

Effective 3/29/2014

Repealed 3/28/2016

63G-6a-404 Approved vendor list.

- (1)
 - (a) As used in this section, "vendor" has the same meaning as defined in Section 63G-6a-403.
 - (b) The process described in this section may not be used for construction projects that cost more than an amount specified by the applicable rulemaking authority.
 - (c) The division or a procurement unit with independent procurement authority may compile a list of approved vendors from which procurement items may be obtained.
- (2) An approved vendor list may only be compiled from timely, responsive responses received under Section 63G-6a-403 or the process described in Part 15, Architect-Engineer Services.
- (3) In order to ensure equal treatment of vendors on an approved vendor list, for services other than the services described in Subsection (4) or (5) the procurement unit shall use one of the following methods in an unbiased manner:
 - (a) a rotation system, organized alphabetically, numerically, or randomly;
 - (b) assigning vendors to a specified geographical area; or
 - (c) classifying each vendor based on each vendor's particular expertise, qualifications, or field.
- (4)
 - (a) For a construction project that costs less than the amount established by the applicable rulemaking authority, under Subsection (1)(b), a procurement unit shall select a potential construction contractor from an approved potential contractor list, using an invitation for bids or a request for proposals.
 - (b) For architectural or engineering services for a construction project described in Subsection (4)(a), a procurement unit shall select a potential contractor from an approved potential contractor list:
 - (i) using a rotation system, organized alphabetically, numerically, or randomly;
 - (ii) assigning a potential contractor to a specified geographical area; or
 - (iii) classifying each potential contractor based on the potential contractor's field or area of expertise.
- (5) A procurement unit may not use an approved vendor list described in this section for a construction project with a cost that is equal to or greater than the amount established by the applicable rulemaking authority under Subsection (1)(b).
- (6)
 - (a) After selecting a potential contractor under Subsection (4)(b), a procurement unit shall enter into fee negotiations with the potential contractor.
 - (b) If, after good faith negotiations, the procurement unit and the potential contractor are unable to negotiate a fee that is acceptable to both parties, the procurement unit shall select another contractor under Subsection (4)(b) and enter into fee negotiations with that potential contractor.