

53B-16-104 Restrictions on higher education entities bidding on architect or engineering services in public procurement projects.

- (1) As used in this section:
 - (a) "Architect-engineer services" means those professional services within the scope of the practice of architecture as defined in Section 58-3a-102, or professional engineering as defined in Section 58-22-102.
 - (b) "Government entity" means a state agency, an institution of higher education, a county, a municipality, a local school district, a local district, or a special service district.
- (2) When a government entity elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of its competitive procurement process:
 - (a) a higher education entity, or any part of one, may not submit a proposal in response to the government entity's competitive procurement process; and
 - (b) the government entity may not award a contract to perform the architect or engineering services solicited in the competitive procurement process to a higher education entity or any part of one.
- (3)
 - (a) Subject to the prohibition contained in Subsection (3)(b), an employee of a higher education entity may, in a private capacity, submit a proposal in response to the competitive procurement process.
 - (b) An employee of a higher education entity may not use any supplies, materials, or other resources owned by, or any persons matriculating at, attending, or employed by, the higher education entity in:
 - (i) preparing a response to the competitive procurement process; or
 - (ii) completing any work, assignment, or contract awarded to the employee resulting from that competitive procurement process.

Amended by Chapter 329, 2007 General Session