

1 **Construction Wage Standard Act**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor:

LONG TITLE**General Description:**

This bill addresses wage standards for construction projects.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ directs the Labor Commission to determine the wages for the occupations a construction project requires for each county;
- ▶ establishes:
 - a wage minimum that a contractor may pay a qualifying employee;
 - a recordkeeping requirement; and
 - the penalties for noncompliance; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:21 **AMENDS:**

34-30-9, as last amended by Laws of Utah 2018, Chapter 148

34-30-14, as last amended by Laws of Utah 2023, Chapter 16

63G-6a-103, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

63G-6a-603, as last amended by Laws of Utah 2020, Chapter 257

26 **ENACTS:**

34-58-101, Utah Code Annotated 1953

34-58-102, Utah Code Annotated 1953

34-58-103, Utah Code Annotated 1953

34-58-104, Utah Code Annotated 1953

31 **34-58-105**, Utah Code Annotated 1953

32 **34-58-106**, Utah Code Annotated 1953

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

35 Section 1. Section **34-30-9** is amended to read:

36 **34-30-9 . Violation of chapter -- Failure to keep or produce records --**

37 **Misdemeanor.**

38 [Any] An officer, agent, or representative of the state, or of [any] a political subdivision,
39 district, or municipality [~~of it who shall violate, or omit to comply with any of the provisions of~~]
40 that violates this chapter, and [any] a contractor or subcontractor, or agent or representative
41 thereof, doing [~~such~~]public work, [~~who shall neglect~~] that fails to keep[, or cause to be kept,]
42 an accurate record of the names, occupation, and actual wages paid to each laborer[, workman]
43 and mechanic employed by him or her, in connection with this public work or who shall refuse
44 to allow access to same at any reasonable hour to any person authorized to inspect same under
45 this chapter, is guilty of a class B misdemeanor.

46 Section 2. Section **34-30-14** is amended to read:

47 **34-30-14 . Public works -- Wages.**

48 (1) For purposes of this section:

49 (a) "Political subdivision" means a county, city, town, school district, special district,
50 special service district, public corporation, institution of higher education of the state,
51 public agency of any political subdivision, or other entity that expends public funds
52 for construction, maintenance, repair or improvement of public works.

53 (b) "Public works" or "public works project" means a building, road, street, sewer, storm
54 drain, water system, irrigation system, reclamation project, or other facility owned or
55 to be contracted for by the state or a political subdivision, and that is to be paid for in
56 whole or in part with tax revenue paid by residents of the state.

57 (c) "Qualifying employee" means the same as that term is defined in Section 34-58-101.

58 (2)(a) Except as provided in Subsection (2)(b) or (c), [~~or as required by federal or state~~
59 ~~law,~~] the state or [any] a political subdivision that contracts for the construction,
60 maintenance, repair, or improvement of public works may not require that a
61 contractor, a subcontractor, [~~or~~] a material supplier, or a carrier engaged in the
62 construction, maintenance, repair, or improvement of public works pay [~~its employees~~]
63 an employee of the contractor, the subcontractor, the material supplier, or the carrier:

64 (i) a predetermined amount of wages or wage rate; or

- (ii) a type, amount, or rate of employee benefits.
- (b) Subsection (2)(a) does not apply when federal law requires the payment of prevailing or minimum wages to [persons] a person working on [projects] a project funded in whole or in part by federal funds.
- (c) Subsection (2)(a) does not apply when the employee of the contractor, the subcontractor, the material supplier, or the carrier is a qualifying employee.
- (3) The state or any political subdivision that contracts for the construction, maintenance, repair, or improvement of public works may not require that a contractor, subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair or improvement of public works execute or otherwise become a party to any project labor agreement, collective bargaining agreement, prehire agreement, or any other agreement with employees, their representatives, or any labor organization as a condition of bidding, negotiating, being awarded, or performing work on a public works project.
- (4) This section applies to any contract executed after May 1, 1995.

Section 3. Section **34-58-101** is enacted to read:

CHAPTER 58. Construction Wage Standard Act

Part 1. General Provisions

34-58-101 . Definitions.

As used in this chapter:

- (1) "Commission" means the Labor Commission created in Section 34A-1-103.
- (2)(a) "Construction project" means a project for the construction, renovation, alteration, or improvement of a public facility on real property with a total cost, including services, labor, supplies, and materials, of at least \$100,000.
 - (b) "Construction project" does not include the day-to-day operation, repair, or routine maintenance of an existing public facility.
- (3) "Contractor" means a contractor, a subcontractor, or a public entity.
- (4) "Division" means the Division of Purchasing and General Services created in Section 63A-2-101.
- (5) "Prevailing wage" means the median hourly wage plus benefits, bonuses, and commissions, for each county and for each occupation.
- (6) "Procurement unit" means the same as that term is defined in Section 63G-6a-103.
- (7) "Prosecuting agency" means the same as that term is defined in Section 78B-9-502.
- (8) "Public entity" means the same as that term is defined in Section 63G-6a-103.

98 (9) "Public facility" means the same as that term is defined in Section 63G-6a-103.

99 (10)(a) "Qualifying employee" means a laborer or a mechanic that a contractor employs
100 directly on the site of a construction project.

