

**Effective 5/12/2020**

**63G-6a-1204.5 Multiple award contracts.**

- (1)
  - (a) Through a standard procurement process, the division or an independent procurement unit may enter into multiple award contracts with multiple persons.
  - (b) The applicable rulemaking authority may make rules, consistent with this section, regulating the use of multiple award contracts.
- (2) Multiple award contracts may be in a procurement unit's best interest if award to two or more bidders or offerors for similar procurement items is needed or desired for adequate delivery, service, availability, or product compatibility.
- (3) A procurement unit that enters into multiple award contracts under this section shall:
  - (a) exercise care to protect and promote competition among bidders or offerors when seeking to enter into multiple award contracts;
  - (b) name all eligible users of the multiple award contracts in the invitation for bids or request for proposals; and
  - (c) if the procurement unit anticipates entering into multiple award contracts before issuing the invitation for bids or request for proposals, state in the invitation for bids or request for proposals that the procurement unit may enter into multiple award contracts at the end of the procurement process.
- (4) A procurement unit that enters into multiple award contracts under this section shall:
  - (a) obtain, under the multiple award contracts, all of its normal, recurring requirements for the procurement items that are the subject of the contracts until the contracts terminate; and
  - (b) reserve the right to obtain the procurement items described in Subsection (4)(a) separately from the contracts if:
    - (i) there is a need to obtain a quantity of the procurement items that exceeds the amount specified in the contracts; or
    - (ii) the procurement officer makes a written finding that the procurement items available under the contract will not effectively or efficiently meet a nonrecurring special need of a procurement unit.
- (5) An applicable rulemaking authority may make rules to further regulate a procurement under this section.

Amended by Chapter 257, 2020 General Session