State  
12 College, Idaho State University, Boise State University and Eastern  
13 Idaho Technical College;

14 (b) "Local or regional" means located within fifty (50) miles of a cam-  
15 pus of a state institution of higher education; and

16 (c) "Non-contract vendor" means a vendor who has not entered into a spe-  
17 cific open contract with the state.

18 (2) Any state institution of higher education may establish policies  
19 and procedures for procuring and purchasing property that shall be sub-  
20 stantially consistent with the requirements for procuring and purchasing  
21 property as set forth in this chapter and that shall be approved by the state  
22 board of education. When the state board of education has approved such  
23 policies and procedures for a state institution of higher education, such  
24 institution shall not be subject to the provisions of this chapter, except as  
25 provided in subsection (3) of this section.

26 (3) When the state enters into an open contract, no state institution  
27 of higher education ~~that has established policies and procedures pursuant to~~  
28 ~~subsection (2) of this section shall fail to utilize such contract without~~  
29 ~~justifiable cause for such action, pursuant to the provisions of subsection~~  
30 ~~(4) of section 67-5726, Idaho Code unless:~~

31 (a) The property to be acquired may be procured from a non-contract ven-  
32 dor at equal or less expense to the institution; or

33 (b) The property to be acquired may be procured from a local or regional  
34 non-contract vendor at a price substantially similar to the price for  
35 such property under the open contract.