101 (b) "Qualifying employee" does not include:

102 (i) an employee whose work involves only the transportation of materials or
103 equipment to or from the site of a construction project; or
104 (ii) a prisoner that the penal system employs.

105 (11) "Wage determination guide" means the Wage and Hour Division Davis-Bacon Wage
106 Determination Conformance Request Guide that the United States Department of Labor
107 publishes.

108 (12) "Wage standard" means the minimum wage that the commission determines for a
109 qualifying employee for each county and for each occupation based on the prevailing
110 wage.

111 Section 4. Section **34-58-102** is enacted to read:

112 **34-58-102 . Determination of the wage standard.**

113 (1)(a) The commission shall determine the wage standard.

114 (b) The commission may not make the wage standard less than the wage determination
115 guide.

116 (2) The commission shall maintain and publish a list of the wage standards.

117 (3)(a) The commission may review a wage standard at any time.

118 (b) The commission shall review the wage standards:

119 (i) at least once per year; and
120 (ii) within 60 days after the day on which the United States Department of Labor
121 makes a change to the wage determination guide.

122 Section 5. Section **34-58-103** is enacted to read:

123 **34-58-103 . Qualifying employees paid wage standard.**

124 (1) Except as provided in Subsection (2), a contractor shall pay a qualifying employee at
125 least the wage standard that the commission publishes for the qualifying employee's
126 occupation in the county where the qualifying employee performs the work.

127 (2)(a) Subject to Subsection (2)(b), a contractor shall pay a qualifying employee who
128 participates in a training or an apprenticeship program, approved by the United States
129 Department of Labor Office of Apprenticeship, in accordance with the training or
130 apprenticeship program's wage guidelines.

131 (b) A contractor may not pay a qualifying employee described in Subsection (2)(a) less

132 than 60% of the wage standard.

133 (3) A procurement unit shall include the wage standard for the county for each occupation a
134 construction project requires in the invitation to bid.

135 Section 6. Section **34-58-104** is enacted to read:

136 **34-58-104 . Recordkeeping -- Reporting requirement.**

137 (1) A contractor shall keep a payroll record of a qualifying employee showing the:

138 (a) qualifying employee's name;

139 (b) hours worked for each occupation for which the contractor engages the qualifying
140 employee; and

141 (c) wages paid for each occupation for which the contractor engages the qualifying
142 employee.

143 (2) A contractor shall maintain the record described in Subsection (1) for at least three years
144 after the day on which the contractor completes a construction contract.

145 Section 7. Section **34-58-105** is enacted to read:

146 **34-58-105 . Criminal penalties -- Enforcement.**

147 (1) A contractor that violates this chapter is guilty of a class B misdemeanor.

148 (2) The commission may refer a violation of this chapter to a prosecution agency.

149 (3) In addition to other penalties, a court may impose a fine equal to the difference between
150 the wage paid and the wage standard at the time of employment.

151 (4) A court shall deposit the fine that the court receives under this section into the General
152 Fund as a dedicated credit to the division to pay for the cost of administering this chapter.

153 Section 8. Section **34-58-106** is enacted to read:

154 **34-58-106 . Civil penalties.**

155 (1) In addition to the criminal penalties described in Section 34-58-105, a qualifying
156 employee may bring a civil action against a contractor to enforce Section 34-58-103.

157 (2)(a) A qualifying employee that brings an action in accordance with Subsection (1)
158 may:

159 (i) seek injunctive relief against the contractor; and

160 (ii) recover the difference between the wage paid and the wage standard at the time of
161 employment, plus interest.

162 (b) The court may award court costs and attorney fees to the prevailing party.

163 (3) A qualifying employee shall bring an action under this section within two years after the
164 day on which the qualifying employee completes work on the construction project.

165 Section 9. Section **63G-6a-103** is amended to read:

166 **63G-6a-103 . Definitions.**

167 As used in this chapter:

168 (1) "Approved vendor" means a person [who] that has been approved for inclusion on an
169 approved vendor list through the approved vendor list process.

170 (2) "Approved vendor list" means a list of approved vendors established under Section
171 63G-6a-507.

172 (3) "Approved vendor list process" means the procurement process described in Section
173 63G-6a-507.

174 (4)(a) "Award" means, in relation to a contract, a procurement unit's selection of a
175 vendor to supply a procurement item after the procurement unit engages in:

176 (i) a standard procurement process; or

177 (ii) an exception to a standard procurement process under Part 8, Exceptions to
178 Procurement Requirements.

179 (b) "Award" does not mean, in relation to a contract, a procurement unit's offer or
180 acceptance of any terms or conditions related to the procurement unit's acquisition or
181 receipt of the procurement item.

182 (5) "Bidder" means a person [who] that submits a bid or price quote in response to an
183 invitation for bids.

184 (6) "Bidding process" means the procurement process described in Part 6, Bidding.

185 (7) "Board" means the Utah State Procurement Policy Board, created in Section 63G-6a-202.

186 (8) "Change directive" means a written order signed by the procurement officer that directs
187 the contractor to suspend work or make changes, as authorized by contract, without the
188 consent of the contractor.

189 (9) "Change order" means a written alteration in specifications, delivery point, rate of
190 delivery, period of performance, price, quantity, or other provisions of a contract, upon
191 mutual agreement of the parties to the contract.

