

**GOVERNMENT COMPETITION WITH PRIVATE  
SECTOR**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Leonard M. Blackham**

AN ACT RELATING TO PROCUREMENT OF ARCHITECT AND ENGINEERING SERVICES; PROHIBITING STATE AGENCIES, COUNTIES, MUNICIPALITIES, LOCAL SCHOOL DISTRICTS, AND SPECIAL DISTRICTS FROM AWARDING ARCHITECT/ENGINEERING SERVICES CONTRACTS TO HIGHER EDUCATION ENTITIES IN CERTAIN CIRCUMSTANCES; AND PROHIBITING HIGHER EDUCATION ENTITIES FROM SUBMITTING A PROPOSAL TO PERFORM ARCHITECT/ENGINEERING SERVICES IN CERTAIN CIRCUMSTANCES.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**10-7-20.5**, Utah Code Annotated 1953

**17-5-260.5**, Utah Code Annotated 1953

**17A-1-802**, Utah Code Annotated 1953

**53A-20-101.5**, Utah Code Annotated 1953

**53B-16-104**, Utah Code Annotated 1953

**63-56-44.5**, Utah Code Annotated 1953

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

Section 1. Section **10-7-20.5** is enacted to read:

**10-7-20.5. Restrictions on municipality procurement of architect engineer services.**

(1) As used in this section, "architect-engineer services" means those professional services within the scope of the practice of architecture as defined in Section 58-3a-102, or professional engineering as defined in Section 58-22-102.

(2) When a municipality elects to obtain architect or engineering services by using a

28 request for proposals process and has provided public notice of its request for proposals:

29 (a) a higher education entity, or any part of one, may not submit a proposal in response to  
30 the municipality's request for proposals; and

31 (b) the municipality may not award a contract to perform the architect or engineering  
32 services solicited in the request for proposals to a higher education entity or any part of one.

33 Section 2. Section **17-5-260.5** is enacted to read:

34 **17-5-260.5. Restrictions on county procurement of architect engineer services.**

35 (1) As used in this section, "architect-engineer services" means those professional services  
36 within the scope of the practice of architecture as defined in Section 58-3a-102, or professional  
37 engineering as defined in Section 58-22-102.

38 (2) When a county elects to obtain architect or engineering services by using a request for  
39 proposals process and has provided public notice of its request for proposals:

40 (a) a higher education entity, or any part of one, may not submit a proposal in response to  
41 the county's request for proposals; and

42 (b) the county may not award a contract to perform the architect or engineering services  
43 solicited in the request for proposals to a higher education entity or any part of one.

44 Section 3. Section **17A-1-802** is enacted to read:

45 **17A-1-802. Restrictions on special district procurement of architect engineer services.**

46 (1) As used in this section, "architect-engineer services" means those professional services  
47 within the scope of the practice of architecture as defined in Section 58-3a-102, or professional  
48 engineering as defined in Section 58-22-102.

49 (2) When a special district elects to obtain architect or engineering services by using a  
50 request for proposals process and has provided public notice of its request for proposals:

51 (a) a higher education entity, or any part of one, may not submit a proposal in response to  
52 the special district's request for proposals; and

53 (b) the special district may not award a contract to perform the architect or engineering  
54 services solicited in the request for proposal to a higher education entity or any part of one.

55 Section 4. Section **53A-20-101.5** is enacted to read:

56 **53A-20-101.5. Restrictions on local school district procurement of architect engineer**  
57 **services.**

58 (1) As used in this section, "architect-engineer services" means those professional services

59 within the scope of the practice of architecture as defined in Section 58-3a-102, or professional  
60 engineering as defined in Section 58-22-102.

61 (2) When a local school district elects to obtain architect or engineering services by using  
62 a request for proposals process and has provided public notice of its request for proposals:

63 (a) a higher education entity, or any part of one, may not submit a proposal in response to  
64 the state agency's request for proposals; and

65 (b) the local school district may not award a contract to perform the architect or  
66 engineering services solicited in the request for proposals to a higher education entity or any part  
67 of one.

68 Section 5. Section **53B-16-104** is enacted to read:

69 **53B-16-104. Restrictions on higher education entities bidding on architect or**  
70 **engineering services in public procurement projects.**

71 (1) As used in this section:

72 (a) "Architect-engineer services" means those professional services within the scope of the  
73 practice of architecture as defined in Section 58-3a-102, or professional engineering as defined in  
74 Section 58-22-102.

75 (b) "Government entity" means a state agency, a county, a municipality, a local school  
76 district, or a special district.

77 (2) When a government entity elects to obtain architect or engineering services by using  
78 a request for proposals process and has provided public notice of its request for proposals:

79 (a) a higher education entity, or any part of one, may not submit a proposal in response to  
80 the government entity's request for proposals; and

81 (b) the government entity may not award a contract to perform the architect or engineering  
82 services solicited in the request for proposal to a higher education entity or any part of one.

83 (3) (a) Subject to the prohibition contained in Subsection (3)(b), an employee of a higher  
84 education entity may, in a private capacity, submit a proposal in response to the request for  
85 proposals.

86 (b) An employee of a higher education entity may not use any supplies, materials, or other  
87 resources owned by, or any persons matriculating at, attending, or employed by, the higher  
88 education entity in:

89 (i) preparing a response to the request for proposals; or

90 (ii) completing any work, assignment, or contract awarded to the employee resulting from  
91 that request for proposals.

92 Section 6. Section **63-56-44.5** is enacted to read:

93 **63-56-44.5. Restrictions on state agency procurement of architect engineer services.**

94 When a state agency elects to obtain architect or engineering services by using a request  
95 for proposals process and has provided public notice of its request for proposals:

96 (1) a higher education entity, or any part of one, may not submit a proposal in response to  
97 the state agency's request for proposals; and

98 (2) the state agency may not award a contract to perform the architect or engineering  
99 services solicited in the request for proposals to a higher education entity or any part of one.

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**Legislative Review Note**  
**as of 12-28-99 8:33 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**