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Governor

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To: APOs and CUPOs

AUD #26-24

CC: Carrie Steele, Deputy Commissioner, State Purchasing Division
Mary Chapman, Deputy Division Director

From: Audits, State Purchasing Division (SPD)

Date: December 30, 2025

Re: Audit of Exempt Purchases – POs issued in November 2025

Conclusion

Overall, we did not find any major issues with exempt purchase orders (POs); however, exempt POs that had a non-exempt NIGP (National Institute of Governmental Purchasing) code did not identify the specific, valid exemption claimed in a PO comment field in 32% of the POs sampled, as required by section 6.3.1.2. of the Georgia Procurement Manual (GPM). Exempt POs were issued for purchases that qualified as exempt under the State Purchasing Act and did not appear to be used to circumvent the bidding process. The audit team did identify some issues with NIGP codes and the use of the exempt PO type.

Background

Coding a PO as exempt or “EXM” indicates the state entity is conducting the procurement outside of the procurement processes defined by the GPM. There are some exemptions where competitive bidding requirements do not apply and other exemptions where these requirements still do. Consequently, some exemptions could be used to circumvent competitive bidding requirements by claiming a PO is exempt when it is not. Section 1.2 of the GPM states:

“There are three major factors in determining whether a purchase is subject to the State Purchasing Act:

- Identity of the purchasing entity,
- Identity of the provider/seller, and
- What is being procured.”

These factors are explained in greater detail in the paragraphs below.

Identity of the purchasing entity

As an example of an exemption based on the identity of the purchasing entity, the Georgia Department of Transportation is exempt from the State Purchasing Act for contracts for construction, public works, and services ancillary to the construction and maintenance of a public road. In this instance, coding the PO as exempt does not necessarily mean that competitive bidding is not required or has not occurred; rather, the procurement process was not conducted pursuant to the State Purchasing Act. These types of exemptions are summarized in table 1.3 in section 1.2.1.2. of the GPM.

Identity of the provider/seller

An example of an exemption based on the identity of the provider/seller includes contracts for services only with non-profit entities. These types of exemptions are covered in table 1.4 in section 1.2.2. of the GPM.

What is being procured

For exemptions based on what is being procured, SPD has established a list of NIGP codes to assist agencies in coding and identifying these specific commodities and services. This list is referred to as the NIGP code exempt list and is referenced in section 1.2.4. of the GPM. The NIGP code exempt list does not necessarily include commodities or services that may only be exempt for select agencies. Further, the NIGP code exempt list is not applicable when the exemption is based on the identity of the purchasing entity or the identity of the provider/seller. Last, section 1.2.3. of the GPM provides further guidance on the use of exempt NIGP codes where goods and services are exempt from competitive bidding but are not designated by a specific exempt NIGP code.

The audit scope and methodology used in this audit are summarized in **Appendix A**.

Audit Summary

For November 2025, SPD Audits identified every PO coded as an exempt purchase across the enterprise with a dollar amount of \$25,000 or greater. This resulted in 328 POs that totaled \$87.0 million. These 328 POs represented 11% of all exempt POs for November 2025.

Audit Objectives

1. Do exempt POs meet the requirements of the GPM?
2. How many exempt POs use exempt NIGP codes?
3. How many exempt POs use other (non-code) exemptions?

As part of the audit, we reviewed POs classified as exempt to determine if the PO met the requirements of the GPM. For exempt POs, section 6.3.1.2. (Table 6.6) of the GPM requires the “specific exemption being claimed must be identified in the PO comment field if the use of exempt NIGP codes is not applicable.” Simply describing the goods or services that were purchased does not satisfy the requirement of stating the specific, and valid, exemption that is being claimed.

Audit Issues

In November 2025, 2,866 POs totaling \$94.3 million were coded exempt.¹ Of these POs, 328 POs were \$25,000 or more. These 328 POs totaled \$87.0 million, or 92% of all exempt POs issued in November 2025.

SPD Audits found that:

- 207 (63%) of the 328 POs sampled were exempt through the use of an exempt NIGP code on the PO. These POs that were exempt by NIGP code totaled \$34.4 million (40%) of the \$87.0 million of POs reviewed.
- 121 (37%) POs sampled did not use an exempt NIGP code on the PO. These POs totaled \$52.6 million (60%) of the \$87.0 million of POs reviewed.

¹ Please see Appendix A for audit background, scope, and methodology.