192 (10) "Chief procurement officer" means the individual appointed under Section 63A-2-102.

193 [(11) "Conducting procurement unit" means a procurement unit that conducts all aspects of
194 a procurement:]

195 [(a) except:]

196 [(i) reviewing a solicitation to verify that it is in proper form; and]

197 [(ii) causing the publication of a notice of a solicitation; and]

198 [(b) including:]

199 [(i) preparing any solicitation document;]

200 [((iii) appointing an evaluation committee;]

201 [((iii) conducting the evaluation process, except the process relating to scores
202 calculated for costs of proposals;]

203 [((iv) selecting and recommending the person to be awarded a contract;]

204 [((v) negotiating the terms and conditions of a contract, subject to the issuing
205 procurement unit's approval; and]

206 [((vi) contract administration.]

207 [(12)] (11)(a) "Conducting procurement unit" means a procurement unit that conducts
208 aspects of a procurement.

209 (b) "Conducting procurement unit" includes:

210 (i) preparing a solicitation document;

211 (ii) appointing an evaluation committee;

212 (iii) conducting the evaluation process, except the process relating to scores
213 calculated for costs of proposals;

214 (iv) selecting and recommending the person to be awarded a contract;

215 (v) negotiating the terms and conditions of a contract, subject to the issuing
216 procurement unit's approval; and

217 (vi) administering a contract.

218 (c) "Conducting procurement unit" does not include:

219 (i) reviewing a solicitation to verify that the solicitation is in proper form; or

220 (ii) causing the publication of a notice of a solicitation.

221 (12) "Conservation district" means the same as that term is defined in Section 17D-3-102.

222 (13)(a) ["Construction project":]

223 [(a) means a project for the construction, renovation, alteration, improvement, or repair
224 of a public facility on real property, including all services, labor, supplies, and
225 materials for the project; and]

226 "Construction project" means a project for the construction, renovation, alteration, improvement, or
227 repair of a public facility on real property.

228 (b) "Construction project" includes the following for the construction project:

229 (i) services;

230 (ii) labor;

231 (iii) supplies; and

232 (iv) materials.

233 [(b)] (c) "Construction project" does not include [services and supplies] a service or a

232 supply for [the] an existing public facility's:

233 (i) routine, day-to-day operation[;] ;

234 (ii) repair[;] ; or

235 (iii) maintenance[of an existing public facility].

236 [(14) "Construction manager/general contractor":]

237 [(a) means a contractor who enters into a contract:]

238 [(i) for the management of a construction project; and]

239 [(ii) that allows the contractor to subcontract for additional labor and materials that
240 are not included in the contractor's cost proposal submitted at the time of the
241 procurement of the contractor's services; and]

242 [(b) does not include a contractor whose only subcontract work not included in the
243 contractor's cost proposal submitted as part of the procurement of the contractor's
244 services is to meet subcontracted portions of change orders approved within the
245 scope of the project.]

246 [(15) "Construction subcontractor":]

247 [(a) means a person under contract with a contractor or another subcontractor to provide
248 services or labor for the design or construction of a construction project;]

249 [(b) includes a general contractor or specialty contractor licensed or exempt from
250 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and]

251 [(c) does not include a supplier who provides only materials, equipment, or supplies to a
252 contractor or subcontractor for a construction project.]

253 [(16)]

254 (14)(a) "Construction manager" means a contractor that enters into a contract:

255 (i) for the management of a construction project; and

256 (ii) that allows the contractor to subcontract for additional labor and materials that are
257 not included in the contractor's cost proposal submitted at the time of the
258 procurement of the contractor's services.

259 (b) "Construction manager" does not include a contractor that only performs subcontract
260 work which the contractor does not include on the cost proposal submitted as part of
261 the procurement of the contractor's services.

262 (15)(a) "Construction subcontractor" means a person under contract with a contractor or
263 another subcontractor to provide a service or labor for the design or construction of a
264 construction project.

265 (b) "Construction subcontractor" includes a general contractor or specialty contractor

266 licensed or exempt from licensing under Title 58, Chapter 55, Utah Construction
267 Trades Licensing Act.

268 (c) "Construction subcontractor" does not include a supplier that provides only materials,
269 equipment, or supplies to a contractor or subcontractor for a construction project.

270 (16) "Contract" means an agreement for a procurement.

271 (17) "Contract administration" means all functions, duties, and responsibilities associated
272 with managing, overseeing, and carrying out a contract between a procurement unit and
273 a contractor, including:

274 (a) implementing the contract;

275 (b) ensuring compliance with the contract terms and conditions by the conducting
276 procurement unit and the contractor;

277 (c) executing change orders;

278 (d) processing contract amendments;

279 (e) resolving, to the extent practicable, contract disputes;

280 (f) curing contract errors and deficiencies;

281 (g) terminating a contract;

282 (h) measuring or evaluating completed work and contractor performance;

283 (i) computing payments under the contract; and

284 (j) closing out a contract.

285 (18) "Contractor" means a person [who] that is awarded a contract with a procurement unit.

286 (19) "Cooperative procurement" means procurement conducted by, or on behalf of:

287 (a) more than one procurement unit; or

288 (b) a procurement unit and a cooperative purchasing organization.

