

## Part 2

### Utah State Procurement Policy Board

#### **63G-6a-201 Title.**

This part is known as "Utah State Procurement Policy Board."

Amended by Chapter 445, 2013 General Session

#### **63G-6a-202 Creation of Utah State Procurement Policy Board.**

- (1) There is created the Utah State Procurement Policy Board.
- (2) The board consists of up to 15 members as follows:
  - (a) two representatives of state institutions of higher education, appointed by the board of regents;
  - (b) a representative of the Department of Human Services, appointed by the executive director of that department;
  - (c) a representative of the Department of Transportation, appointed by the executive director of that department;
  - (d) two representatives of school districts, appointed by the State Board of Education;
  - (e) a representative of the Division of Facilities Construction and Management, appointed by the director of that division;
  - (f) one representative of a county, appointed by the Utah Association of Counties;
  - (g) one representative of a city or town, appointed by the Utah League of Cities and Towns;
  - (h) two representatives of local districts or special service districts, appointed by the Utah Association of Special Districts;
  - (i) the executive director of the Department of Technology Services or the executive director's designee;
  - (j) the chief procurement officer or the chief procurement officer's designee; and
  - (k) two representatives of state agencies, other than a state agency already represented on the board, appointed by the executive director of the Department of Administrative Services, with the approval of the executive director of the state agency that employs the employee.
- (3) Members of the board shall be knowledgeable and experienced in, and have supervisory responsibility for, procurement in their official positions.
- (4) A board member may serve as long as the member meets the description in Subsection (2) unless removed by the person or entity with the authority to appoint the board member.
- (5)
  - (a) The board shall:
    - (i) adopt rules of procedure for conducting its business; and
    - (ii) elect a chair to serve for one year.
  - (b) The chair of the board shall be selected by a majority of the members of the board and may be elected to succeeding terms.
  - (c) The chief procurement officer shall designate an employee of the division to serve as the nonvoting secretary to the policy board.
- (6) A member of the board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 144, 2016 General Session

**63G-6a-203 Powers and duties of board.**

- (1) In addition to making rules in accordance with Section 63G-6a-110 and the other provisions of this chapter, the board shall consider and decide matters of policy within the provisions of this chapter, including those referred to it by the chief procurement officer.
- (2)
  - (a) The board may:
    - (i) audit and monitor the implementation of its rules and the requirements of this chapter;
    - (ii) upon the request of a procurement unit with an applicable rulemaking authority other than the board, review the procurement unit's proposed rules to ensure that they are not inconsistent with the provisions of this chapter or rules made by the board; and
    - (iii) approve the use of innovative procurement processes.
  - (b) Except as provided in Section 63G-6a-1702, the board may not exercise authority over:
    - (i) the award or administration of any particular contract; or
    - (ii) any dispute, claim, or litigation pertaining to any particular contract.
- (3) Except as otherwise expressly provided in this chapter, the board does not have authority over a matter involving a procurement unit with independent procurement authority.

Amended by Chapter 355, 2016 General Session

**63G-6a-204 Applicability of rules and regulations of Utah State Procurement Policy Board and State Building Board -- Report to interim committee.**

- (1) Except as provided in Subsection (2), rules made by the board under this chapter shall govern all procurement units for which the board is the applicable rulemaking authority.
- (2) The building board rules governing procurement of construction, design professional services, and leases apply to the procurement of construction, design professional services, and leases of real property by the Division of Facilities Construction and Management.
- (3) An applicable rulemaking authority may make its own rules, consistent with this chapter, governing procurement by a person over which the applicable rulemaking authority has rulemaking authority.
- (4) The board shall make a report on or before July 1 of each year to a legislative interim committee, designated by the Legislative Management Committee created under Section 36-12-6, on the establishment, implementation, and enforcement of the rules made under Section 63G-6a-203.
- (5) Notwithstanding Subsection 63G-3-301(13)(b), an applicable rulemaking authority is required to initiate rulemaking proceedings, for rules required to be made under this chapter, on or before:
  - (a) May 13, 2014, if the applicable rulemaking authority is the board; or
  - (b) January 1, 2015, for each other applicable rulemaking authority.

Amended by Chapter 218, 2015 General Session

**63G-6a-205 Procurement advisory councils.**

The chief procurement officer may appoint advisory councils to provide advice regarding any matters within the authority of the chief procurement officer.

Renumbered and Amended by Chapter 347, 2012 General Session