POs without an exempt NIGP Code

POs that do not use an exempt NIGP code are required to identify the specific, and valid, exemption in the PO comments field (at the header or line level of the PO). In the audit sample, 82 (68%) of the 121 POs (that did not use an exempt NIGP code) had the exemption stated in the PO comments field or in documentation attached to the PO. These POs totaled \$46.1 million (88%) of the \$52.6 million of POs reviewed without an exempt NIGP code. Of the 82 POs where a specific exemption was claimed, SPD Audits found the following:

Non-Profit Entity

Twenty-five (31%) of these POs claimed the “non-profit” exemption. Section 1.2.2. of the GPM allows non-profit entities to be exempt from the State Purchasing Act but for services only. The audit team reviewed these POs to determine if the non-profit provided services. After reviewing these POs, we determined the POs used a service NIGP code, i.e., a NIGP code beginning with 9, to indicate a service was provided. The POs reviewed were verified to be for the procurement of services as required per section 1.2.2. of the GPM.

Technical Instruments

Twenty-four (29%) of these POs claimed the “technical instruments” exemption. These exemptions appeared to be for purchases of technical instruments and supplies. Technical instruments and supplies are exempt from competitive bidding requirements in section 1.2.3.2. of the GPM.

Direct Resale

Thirteen (16%) of these POs claimed the “direct resale” exemption. Direct resales through a state entity operated service, such as a bookstore or cafeteria, are exempt from the State Purchasing Act.

NIGP Code

Eight (10%) of these POs claimed a NIGP Code as an exemption. The NIGP code cited on four POs was 28748 for Microwave Equipment and Accessories: Band Pass Filters, Coaxial Attenuators, Couplers, Switchers, Tellurometers, Tuners, Wave Guides, Not Communication Type, which is an exempt NIGP code. The NIGP code cited for two POs was 25740 for Homeland Security Equipment and Accessories (Not Otherwise Classified), which is an exempt NIGP code. The NIGP code cited on one PO is 20884 for Spreadsheet Software, Microcomputer, which is not an exempt NIGP code. The NIGP code cited on the final PO is 28771 for Semiconductors, Parts, and Accessories, which is not an exempt NIGP code. An internal sole source justification form was completed but no sole source posting was done on the Georgia Procurement Registry (GPR).

Professional Services

Four (5%) POs claimed the “professional services” exemption. Professional services provided under these POs appear to fall under Section 1.2.3.1 of the GPM, which are exempt goods/services by NIGP code.

Public Works Construction

Three (4%) of these POs claimed the construction/public works exemption. Section 1.3.6.1. of the GPM allows University System of Georgia (USG) entities under the Board of Regents to have their construction and public works contracts to be exempt from the State Purchasing Act. The projects on these POs appeared to fall under this exemption.

Subaward

Three (4%) of these POs claimed exemption based on being “subawards”. When awarding, sub-awarding, passing-through, and distributing grants funds to a subgrantee - this activity is outside the purview of the Department of Administrative Services. While the grant process itself may be competitive in nature, the distribution of grant funds by a state entity to a subgrantee, via a purchase order, is not subject to the State Purchasing Act. APOs/CUPOs should consult with their legal, fiscal and program staff in addition to the applicable grantor or oversight entity for additional guidance related to grant subawards.

Other Exemptions Claimed

Two (2%) of these POs claimed other exemptions not specifically listed in the GPM. These exemptions were as follows:

- Athletics was claimed as an exemption on one PO. Per O.C.G.A. 20-3-79, athletic associations are not state agencies and are not subject to limitations on state agencies and regulations. The fund types used for the athletic association had been authorized to be coded as exempt.
- One PO was for “Hotel Agreements” which was claimed as the exemption. The NIGP code used is 97130, which is not an exempt NIGP code. It is unclear if the hotel agreements could have been competitively bid.

For the remaining 39 (32%) of the 121 POs, no valid exemption was stated in the PO comments field. These POs totaled \$6.5 million of the \$52.6 million of POs reviewed without an exempt NIGP code. This requirement is important since, in most cases, it is not known why the good or service is exempt.

Other issues noted

In our sample of 328 POs, SPD Audits also identified 12 POs totaling \$1,189,164 that were issued to another government entity. In these instances, “IGA” for intergovernmental agreements should be used as the PO type. We also identified three POs totaling \$205,712 which fell under the Public Works/Construction exemption. Section 1.3.6.1 of the GPM refers to this exemption, which is only applicable to certain state entities such as the University System of Georgia. These POs should have been coded as “CSN” construction PO type.