289 (20) "Cooperative purchasing organization" means an organization, association, or alliance
290 of purchasers established to combine purchasing power in order to obtain the best value
291 for the purchasers by engaging in procurements in accordance with Section 63G-6a-2105.

292 (21) "Cost-plus-a-percentage-of-cost contract" means a contract under which the contractor
293 is paid a percentage of the total actual expenses or costs in addition to the contractor's
294 actual expenses or costs.

295 (22) "Cost-reimbursement contract" means a contract under which a contractor is
296 reimbursed for costs which are allowed and allocated in accordance with the contract
297 terms and the provisions of this chapter, and a fee, if any.

298 (23) "Days" means calendar days, unless expressly provided otherwise.

299 (24) "Definite quantity contract" means a fixed price contract that provides for a specified

amount of supplies over a specified period, with deliveries scheduled according to a specified schedule.

(25) "Design professional" means:

- (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects Licensing Act;
- (b) an individual licensed as a professional engineer or professional land surveyor under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
- (c) an individual licensed under Title 58, Chapter 53, Landscape Architects Licensing Act;

(c) an individual licensed under Title 58, Chapter 53, Landscape Architects Licensing Act, to engage in the practice of landscape architecture, as defined in Section 58-53-102; or

(d) an individual certified as a commercial interior designer under Title 58, Chapter 86, State Certification of Commercial Interior Designers Act.

(26) "Design professional procurement proc
in Part 15, Design Professional Services

Design professional services" means:

- (a) professional services within the scope of the practice of architecture as defined in Section 58-3a-102;
- (b) professional engineering as defined in Section 58-22-102;
- (c) master planning and programming services;
- (d) professional services within the scope of the practice of landscape architecture, as defined in Section 58-53-102; or
- (e) services within the scope of the practice of commercial interior design, as defined in Section 58-86-102.

(28) "Design-build" means the procurement of design professional services and construction by the use of a single contract.

(29) "Division" means the Division of Purchasing and General Services, created in Section 63A-2-101.

(30) "Educational procurement unit" means:

- (a) a school district;
- (b) a public school, including a local school board or a charter school;
- (c) the Utah Schools for the Deaf and the Blind;
- (d) the Utah Education and Telehealth Network;
- (e) an institution of higher education of the state described in Section 53H-1-102; or

334 (f) the State Board of Education.

335 (31) "Established catalogue price" means the price included in a catalogue, price list,
336 schedule, or other form that:
337 (a) is regularly maintained by a manufacturer or contractor;
338 (b) is published or otherwise available for inspection by customers; and
339 (c) states prices at which sales are currently or were last made to a significant number of
340 any category of buyers or buyers constituting the general buying public for the
341 supplies or services involved.

342 (32)(a) "Executive branch procurement unit" means a department, division, office,
343 bureau, agency, or other organization within the state executive branch.
344 (b) "Executive branch procurement unit" does not include the Colorado River Authority
345 of Utah as provided in Section 63M-14-210.

346 (33) "Facilities division" means the Division of Facilities Construction and Management,
347 created in Section 63A-5b-301.

348 (34) "Fixed price contract" means a contract that provides a price, for each procurement
349 item obtained under the contract, that is not subject to adjustment except to the extent
350 that:
351 (a) the contract provides, under circumstances specified in the contract, for an
352 adjustment in price that is not based on cost to the contractor; or
353 (b) an adjustment is required by law.

354 (35) "Fixed price contract with price adjustment" means a fixed price contract that provides
355 for an upward or downward revision of price, precisely described in the contract, that:
356 (a) is based on the consumer price index or another commercially acceptable index,
357 source, or formula; and
358 (b) is not based on a percentage of the cost to the contractor.

359 (36) "Grant" means an expenditure of public funds or other assistance, or an agreement to
360 expend public funds or other assistance, for a public purpose authorized by law, without
361 acquiring a procurement item in exchange.

362 (37) "Human services procurement item" means a procurement item used to provide
363 services or support to a child, youth, adult, or family.

364 [(38) "Immaterial error":]

365 [(a) means an irregularity or abnormality that is:]

366 [(i) a matter of form that does not affect substance; or]

367 [(ii) an inconsequential variation from a requirement of a solicitation that has no,

368 little, or a trivial effect on the procurement process and that is not prejudicial to
369 other vendors; and]

370 [(b) includes:]

371 [(i) a missing signature, missing acknowledgment of an addendum, or missing copy
372 of a professional license, bond, or insurance certificate;]
373 [(ii) a typographical error;]
374 [(iii) an error resulting from an inaccuracy or omission in the solicitation; and]
375 [(iv) any other error that the procurement official reasonably considers to be
376 immaterial.]

377 [(39)] (38)(a) "Immaterial error" means an irregularity or abnormality that is:

378 (i) a matter of form that does not affect substance; or
379 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,
380 or a trivial effect on the procurement process and that is not prejudicial to another
381 vendor.

382 (b) "Immaterial error" includes:

383 (i) a missing signature, a missing acknowledgment of an addendum, or a missing
384 copy of a professional license, a bond, or an insurance certificate;
385 (ii) a typographical error;
386 (iii) an error resulting from an inaccuracy or an omission in the solicitation; and
387 (iv) any other error that the procurement official reasonably considers to be
388 immaterial.

