

63G-6a-804 Purchase of prison industry goods.

- (1)
 - (a) A procurement unit that is not a political subdivision shall purchase goods and services produced by the Utah Correctional Industries Division as provided in this section.
 - (b) A political subdivision of the state may, and is encouraged to, purchase goods and services under this section.
 - (c) A procurement unit is not required to use a standard procurement process to purchase goods or services under this section.
- (2) On or before July 1 of each year, the director of the Utah Correctional Industries shall:
 - (a) publish and distribute to all procurement units and other interested public entities a catalog of goods and services provided by the Correctional Industries Division, including a description and price of each item offered for sale; and
 - (b) update and revise the catalog described in Subsection (2)(a) during the year as the director considers necessary.
- (3)
 - (a) A procurement unit that is not a political subdivision of the state may not purchase any goods or services provided by the Correctional Industries Division from any other source unless it has been determined in writing by the director of Correctional Industries and by the procurement officer or in the case of institutions of higher education, the institutional procurement officer, that purchase from the Correctional Industries Division is not feasible due to one of the following circumstances:
 - (i) the good or service offered by the division does not meet the reasonable requirements of the procurement unit;
 - (ii) the good or service cannot be supplied within a reasonable time by the division; or
 - (iii) the cost of the good or service, including basic price, transportation costs, and other expenses of acquisition, is not competitive with the cost of procuring the item from another source.
 - (b) In cases of disagreement under Subsection (3)(a):
 - (i) the decision may be appealed to a board consisting of:
 - (A) the director of the Department of Corrections;
 - (B) the director of Administrative Services; and
 - (C) a neutral third party agreed upon by the other two members of the board;
 - (ii) in the case of an institution of higher education of the state, the president of the institution, or the president's designee, shall make the final decision; or
 - (iii) in the case of any of the following entities, a person designated by the applicable rulemaking authority shall make the final decision:
 - (A) a legislative procurement unit;
 - (B) a judicial procurement unit; or
 - (C) a public transit district.

Amended by Chapter 445, 2013 General Session