

PURCHASE OF CORRECTIONAL INDUSTRY GOODS AND SERVICES

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies a provision relating to the purchase of goods and services produced by the Division of Correctional Industries.

Highlighted Provisions:

This bill:

- ▶ removes the director of the Division of Correctional Industries from a determination about the feasibility of purchasing from the division, for purposes of an exception to the requirement to purchase from the division; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-6a-804, as last amended by Laws of Utah 2013, Chapter 445

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

Section 1. Section **63G-6a-804** is amended to read:



28 **63G-6a-804. Purchase of prison industry goods.**

29 (1) (a) A procurement unit that is not a political subdivision shall purchase goods and
30 services produced by the [~~Utah~~] Division of Correctional Industries [~~Division~~] as provided in
31 this section.

32 (b) A political subdivision of the state may, and is encouraged to, purchase goods and
33 services under this section.

34 (c) A procurement unit is not required to use a standard procurement process to
35 purchase goods or services under this section.

36 (2) On or before July 1 of each year, the director of the [~~Utah~~] Division of Correctional
37 Industries shall:

38 (a) publish and distribute to all procurement units and other interested public entities a
39 catalog of goods and services provided by the Division of Correctional Industries [~~Division~~],
40 including a description and price of each item offered for sale; and

41 (b) update and revise the catalog described in Subsection (2)(a) during the year as the
42 director considers necessary.

43 (3) [~~(a)~~] A procurement unit that is not a political subdivision of the state may not
44 purchase any goods or services provided by the Division of Correctional Industries [~~Division~~]
45 from any other source unless it has been determined in writing by [~~the director of Correctional~~
46 ~~Industries and by~~] the procurement officer or, in the case of institutions of higher education, the
47 institutional procurement officer, that purchase from the Division of Correctional Industries
48 [~~Division~~] is not feasible due to one of the following circumstances:

49 [(i)] (a) the good or service offered by the division does not meet the reasonable
50 requirements of the procurement unit;

51 [(ii)] (b) the good or service cannot be supplied within a reasonable time by the
52 division; or

53 [(iii)] (c) the cost of the good or service, including basic price, transportation costs, and
54 other expenses of acquisition, is not competitive with the cost of procuring the item from
55 another source.

56 [~~(b) In cases of disagreement under Subsection (3)(a):~~]

57 [~~(i) the decision may be appealed to a board consisting of:~~]

58 [~~(A) the director of the Department of Corrections;~~]

59 ~~[(B) the director of Administrative Services; and]~~
60 ~~[(C) a neutral third party agreed upon by the other two members of the board;]~~
61 ~~[(ii) in the case of an institution of higher education of the state, the president of the~~
62 ~~institution, or the president's designee, shall make the final decision; or]~~
63 ~~[(iii) in the case of any of the following entities, a person designated by the applicable~~
64 ~~rulemaking authority shall make the final decision:]~~
65 ~~[(A) a legislative procurement unit;]~~
66 ~~[(B) a judicial procurement unit; or]~~
67 ~~[(C) a public transit district.]~~

Legislative Review Note
as of 2-5-14 9:38 AM

Office of Legislative Research and General Counsel