389 (39) "Indefinite quantity contract" means a fixed price contract that:

390 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
391 procurement unit; and
392 (b)(i) does not require a minimum purchase amount; or
393 (ii) provides a maximum purchase limit.

394 (40) "Independent procurement unit" means:

395 (a)(i) a legislative procurement unit;
396 (ii) a judicial branch procurement unit;
397 (iii) an educational procurement unit;
398 (iv) a local governmental procurement unit;
399 (v) a conservation district;
400 (vi) a local building authority;
401 (vii) a special district;

402 (viii) a public corporation;
403 (ix) a special service district; or
404 (x) the Utah Communications Authority, established in Section 63H-7a-201;
405 (b) the facilities division, but only to the extent of the procurement authority provided
406 under Title 63A, Chapter 5b, Administration of State Facilities;
407 (c) the attorney general, but only to the extent of the procurement authority provided
408 under Title 67, Chapter 5, Attorney General;
409 (d) the Department of Transportation, but only to the extent of the procurement authority
410 provided under Title 72, Transportation Code;
411 (e) the Department of Health and Human Services, but only for the procurement of a
412 human services procurement item; or
413 (f) any other executive branch department, division, office, or entity that has statutory
414 procurement authority outside this chapter, but only to the extent of that statutory
415 procurement authority.

416 (41)(a) "Interlocal entity" means a separate political subdivision created under Title 11,
417 Chapter 13, Interlocal Cooperation Act.

418 (b) "Interlocal entity" does not include a project entity.

419 [(42) **"Invitation for bids":**]

420 [(a) ~~means a document used to solicit:~~]

421 [(i) ~~bids to provide a procurement item to a procurement unit; or~~]
422 [(ii) ~~quotes for a price of a procurement item to be provided to a procurement unit;~~
423 ~~and]~~]

424 [(b) ~~includes all documents attached to or incorporated by reference in a document~~
425 ~~described in Subseetion (42)(a):~~]

426 [(43)] (42)(a) "Invitation for bids" means a document used to solicit:

427 (i) a bid to provide a procurement item to a procurement unit; or
428 (ii) a quote for a price of a procurement item to be provided to a procurement unit.

429 (b) "Invitation for bids" includes documents attached to or incorporated by reference in a
430 document described in Subsection (42)(a).

431 (43) "Issuing procurement unit" means a procurement unit that:

432 (a) reviews a solicitation to verify that [it] the solicitation is in proper form;
433 (b) causes the notice of a solicitation to be published; and
434 (c) negotiates and approves the terms and conditions of a contract.

435 (44) "Judicial procurement unit" means:

436 (a) the Utah Supreme Court;
437 (b) the Utah Court of Appeals;
438 (c) the Judicial Council;
439 (d) a state judicial district; or
440 (e) an office, committee, subcommittee, or other organization within the state judicial
441 branch.

442 (45) "Labor hour contract" is a contract under which:
443 (a) the supplies and materials are not provided by, or through, the contractor; and
444 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and profit
445 for a specified number of labor hours or days.

446 (46) "Legislative procurement unit" means:
447 (a) the Legislature;
448 (b) the Senate;
449 (c) the House of Representatives;
450 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
451 (e) a committee, subcommittee, commission, or other organization:
452 (i) within the state legislative branch; or
453 (ii)(A) that is created by statute to advise or make recommendations to the
454 Legislature;
455 (B) the membership of which includes legislators; and
456 (C) for which the Office of Legislative Research and General Counsel provides
457 staff support.

458 (47) "Local building authority" means the same as that term is defined in Section 17D-2-102.

459 (48) "Local government procurement unit" means:
460 (a) a county, municipality, interlocal entity, or project entity, and each office of the
461 county, municipality, interlocal entity, or project entity, unless:
462 (i) the county or municipality adopts a procurement code by ordinance;
463 (ii) the interlocal entity adopts procurement rules or policies as provided in
464 Subsection 11-13-226(2); or
465 (iii) the project entity adopts a procurement code through the process described in
466 Section 11-13-316;
467 (b)(i) a county or municipality that has adopted this entire chapter by ordinance, and
468 each office or agency of that county or municipality; and
469 (ii) a project entity that has adopted this entire chapter through the process described

in Subsection 11-13-316; or

- (c) a county, municipality, or project entity, and each office of the county, municipality, or project entity that has adopted a portion of this chapter to the extent that:
 - (i) a term in the ordinance is used in the adopted chapter; or
 - (ii) a term in the ordinance is used in the language a project entity adopts in its procurement code through the process described in Section 11-13-316.

(49) "Multiple award contracts" means the award of a contract for an indefinite quantity of a procurement item to more than one person.

(50) "Multiyear contract" means a contract that extends beyond a one-year period, including a contract that permits renewal of the contract, without competition, beyond the first year of the contract.

(51) "Municipality" means a city or town.

(52) "Nonadopting local government procurement unit" means:

(a) a county or municipality that has not adopted Part 16, Protests, Part 17, Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19, General Provisions Related to Protest or Appeal; and

(b) each office or agency of a county or municipality described in Subsection (52)(a)

) "Offeror" means a person [who] that submits a proposal in response to a request for proposals

(54) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference under the requirements of this chapter.

(55) "Procure" means to acquire a procurement item through a procurement.

