

Effective 5/1/2024

11-39-101 Definitions.

As used in this chapter:

- (1) "Bid limit" means:
 - (a) for a building improvement:
 - (i) for the year 2003, \$40,000; and
 - (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the Consumer Price Index during the previous calendar year; and
 - (b) for a public works project:
 - (i) for the year 2003, \$125,000; and
 - (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the Consumer Price Index during the previous calendar year.
- (2) "Building improvement":
 - (a) means the construction or repair of a public building or structure; and
 - (b) does not include construction or repair at an international airport.
- (3) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.
- (4)
 - (a) "Design-build project" means a building improvement or public works project for which both the design and construction are provided for in a single contract with a contractor or combination of contractors capable of providing design-build services.
 - (b) "Design-build project" does not include a building improvement or public works project:
 - (i) that a local entity undertakes under contract with a construction manager that guarantees the contract price and is at risk for any amount over the contract price; and
 - (ii) each component of which is competitively bid.
- (5) "Design-build services" means the engineering, architectural, and other services necessary to formulate and implement a design-build project, including the actual construction of the project.
- (6) "Emergency repairs" means a building improvement or public works project undertaken on an expedited basis to:
 - (a) eliminate an imminent risk of damage to or loss of public or private property;
 - (b) remedy a condition that poses an immediate physical danger; or
 - (c) reduce a substantial, imminent risk of interruption of an essential public service.
- (7) "Governing body" means:
 - (a) for a county, city, or town, the legislative body of the county, city, or town;
 - (b) for a special district, the board of trustees of the special district; and
 - (c) for a special service district:
 - (i) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or
 - (ii) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301.
- (8) "Local entity" means a county, city, town, special district, or special service district.
- (9) "Lowest responsive responsible bidder" means a prime contractor who:
 - (a) has submitted a bid in compliance with the invitation to bid and within the requirements of the plans and specifications for the building improvement or public works project;

- (b) is the lowest bidder that satisfies the local entity's criteria relating to financial strength, past performance, integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder to perform fully and in good faith the contract requirements;
 - (c) has furnished a bid bond or equivalent in money as a condition to the award of a prime contract; and
 - (d) furnishes a payment and performance bond as required by law.
- (10) "Procurement code" means the provisions of Title 63G, Chapter 6a, Utah Procurement Code.
- (11) "Public works project":
- (a) means the construction of:
 - (i) a park or recreational facility; or
 - (ii) a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or flood control; and
 - (b) does not include:
 - (i) the replacement or repair of existing infrastructure on private property;
 - (ii) construction commenced before June 1, 2003; and
 - (iii) construction or repair at an international airport.
- (12) "Special district" means the same as that term is defined in Section 17B-1-102.
- (13) "Special service district" has the same meaning as defined in Section 17D-1-102.

Amended by Chapter 438, 2024 General Session