

3817 (a) under contract with a procurement unit; and

3818 (b) involved in:

3819 (i) the procurement process; or

3820 (ii) the administration of a contract or grant.

3821 (4) This part does not apply to:

3822 (a) an individual described in Subsection [63G-6a-2402\(9\)\(b\)](#); or

3823 (b) any individual other than a procurement professional or contract administration  
3824 professional.

3825 (5) The other subsections of this section do not affect the applicability or effect of any  
3826 other ethics, bribery, or other law.

3827 Section 73. Section **63G-6a-2404** is enacted to read:

3828 **63G-6a-2404. Unlawful conduct -- Exceptions -- Classification of offenses.**

3829 (1) (a) It is unlawful for a person who has or is seeking a contract with or a grant from  
3830 a public entity knowingly to give, or offer, promise, or pledge to give, a gratuity or kickback to:

3831 (i) the public entity;

3832 (ii) a procurement professional or contract administration professional; or

3833 (iii) an individual who the person knows is a family member of an individual described  
3834 in Subsection (1)(a)(ii).

3835 (b) ~~§→ [Notwithstanding Subsection (1)(a), it] It ←§~~ is not unlawful for a public agency to  
3835a ~~§→ [make] give, offer, promise, or pledge to give ←§~~ a  
3836 contribution to another public agency.

3837 (c) A person is not guilty of unlawful conduct under Subsection (1)(a) for:

3838 (i) giving or offering, promising, or pledging to give a contribution to a public entity,

3839 unless done with the intent to induce the public entity, in exchange, to:

3840 (A) award a contract or grant;

3841 (B) make a procurement decision; or

3842 (C) take an action relating to the administration of a contract or grant; or

3843 (ii) giving or offering, promising, or pledging to give something of value to an  
3844 organization to which a procurement professional or contract administration professional  
3845 belongs, unless done with the intent to induce a public entity, in exchange, to:

3846 (A) award a contract or grant;

3847 (B) make a procurement decision; or