

Effective 5/1/2024

Part 25
Human Services Procurements

63G-6a-2501 Definitions.

As used in this part:

- (1) "Department" means the Department of Health and Human Services.
- (2) "Executive director" means the executive director of the department.

Enacted by Chapter 291, 2024 General Session

63G-6a-2502 Procurement advisory council -- Appointment.

The executive director may appoint an advisory council to advise and make recommendations to the department on the procurement of a human services procurement item, including recommendations regarding persons to be debarred or suspended under Section 63G-6a-2504.

Enacted by Chapter 291, 2024 General Session

63G-6a-2503 Direct purchase procurement process requirements -- Payment information on website.

- (1) The department may, without issuing a solicitation, directly purchase from, or contract with, another person for the following human services procurement items:
 - (a) medical, dental, behavioral, psychological, psychiatric, or substance use evaluation and treatment for an individual;
 - (b) assistance payments on behalf of an individual that are intended to keep the individual out of a higher level of care or prevent or reduce the need for additional department services;
 - (c) services for which the individual receiving the services has the right to choose the person who provides the services;
 - (d) services for which the department makes a written determination, made available to the public, that the individual's need to receive services from a particular provider outweigh the public interest in issuing a competitive procurement;
 - (e) adoption subsidy and maintenance payments;
 - (f) child placing services for an individual adoption;
 - (g) death investigation services; or
 - (h) residential treatment services for an individual after all providers under contract from a competitive procurement are exhausted.
- (2) The department shall:
 - (a) maintain a written record of the name of all persons who provide services under this section; and
 - (b) annually publish on the department's website the total amount paid to each person under this section during the immediately preceding five-year period.

Enacted by Chapter 291, 2024 General Session

63G-6a-2504 Process for an invitation to provide a human services procurement item -- Open-ended invitations.

- (1) As used in this section:

- (a) "Invitation" means a solicitation or other request seeking qualified providers to enter a contract to provide a human services procurement item.
 - (b) "Open-ended invitation" means an invitation that does not provide for a set closing date.
 - (c) "Qualified provider" means a provider of a human services procurement item that meets the qualifications described in the invitation.
- (2) The department may contract with another person for a human services procurement item in accordance with the process described in this section.
- (3)
- (a) The department may issue an invitation that includes:
 - (i) a description of the human services procurement item the department is seeking to obtain;
 - (ii)
 - (A) the time period for which the invitation will remain open for applications; or
 - (B) if the invitation is an open-ended invitation, a statement that there is no set closing date for the invitation;
 - (iii) the requirements the department has established for the submission of an application;
 - (iv) the payment rate or a description of the process for determining the payment rate for the human services procurement item;
 - (v) the qualifications a provider is required to meet to be awarded a contract for the human services procurement item; and
 - (vi) the required terms and conditions of a contract if awarded.
 - (b) The department shall publish the invitation in accordance with the notice requirements for a solicitation described in Section 63G-6a-2506.
 - (c) The department may:
 - (i) provide for an indeterminate or specified time period for a provider to respond to the invitation;
 - (ii) close an invitation if the need for additional providers for a human services procurement item no longer exists; or
 - (iii) reissue an invitation after closing the invitation.
 - (d) The department may provide technical application assistance to a person applying in response to an invitation.
- (4)
- (a) Upon receipt of an application submitted in response to an invitation, the department shall:
 - (i) review the application to determine:
 - (A) the application's compliance with the requirements referred to in Subsection (3)(a)(iii); and
 - (B) whether the person that submitted the application meets the qualifications referred to in Subsection (3)(a)(v);
 - (ii) award a contract to a person:
 - (A) whose application complies with the requirements referred to in Subsection (3)(a)(iii); and
 - (B) that meets the qualifications referred to in Subsection (3)(a)(v); and
 - (iii) reject an application if:
 - (A) the application does not comply with the requirements referred to in Subsection (3)(a)(iii); or
 - (B) the person that submitted the application does not meet the qualifications referred to in Subsection (3)(a)(v).
 - (b) If the department closes an invitation, the department may reject an application submitted before the invitation is closed.
 - (c) The department may allow a person to correct deficiencies in an application during the department's review of the application under Subsection (4)(a).

- (5) If a person's application is rejected under Subsection (4):
 - (a) the department shall notify the person of the rejection in writing; and
 - (b) the person may not reapply to the same invitation for at least 12 months after the day on which the rejection is issued.
- (6)
 - (a) The department may award a perpetual contract under this section if the contract is awarded pursuant to an open-ended invitation.
 - (b) Subsection (6)(a) does not prevent the department from terminating a perpetual contract, under terms established in the contract, if the open-ended invitation terminates.
- (7) The department may make rules to establish procedures to ensure the open enrollment invitation process described in this section is administered in an open and fair manner that provides any interested, qualified provider the ability to be awarded a contract.

Enacted by Chapter 291, 2024 General Session

63G-6a-2505 Debarment or suspension from consideration for award of contracts.

- (1) The executive director may:
 - (a) debar or suspend a person from consideration for an award of a contract for a human services procurement item for any amount of time in accordance with the process described in Subsection 63G-6a-904(1); and
 - (b) obtain the recommendation of the council before debarring or suspending the person.
- (2) The council shall recommend that the executive director debar or suspend a person for an award of a contract for a human services procurement item if the person:
 - (a) is convicted of a criminal offense:
 - (i) for actions taken to obtain or perform under a public or private contract;
 - (ii) for embezzlement, fraud, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property; or
 - (iii) under Title 76, Chapter 16, Part 5, Antitrust Offenses, or another antitrust law;
 - (b) fails, without good cause, to perform in accordance with the terms of a contract with the department;
 - (c) commits two or more violations of department rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (d) violates this chapter;
 - (e) poses a significant risk of harm to department clients or the department;
 - (f) is barred or suspended from providing services to another governmental agency; or
 - (g) takes another action that the council determines is fraudulent or substantially affects the person's ability to perform under a contract with the department for a human services procurement item.

Amended by Chapter 173, 2025 General Session

63G-6a-2506 Public notice requirements.

- (1) The department may post notice of a solicitation in accordance with Subsection 63G-6a-112(1) at least three days before the day of the deadline for submission of a solicitation response.
- (2) The department may reduce the three-day period described in Subsection (1) in accordance with Subsection 63G-6a-112(2).

Enacted by Chapter 291, 2024 General Session

63G-6a-2507 Human services procurement appeals process.

- (1) A protester may appeal a protest decision to the department in the same manner a protest may be appealed to the board under Part 17, Procurement Appeals Board.
- (2) In conducting an appeal under Subsection (1), the executive director has the same powers and authority as the chair of the board and the appointing officer in an appeal conducted under Part 17, Procurement Appeals Board, including the power to appoint a procurement appeals panel to conduct a review of a claim in the appeal.

Enacted by Chapter 291, 2024 General Session