

1 **EMERGENCY PROCUREMENT DECLARATION**

2 **MODIFICATIONS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5

6 **LONG TITLE**

7 **General Description:**

8 This bill modifies provisions related to the public procurement of goods or services
9 during an emergency.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ modifies reporting requirements related to an emergency procurement;
- 14 ▶ limits the term length of a contract entered into for an emergency procurement; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **63G-6a-803**, as last amended by Laws of Utah 2020, Chapter 365

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

25 Section 1. Section **63G-6a-803** is amended to read:

26 **63G-6a-803. Emergency procurement.**

27 (1) As used in this section, "natural disaster" means an event where:

28 (a) one or more of the following has caused widespread damage:

29 (i) an explosion;

30 (ii) fire;

31 (iii) a flood;

- 32 (iv) a storm;
 33 (v) a tornado;
 34 (vi) winds;
 35 (vii) an earthquake;
 36 (viii) lightning; or
 37 (ix) other adverse weather event; and
 38 (b) the president of the United States has declared an emergency or major disaster in
 39 the state, or the governor has declared a state of emergency under Title 53, Chapter 2a, Part 2,
 40 Disaster Response and Recovery Act.

41 ~~[(1)]~~ (2) Notwithstanding any other provision of this chapter and subject to Subsection
 42 (4), a procurement official may authorize a procurement unit to engage in an emergency
 43 procurement without using a standard procurement process if the procurement is necessary to:

- 44 (a) avoid a lapse in a critical government service;
 45 (b) mitigate a circumstance that is likely to have a negative impact on public health,
 46 safety, welfare, or property, including a natural disaster; or
 47 (c) protect the legal interests of a public entity.

48 ~~[(2)]~~ (3) A procurement unit conducting an emergency procurement under Subsection
 49 ~~[(1)]~~ (2) shall:

50 (a) ensure that the procurement is made with as much competition as reasonably
 51 practicable while:

- 52 (i) avoiding a lapse in a critical government service;
 53 (ii) avoiding harm, or a risk of harm, to the public health, safety, welfare, or property;

54 or

55 (iii) protecting the legal interests of a public entity; and

56 ~~[(b) after the emergency has abated, prepare a written document explaining the~~
 57 ~~emergency condition that necessitated the emergency procurement under Subsection (1).]~~

58 (b) make the following publicly available on the procurement unit's website within 14
 59 days of the emergency procurement:

60 (i) a written document describing the specific emergency that necessitated the
 61 emergency procurement;

62 (ii) the name of the highest ranking government official that approved the emergency

63 procurement; and

64 (iii) each written contract related to the emergency procurement.

65 (4) (a) Except as provided in Subsection (4)(b), the term of a contract entered into for
66 an emergency procurement under this section may be no longer than 30 days.

67 (b) The term of a contract entered into for an emergency procurement under this
68 section related to a natural disaster may be no longer than 60 days.