

Effective 3/28/2016

63G-6a-110 Procurement unit required to comply with Utah Procurement Code and applicable rules -- Rulemaking authority -- Reporting.

- (1) Except as otherwise provided in Section 63G-6a-107, a procurement unit may not obtain a procurement item, unless:
 - (a) if the procurement unit is the division or a procurement unit with independent procurement authority, the procurement unit:
 - (i) uses:
 - (A) a standard procurement process; or
 - (B) an exception to a standard procurement process, described in Part 8, Exceptions to Procurement Requirements; and
 - (ii) complies with:
 - (A) the requirements of this chapter; and
 - (B) the rules made pursuant to this chapter by the applicable rulemaking authority;
 - (b) if the procurement unit is a county, a municipality, or the Utah Housing Corporation, the procurement unit complies with:
 - (i) the requirements of this chapter that are adopted by the procurement unit; and
 - (ii) all other procurement requirements that the procurement unit is required to comply with; or
 - (c) if the procurement unit is not a procurement unit described in Subsection (1)(a) or (b), the procurement unit:
 - (i) obtains the procurement item under the direction and approval of the division, unless otherwise provided by a rule made by the board;
 - (ii) uses a standard procurement process; and
 - (iii) complies with:
 - (A) the requirements of this chapter; and
 - (B) the rules made pursuant to this chapter by the applicable rulemaking authority.
- (2) Subject to Subsection (3), the applicable rulemaking authority shall make rules relating to the management and control of procurements and procurement procedures by a procurement unit.
- (3) Building board rules governing procurement of construction, design professional services, and leases apply to the procurement of construction, design professional services, and leases of real property by the Division of Facilities Construction and Management.
- (4) An individual or body that makes rules as required or authorized in this chapter shall make the rules:
 - (a) in accordance with Chapter 3, Utah Administrative Rulemaking Act, if the individual or body is subject to Chapter 3, Utah Administrative Rulemaking Act; or
 - (b) in accordance with the established process for making rules or their equivalent, if the individual or body is not subject to Chapter 3, Utah Administrative Rulemaking Act.
- (5) The building board shall make a report on or before July 1 of each year to a legislative interim committee, designated by the Legislative Management Committee created under Section 36-12-6, on the establishment, implementation, and enforcement of the rules made by the building board under this chapter.
- (6) The rules of the applicable rulemaking authority for the executive branch procurement unit shall require, for each contract and request for proposals, the inclusion of a clause that requires the issuing procurement unit, for the duration of the contract, to make available contact information of the winning contractor to the Department of Workforce Services in accordance with Section 35A-2-203. This requirement does not preclude a contractor from advertising job openings in other forums throughout the state.

Renumbered and Amended by Chapter 355, 2016 General Session