Recommendations

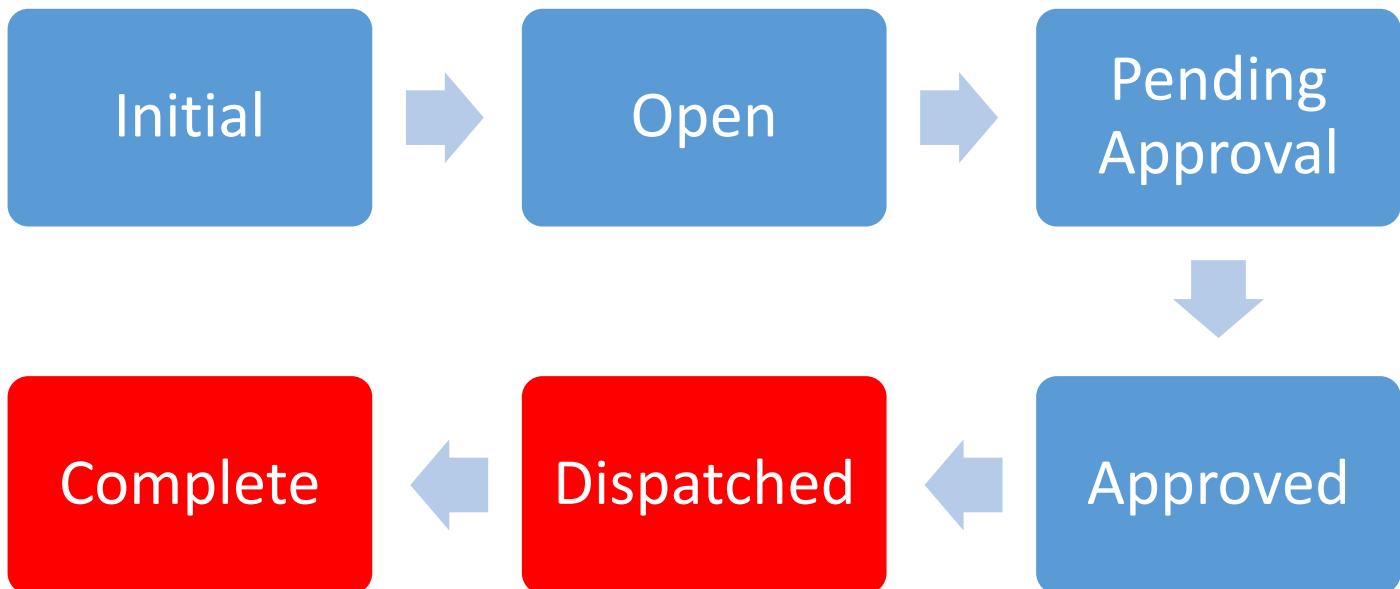
1. All APOs and CUPOs should review [SPD Official Announcement #26-03](#), which includes updates to the NIGP Code Exempt List and a reminder on the importance of citing the exemption claimed in the PO comments field as required by section 6.3.1.2. of the GPM if an exempt NIGP code is not used on the PO.
2. State entities should periodically review their exempt PO activity to ensure that their internal procedures and practices remain consistent and compliant with the practices permitted by the State Purchasing Act and all parts of section 1.2 of the GPM. This review should include analyzing existing long-term purchasing practices and relationships and allow the state entity to quickly identify the nature of the exemptions being claimed and the section of the GPM being applied.

Appendix A **Audit Background, Scope, and Methodology**

December 30, 2025

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This audit is of purchase orders (POs) issued in November 2025 - PO dates between November 1, 2025, through November 30, 2025. The purchase type codes, PO amounts, and PO dates were current as of the date the PO queries were run, which was in December 2025. The PO queries come from different financial systems. Except for the Georgia Institute of Technology, which uses Workday, all other audited state entities use PeopleSoft for their financial system. It is not the same instance of PeopleSoft since each instance is configured differently. The objective of the audit was to audit POs issued or dispatched. Since the PO queries are run from different financial systems, the terminology used to indicate the PO status varies. For TGM entities, the PO life cycle consists of the following steps:



Only those POs in the stage of dispatched or complete were included in this audit. Phases, before dispatched, represent the internal approval process a state entity uses before the PO is sent to the supplier. For the TGM entities, this is known as dispatched. Complete is the status used when the PO is closed and can no longer be modified or used.