

**Representative Jim Nielson** proposes the following substitute bill:

**POLITICAL SUBDIVISION'S PROCUREMENT PROCESS  
FOR CONSTRUCTION PROJECTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Benjamin M. McAdams**

House Sponsor: Jim Nielson

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**LONG TITLE**

**General Description:**

This bill amends requirements for a local entity to undertake a building improvement or public works project.

**Highlighted Provisions:**

This bill:

- ▶ authorizes a municipality to adopt procedures of Title 63G, Chapter 6, Utah Procurement Code, with certain exceptions;
- ▶ authorizes a local entity to adopt procedures for certain construction methods; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**11-39-107**, as last amended by Laws of Utah 2008, Chapter 382

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

27 Section 1. Section **11-39-107** is amended to read:

28 **11-39-107. Procurement code.**

29 (1) This chapter may not be construed to:

30 (a) prohibit a county or municipal legislative body from adopting the procedures of the  
31 procurement code; or

32 (b) limit the application of the procurement code to a local district or special service  
33 district.

34 (2) A local entity may adopt procedures for the following construction contracting  
35 methods:

36 (a) construction manager/general contractor, as defined in Section 63G-6-103; or

37 (b) a method that requires that the local entity draft a plan, specifications, and an  
38 estimate for the building improvement or public works project.

39 [~~2~~] (3) (a) In seeking bids and awarding a contract for a building improvement or  
40 public works project, a county or a municipal legislative body may elect to follow the  
41 provisions of the procurement code, as the county or municipal legislative body considers  
42 appropriate under the circumstances, for specification preparation, source selection, or contract  
43 formation.

44 (b) A county or municipal legislative body's election to adopt the procedures of the  
45 procurement code may not excuse the county or municipality, respectively, from complying  
46 with the requirements to award a contract for work in excess of the bid limit and to publish  
47 notice of the intent to award.

48 (c) An election under Subsection [~~2~~] (3)(a) may be made on a case-by-case basis,  
49 unless the county or municipality has previously adopted the procurement code as permitted by  
50 Subsection 63G-6-104(3)(e).

51 (d) The county or municipal legislative body shall:

52 (i) make each election under Subsection [~~2~~] (3)(a) in an open meeting; and

53 (ii) specify in its action the portions of the procurement code to be followed.

54 [~~3~~] (4) If the estimated cost of the building improvement or public works project  
55 proposed by a local district or special service district exceeds the bid limit, the governing body  
56 of the local district or special service district may, if it determines to proceed with the building

57 improvement or public works project, use the competitive procurement procedures of the  
58 procurement code in place of the comparable provisions of this chapter.