

Voyd St. Pierre

From: Marisa O Sullivan <mosullivan@mtsba.org>
Sent: Friday, February 14, 2020 1:19 PM
To: Voyd St. Pierre
Subject: Statute about exemptions

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Montana Code Annotated 2019

TITLE 20. EDUCATION

CHAPTER 9. FINANCE

Part 2. Administration of Finances

Conflicts Of Interests, Letting Contracts, And Calling For Bids -- Exceptions

20-9-204. Conflicts of interests, letting contracts, and calling for bids -- exceptions. (1) It is unlawful for a trustee to:

(a) have any pecuniary interest, either directly or indirectly, in any contract made by the trustee while acting in that official capacity or by the board of trustees of which the trustee is a member; or

(b) be employed in any capacity by the trustee's own school district, with the exception of officiating at athletic competitions under the auspices of the Montana officials association.

(2) For the purposes of subsection (1):

(a) "contract" does not include:

(i) merchandise sold to the highest bidder at public auctions;

(ii) investments or deposits in financial institutions that are in the business of loaning or receiving money when the investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one financial institution in the community; or

(iii) contracts for professional services, other than salaried services, or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources if the interest of any board member and a determination of the lack of availability are entered in the minutes of the board meeting at which the contract is considered; and

(b) "pecuniary interest" does not include holding an interest of 10% or less in a corporation.

(3) (a) Except for district needs that must be met because of an unforeseen emergency, as defined in **20-3-322(5)**, or as provided in subsections (4) and (6) of this section, whenever any building, furnishing, repairing, or other work for the benefit of the district or purchasing of supplies for the district is necessary, the work done or the purchase made must be by contract if the sum exceeds \$80,000.

(b) Except as provided in Title 18, chapter 2, part 5, each contract must be let to the lowest responsible bidder after advertisement for bids. The advertisement for bids under this subsection (3)(b) must be published in the newspaper that will give notice to the largest number of people of the district as determined by the trustees. The advertisement must be made once each week for 2 consecutive weeks, and the second publication must be made

not less than 5 days or more than 12 days before consideration of bids. A contract not let pursuant to this section is void. The bidding requirements applicable to services performed for the benefit of the district under this section do not apply to:

(i) a registered professional engineer, surveyor, real estate appraiser, or registered architect;

(ii) a physician, dentist, pharmacist, or other medical, dental, or health care provider;

(iii) an attorney;

(iv) a consulting actuary;

(v) a private investigator licensed by any jurisdiction;

(vi) a claims adjuster;

(vii) an accountant licensed under Title 37, chapter 50; or

(viii) a project, as defined in **18-2-501**, for which a governing body, as defined in **18-2-501**, enters into an alternative project delivery contract pursuant to Title 18, chapter 2, part 5.

(4) A district may enter into a cooperative purchasing contract for the procurement of supplies or services with one or more districts. A district participating in a cooperative purchasing group may purchase supplies and services through the group without complying with the provisions of subsection (3) if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard, for inclusion of the vendor's supplies and services on the cooperative purchasing group's master list.

(5) This section may not require the board of trustees to let a contract for any routine and regularly performed maintenance or repair project or service that can be accomplished by district staff whose regular employment with the school district is related to the routine performance of maintenance for the district.

(6) Subsection (3) does not apply to the solicitation or award of a contract for an investment grade energy audit or an energy performance contract pursuant to Title 90, chapter 4, part 11, including construction and installation of conservation measures pursuant to the energy performance contract.

Marisa O'Sullivan

Staff Attorney

Montana School Boards Association

863 Great Northern Blvd, Ste 301

Helena, MT 59601

Phone: (406) 442-2180

Fax: (406) 442-2194

E-mail: mosullivan@mtsba.org

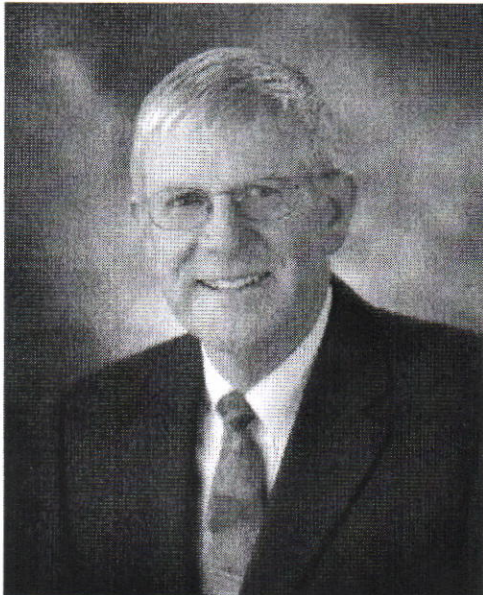
406.248.4443

SPECTRUM

GROUP ARCHITECTS

GARY R. LEVINE, AIA

- CEO
- 406.248.2443
- glevine@sgapc.com



Gary R. Levine, a fourth generation Montanan, was born and raised on a ranch near Augusta, along the Rocky Mountain front. The rugged elements of ranching life molded and shaped Gary's approach to life and our built environment. He learned early the value of conservative living and the benefits of the efficient use of materials,

lessons that, today, strongly influence his approach to design and his love for the craftsman style.

Gary attended Montana State University in Bozeman, where he studied art and architecture, graduating with a degree in Architecture in 1972. While serving his internship in northern California, with an architectural engineering firm in the bay area, Gary worked on a variety of residential and educational projects, focusing on space planning and design. It was here that Gary gained valuable experience and lessons in project cost modeling, construction, and project management.

With roots buried deep in Montana's rich rural culture, it did not take long for Gary to return home to his Big Sky Country once his internship had been completed, and the national architectural licensing exam passed.

Since returning to Montana in 1976 Gary has committed himself to providing his clients with quality, cost effective solutions that reflect the great heritage of the West. This approach has earned Gary the reputation of being a down-to-earth, practical designer who not only listens to his clients needs, but intuitively understands them. It's an approach that has helped to propel his firm, **Spectrum Group Architects PC** to the status of being one of Montana's most professional and reputable firms.

Gary is the founding principal of **Spectrum Group Architects P.C.**, serving as Marketing Director and CEO for the past 35 years. A longtime advocate of client centered projects, Gary has directed the design efforts of all major projects, including *Yellowstone County Detention Center*, *Montana State Women's Correctional Center*, and over 280 K-12 and secondary education projects along with historic restoration work, and over 70 residential projects. Gary is committed to "universal design" for both residential and commercial applications.

Spectrum is dedicated to the perpetuation of Montana's rich heritage, the history it represents, and our rural lifestyle. As such, Gary is a board member for the *Yellowstone County Museum*, member of the *National Trust for Historic Preservation* and has contributed significantly to the preservation of some of the areas most significant historical structures.