(56) "Procurement" means the acquisition of a procurement item through an expenditure of public funds, or an agreement to expend public funds, including an acquisition through a public-private partnership.

(57) "Procurement item" means an item of personal property, a technology, a service, or a construction project.

(58) "Procurement official" means:

(a) for a procurement unit other than an independent procurement unit, the chief procurement officer;

(b) for a legislative procurement unit, the individual, individuals, or body designated in a policy adopted by the Legislative Management Committee;

(c) for a judicial procurement unit, the Judicial Council or an individual or body designated by the Judicial Council by rule;

504 (d) for a local government procurement unit:
505 (i) the legislative body of the local government procurement unit; or
506 (ii) an individual or body designated by the local government procurement unit;
507 (e) for a special district, the board of trustees of the special district or the board of
508 trustees' designee;
509 (f) for a special service district, the governing body of the special service district or the
510 governing body's designee;
511 (g) for a local building authority, the board of directors of the local building authority or
512 the board of directors' designee;
513 (h) for a conservation district, the board of supervisors of the conservation district or the
514 board of supervisors' designee;
515 (i) for a public corporation, the board of directors of the public corporation or the board
516 of directors' designee;
517 (j) for a school district or any school or entity within a school district, the board of the
518 school district or the board's designee;
519 (k) for a charter school, the individual or body with executive authority over the charter
520 school or the designee of the individual or body;
521 (l) for an institution of higher education described in Section 53H-1-102, the president of
522 the institution of higher education or the president's designee;
523 (m) for the State Board of Education, the State Board of Education or the State Board of
524 Education's designee;
525 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or
526 the designee of the Commissioner of Higher Education;
527 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the
528 executive director of the Utah Communications Authority or the executive director's
529 designee; or
530 (p)(i) for the facilities division, and only to the extent of procurement activities of the
531 facilities division as an independent procurement unit under the procurement
532 authority provided under Title 63A, Chapter 5b, Administration of State Facilities,
533 the director of the facilities division or the director's designee;
534 (ii) for the attorney general, and only to the extent of procurement activities of the
535 attorney general as an independent procurement unit under the procurement
536 authority provided under Title 67, Chapter 5, Attorney General, the attorney
537 general or the attorney general's designee;

538 (iii) for the Department of Transportation created in Section 72-1-201, and only to
539 the extent of procurement activities of the Department of Transportation as an
540 independent procurement unit under the procurement authority provided under
541 Title 72, Transportation Code, the executive director of the Department of
542 Transportation or the executive director's designee;

543 (iv) for the Department of Health and Human Services, and only to the extent of the
544 procurement activities of the Department of Health and Human Services as an
545 independent procurement unit, the executive director of the Department of Health
546 and Human Services or the executive director's designee; or

547 (v) for any other executive branch department, division, office, or entity that has
548 statutory procurement authority outside this chapter, and only to the extent of the
549 procurement activities of the department, division, office, or entity as an
550 independent procurement unit under the procurement authority provided outside
551 this chapter for the department, division, office, or entity, the chief executive
552 officer of the department, division, office, or entity or the chief executive officer's
553 designee.

554 (59) "Procurement unit" means:

555 (a) a legislative procurement unit;
556 (b) an executive branch procurement unit;
557 (c) a judicial procurement unit;
558 (d) an educational procurement unit;
559 (e) the Utah Communications Authority, established in Section 63H-7a-201;
560 (f) a local government procurement unit;
561 (g) a special district;
562 (h) a special service district;
563 (i) a local building authority;
564 (j) a conservation district; or
565 (k) a public corporation.

566 (60) "Professional service" means labor, effort, or work that requires specialized
567 knowledge, expertise, and discretion, including labor, effort, or work in the field of:
568 (a) accounting;
569 (b) administrative law judge service;
570 (c) architecture;
571 (d) construction design and management;

- 572 (e) engineering;
- 573 (f) financial services;
- 574 (g) information technology;
- 575 (h) the law;
- 576 (i) medicine;
- 577 (j) psychiatry; or
- 578 (k) underwriting.

579 (61) "Project entity" means the same as that term is defined in Section 11-13-103.

580 (62) "Procurement officer" means:

- 581 (a) for the division or an independent procurement unit:
 - 582 (i) the procurement official;
 - 583 (ii) the procurement official's designee who is an employee of the procurement [-]
584 unit; or
 - 585 (iii) a person designated by rule made by the rulemaking authority; or
- 586 (b) for a procurement unit other than an independent procurement unit, the chief
587 procurement officer or the chief procurement officer's designee [-] who is an
588 employee of the division[-].

589 (63) "Public corporation" means the same as that term is defined in Section 63E-1-102.

590 (64) "Public entity" means the state or any other governmental entity within the state that
591 expends public funds.

592 (65) "Public facility" means a building, structure, infrastructure, improvement, or other
593 facility of a public entity.

594 (66) "Public funds" means money, regardless of its source, including from the federal
595 government, that is owned or held by a procurement unit.

596 (67) "Public transit district" means a public transit district organized under Title 17B,
597 Chapter 2a, Part 8, Public Transit District Act.

598 (68) "Public-private partnership" means an arrangement or agreement, occurring on or after
599 January 1, 2017, between a procurement unit and one or more contractors to provide for
600 a public need through the development or operation of a project in which the contractor
601 or contractors share with the procurement unit the responsibility or risk of developing,
602 owning, maintaining, financing, or operating the project.

