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PROCUREMENT CODE AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Procurement Code relating to public transit district rules.

Highlighted Provisions:

This bill:

► modifies a provision authorizing a public transit district to make rules governing the procurement of certain projects.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-6a-106, as last amended by Laws of Utah 2014, Chapter 196

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63G-6a-106** is amended to read:

63G-6a-106. Procurement units with specific statutory procurement authority --

Independent procurement authority.

(1) A procurement unit with procurement authority under the following provisions has independent procurement authority to the extent of the applicable provisions and for the



28 procurement items specified in the applicable provisions:

29 (a) Title 53B, State System of Higher Education;

30 (b) Title 63A, Chapter 5, State Building Board - Division of Facilities Construction
31 and Management;

32 (c) Title 67, Chapter 5, Attorney General;

33 (d) Title 72, Transportation Code; and

34 (e) Title 78A, Chapter 5, District Court.

35 (2) Except as otherwise provided in Sections 63G-6a-105 and 63G-6a-107, a

36 procurement unit shall conduct a procurement in accordance with this chapter.

37 (3) (a) (i) The Department of Transportation may make rules governing the
38 procurement of highway construction or improvement.

39 (ii) Subsection (3)(a)(i) supersedes Subsections (1) and (2).

40 (b) The applicable rulemaking authority for a public transit district may make rules
41 [governing], consistent with the provisions of this chapter, to govern the procurement of a
42 transit construction project or a transit improvement project.

43 [~~(c) This Subsection (3) supersedes Subsections (1) and (2).]~~

44 (4) (a) A procurement unit listed in Subsection (4)(b) may, without the supervision,
45 interference, oversight, control, or involvement of the division or the chief procurement officer,
46 but in accordance with the requirements of this chapter:

47 (i) engage in a standard procurement process;

48 (ii) procure an item under an exception, as provided in this chapter, to the requirement
49 to use a standard procurement process; or

50 (iii) otherwise engage in an act authorized or required by this chapter.

51 (b) The procurement units to which Subsection (4)(a) applies are:

52 (i) a legislative procurement unit;

53 (ii) a judicial procurement unit;

54 (iii) an educational procurement unit;

55 (iv) a local government procurement unit;

56 (v) a conservation district;

57 (vi) a local building authority;

58 (vii) a local district;

59 (viii) a public corporation;
60 (ix) a special service district;
61 (x) a public transit district; and
62 (xi) a procurement unit referred to in Subsection (1), to the extent authorized in
63 Subsection (1).

64 (c) A procurement unit with independent procurement authority shall comply with the
65 requirements of this chapter.

66 (d) Notwithstanding Subsection (4)(a), a procurement unit with independent
67 procurement authority may agree in writing with the division to extend the authority of the
68 division or the chief procurement officer to the procurement unit, as provided in the agreement.

69 (5) (a) The attorney general may, in accordance with the provisions of this chapter, but
70 without involvement by the division or the chief procurement officer:

- 71 (i) retain outside counsel; or
- 72 (ii) procure litigation support services, including retaining an expert witness.

73 (b) A procurement unit with independent procurement authority that is not represented
74 by the attorney general's office may, in accordance with the provisions of this chapter, but
75 without involvement by the division or the chief procurement officer:

- 76 (i) retain outside counsel; or
- 77 (ii) procure litigation support services, including retaining an expert witness.

78 (6) The state auditor's office may, in accordance with the provisions of this chapter, but
79 without involvement by the division or the chief procurement officer, procure audit services.

80 (7) The state treasurer may, in accordance with the provisions of this chapter, but
81 without involvement by the division or the chief procurement officer, procure:

- 82 (a) deposit and investment services; and
- 83 (b) services related to issuing bonds.

Legislative Review Note
as of 1-30-15 3:23 PM

Office of Legislative Research and General Counsel