

Effective 3/29/2014

63G-6a-607 Action if all bids exceed available funds -- Exemption.

- (1) Except as provided in Subsection (2) or (3), if the fiscal officer for the conducting procurement unit certifies that all accepted bids exceed available funds and that the lowest responsive and responsible bidder does not exceed the available funds by more than 5%, the procurement officer may negotiate an adjustment of the bid price and bid requirements with the lowest responsive and responsible bidder in order to bring the bid within the amount of available funds.
- (2) A procurement officer may not adjust the bid requirements under Subsection (1) if there is a substantial likelihood that, had the adjustment been included in the invitation for bids, a person that did not submit a bid would have submitted a responsive, responsible, and competitive bid.
- (3) The Division of Facilities Construction and Management is exempt from the requirements of this section if:
 - (a) the building board adopts rules governing procedures when all accepted bids exceed available funds; and
 - (b) the Division of Facilities Construction and Management complies with the rules described in Subsection (3)(a).

Amended by Chapter 196, 2014 General Session