603 (69) "Qualified vendor" means a vendor who that:

- 604 (a) is responsible; and
- 605 (b) submits a responsive statement of qualifications under Section 63G-6a-410 that

606 meets the minimum mandatory requirements, evaluation criteria, and any applicable
607 score thresholds set forth in the request for statement of qualifications.

608 (70) "Real property" means land and any building, fixture, improvement, appurtenance,
609 structure, or other development that is permanently affixed to land.

610 (71) "Request for information" means a nonbinding process through which a procurement
611 unit requests information relating to a procurement item.

612 (72) "Request for proposals" means a document used to solicit proposals to provide a
613 procurement item to a procurement unit, including all other documents that are attached
614 to that document or incorporated in that document by reference.

615 (73) "Request for proposals process" means the procurement process described in Part 7,
616 Request for Proposals.

617 (74) "Request for statement of qualifications" means a document used to solicit information
618 about the qualifications of a person interested in responding to a potential procurement,
619 including all other documents attached to that document or incorporated in that
620 document by reference.

621 (75) "Requirements contract" means a contract:

622 (a) under which a contractor agrees to provide a procurement unit's entire requirements
623 for certain procurement items at prices specified in the contract during the contract
624 period; and

625 (b) that:

626 (i) does not require a minimum purchase amount; or
627 (ii) provides a maximum purchase limit.

628 (76) "Responsible" means being capable, in all respects, of:

629 (a) meeting all the requirements of a solicitation; and

630 (b) fully performing all the requirements of the contract resulting from the solicitation,
631 including being financially solvent with sufficient financial resources to perform the
632 contract.

633 (77) "Responsive" means conforming in all material respects to the requirements of a
634 solicitation.

635 (78) "Rule" includes a policy or regulation adopted by the rulemaking authority, if adopting
636 a policy or regulation is the method the rulemaking authority uses to adopt provisions
637 that govern the applicable procurement unit.

638 (79) "Rulemaking authority" means:

639 (a) for a legislative procurement unit, the Legislative Management Committee;

640 (b) for a judicial procurement unit, the Judicial Council;

641 (c)(i) only to the extent of the procurement authority expressly granted to the

642 procurement unit by statute:

643 (A) for the facilities division, the facilities division;

644 (B) for the Office of the Attorney General, the attorney general;

645 (C) for the Department of Transportation created in Section 72-1-201, the

646 executive director of the Department of Transportation;

647 (D) for the Department of Health and Human Services, the executive director of

648 the Department of Health and Human Services; and

649 (E) for any other executive branch department, division, office, or entity that has

650 statutory procurement authority outside this chapter, the governing authority of

651 the department, division, office, or entity; and

652 (ii) for each other executive branch procurement unit, the board;

653 (d) for a local government procurement unit:

654 (i) the governing body of the local government unit; or

655 (ii) an individual or body designated by the local government procurement unit;

656 (e) for a school district or a public school, the board, except to the extent of a school

657 district's own nonadministrative rules that do not conflict with the provisions of this

658 chapter;

659 (f) for an institution of higher education, the Utah Board of Higher Education;

660 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the

661 State Board of Education;

662 (h) for a public transit district, the chief executive of the public transit district;

663 (i) for a special district other than a public transit district or for a special service district,

664 the board, except to the extent that the board of trustees of the special district or the

665 governing body of the special service district makes its own rules:

666 (i) with respect to a subject addressed by board rules; or

667 (ii) that are in addition to board rules;

668 (j) for the Utah Educational Savings Plan, created in Section 53H-10-202, the Utah

669 Board of Higher Education;

670 (k) for the School and Institutional Trust Lands Administration, created in Section

671 53C-1-201, the School and Institutional Trust Lands Board of Trustees;

672 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201, the

673 School and Institutional Trust Fund Board of Trustees;

674 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the
675 Utah Communications Authority board, created in Section 63H-7a-203; or
676 (n) for any other procurement unit, the board.

677 [(80) "Service":]

678 [(a) ~~means labor, effort, or work to produce a result that is beneficial to a procurement~~
679 ~~unit;~~]
680 [(b) ~~includes a professional service; and~~]
681 [(e) ~~does not include labor, effort, or work provided under an employment agreement or~~
682 ~~a collective bargaining agreement.~~]

683 [(81)] (80)(a) "Service" means labor, effort, or work to produce a result that is beneficial
684 to a procurement unit.

685 (b) "Service" includes a professional service.
686 (c) "Service" does not include labor, effort, or work provided under an employment
687 agreement or a collective bargaining agreement.

688 (81) "Small purchase process" means the procurement process described in Section
689 63G-6a-506.

690 (82) "Sole source contract" means a contract resulting from a sole source procurement.

691 (83) "Sole source procurement" means a procurement without competition pursuant to a
692 determination under Subsection 63G-6a-802(1)(a) that there is only one source for the
693 procurement item.

694 (84) "Solicitation" means an invitation for bids, request for proposals, or request for
695 statement of qualifications.

696 (85) "Solicitation response" means:

697 (a) a bid submitted in response to an invitation for bids;
698 (b) a proposal submitted in response to a request for proposals; or
699 (c) a statement of qualifications submitted in response to a request for statement of
700 qualifications.

