

**Effective 3/29/2014**

**11-39-107 Procurement code.**

- (1) This chapter may not be construed to:
  - (a) prohibit a county or municipal legislative body from adopting the procedures of the procurement code; or
  - (b) limit the application of the procurement code to a local district or special service district.
- (2) A local entity may adopt procedures for the following construction contracting methods:
  - (a) construction manager/general contractor, as defined in Section 63G-6a-103;
  - (b) a method that requires that the local entity draft a plan, specifications, and an estimate for the building improvement or public works project; or
  - (c) design-build, as defined in Section 63G-6a-103, if the local entity consults with a professional engineer licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, or an architect licensed under Title 58, Chapter 3a, Architects Licensing Act, who has design-build experience and is employed by or under contract with the local entity.
- (3)
  - (a) In seeking bids and awarding a contract for a building improvement or public works project, a county or a municipal legislative body may elect to follow the provisions of the procurement code, as the county or municipal legislative body considers appropriate under the circumstances, for specification preparation, source selection, or contract formation.
  - (b) A county or municipal legislative body's election to adopt the procedures of the procurement code may not excuse the county or municipality, respectively, from complying with the requirements to award a contract for work in excess of the bid limit and to publish notice of the intent to award.
  - (c) An election under Subsection (3)(a) may be made on a case-by-case basis, unless the county or municipality has previously adopted the procurement code.
  - (d) The county or municipal legislative body shall:
    - (i) make each election under Subsection (3)(a) in an open meeting; and
    - (ii) specify in its action the portions of the procurement code to be followed.
- (4) If the estimated cost of the building improvement or public works project proposed by a local district or special service district exceeds the bid limit, the governing body of the local district or special service district may, if it determines to proceed with the building improvement or public works project, use the competitive procurement procedures of the procurement code in place of the comparable provisions of this chapter.

Amended by Chapter 196, 2014 General Session