701 (86) "Special district" means the same as that term is defined in Section 17B-1-102.

702 (87) "Special service district" means the same as that term is defined in Section 17D-1-102.

703 (88) "Specification" means any description of the physical or functional characteristics or of
704 the nature of a procurement item included in an invitation for bids or a request for
705 proposals, or otherwise specified or agreed to by a procurement unit, including a
706 description of:

707 (a) a requirement for inspecting or testing a procurement item; or

708 (b) preparing a procurement item for delivery.

709 (89) "Standard procurement process" means:

710 (a) the bidding process;

711 (b) the request for proposals process;

712 (c) the approved vendor list process;

713 (d) the small purchase process; or

714 (e) the design professional procurement process.

715 (90) "State cooperative contract" means a contract awarded by the division for and in behalf
716 of all public entities.

717 (91) "Statement of qualifications" means a written statement submitted to a procurement
718 unit in response to a request for statement of qualifications.

719 [(92) "Subcontractor":]

720 [(a) means a person under contract to perform part of a contractual obligation under the
721 control of the contractor, whether the person's contract is with the contractor directly
722 or with another person who is under contract to perform part of a contractual
723 obligation under the control of the contractor; and]

724 [(b) includes a supplier, distributor, or other vendor that furnishes supplies or services to
725 a contractor.]

726 [(93)] (92)(a) "Subcontractor" means a person under contract with a contractor or another
727 subcontractor to provide services or labor for the construction, installation, repair, or
728 improvement to real property.

729 (b) "Subcontractor" includes:

730 (i) a supplier;

731 (ii) a distributor; or

732 (iii) a vendor that furnishes a supply or a service to a contractor.

733 (93) "Technology" means the same as "information technology," as defined in Section
734 63A-16-102.

735 (94) "Tie bid" means that the lowest responsive bids of responsible bidders are identical in
736 price.

737 (95) "Time and materials contract" means a contract under which the contractor is paid:

738 (a) the actual cost of direct labor at specified hourly rates;

739 (b) the actual cost of materials and equipment usage; and

740 (c) an additional amount, expressly described in the contract, to cover overhead and
741 profit, that is not based on a percentage of the cost to the contractor.

742 (96)(a) ["Transitional costs"] "Transitional costs" means the cost of changing:

743 [(a) means the costs of changing:]

744 [(i) from an existing provider of a procurement item to another provider of that

745 procurement item; or]

746 [(ii) from an existing type of procurement item to another type;]

747 (i) from an existing provider;

748 (ii) from an existing provider of a procurement item to another provider of that

749 procurement item; or

750 (iii) from an existing type of procurement item to another type.

751 (b) [includes] "Transitional costs" include:

752 (i) training costs;

753 (ii) conversion costs;

754 (iii) compatibility costs;

755 (iv) costs associated with system downtime;

756 (v) disruption of service costs;

757 (vi) staff time necessary to implement the change;

758 (vii) installation costs; and

759 (viii) ancillary software, hardware, equipment, or construction costs; and

760 (c) [does] "Transitional costs" do not include:

761 (i) the costs of preparing for or engaging in a procurement process; or

762 (ii) contract negotiation or drafting costs.

763 [(97) "Vendor":]

764 [(a) means a person who is seeking to enter into a contract with a procurement unit to

765 provide a procurement item; and]

766 [(b) includes:]

767 [(i) a bidder;]

768 [(ii) an offeror;]

769 [(iii) an approved vendor;]

770 [(iv) a design professional; and]

771 [(v) a person who submits an unsolicited proposal under Section 63G-6a-712.]

772 (97)(a) "Vendor" means a person that is seeking to enter into a contract with a

773 procurement unit to provide a procurement item.

774 (b) "Vendor" includes:

775 (i) a bidder;

- (ii) an offeror;
- (iii) an approved vendor;
- (iv) a design professional; and
- (v) a person that submits an unsolicited proposal under Section 63G-6a-712.

(98) "Wage standard" means the same as that term is defined in Section 34-58-101.

Section 10. Section **63G-6a-603** is amended to read:

63G-6a-603 . Invitation for bids -- Requirements -- Publication -- Wage standard.

- (1) A procurement unit that intends to award a contract for a procurement item using the bidding process shall issue an invitation for bids.
- (2) A procurement unit shall include in an invitation for bids:

(2) A procurement unit shall include in an invitation for bids:

(a) a description of the procurement item[that the procurement unit seeks];

(b) instructions for submitting a bid, including the deadline for submitting a bid;

(c) the objective criteria [that] the procurement unit will use to evaluate bids;

(d) information about the time and manner of opening bids; and

(e) terms and conditions [that] the procurement unit intends to include in a contract resulting from the bidding process.

(3) A procurement unit shall publish an invitation for bids in accordance with the requirements of Section 63G-6a-112.

(4) Notwithstanding Section 34-30-14, for a construction project, the procurement unit shall include in the invitation for bids notice that the procurement contract requires the contractor to:

(a) pay each qualifying employee at least the wage standard; and

(b) certify compliance with Title 14 Contractors' Bonds

Section 11. Effective Date

800 This bill takes effect on May 6, 2026.