

Effective 5/7/2025

63G-6a-805 Purchase from community rehabilitation programs.

(1) As used in this section:

- (a) "Advisory board" means the Purchasing from Persons with Disabilities Advisory Board created under this section.
- (b)
 - (i) "Community rehabilitation program" means a program that is operated primarily for the purpose of the employment and training of persons with a disability by a government agency or qualified nonprofit organization which is an income tax exempt organization under 26 U.S.C. Sec. 501(c)(3) of the Internal Revenue Code.
 - (ii) A community rehabilitation program:
 - (A) maintains an employment ratio of at least 75% of the program employees under the procurement contract in question have severe disabilities;
 - (B)
 - (I) complies with any applicable occupational health and safety standards prescribed by the United States Department of Labor; or
 - (II) is a supported employment program approved by the Utah State Office of Rehabilitation created in Section 35A-1-202;
 - (C) has its principal place of business in Utah;
 - (D) produces a good provided under this section in Utah; and
 - (E) provides a service that is provided by individuals with a majority of whom domiciled in Utah.
- (c) "Person with a disability" means a person with a disability as defined by and covered under the Americans with Disabilities Act of 1990, 42 U.S.C. 12102.

(2) There is created within the division the Purchasing from Persons with Disabilities Advisory Board.

(3) The advisory board shall consist of three members, as follows:

- (a) the director of the division or the director's designee;
- (b) the director of the Utah State Office of Rehabilitation or the director's designee; and
- (c) a representative of the private business community who shall be appointed to a three-year term by the governor with the advice and consent of the Senate.

(4)

(a) The advisory board shall meet, as needed, to facilitate a procurement unit's procurement of a good or service under this chapter from a community rehabilitation program.

(b) The advisory board shall:

- (i) identify the good or service that is available from a community rehabilitation program in accordance with the requirements of Subsection (7);
- (ii) approve a price in accordance with Subsection (7)(c) for the good or service that the advisory board identifies under Subsection (4)(b)(i);
- (iii) develop, maintain, and approve a preferred procurement contract list of the goods and services that the advisory board identifies and prices under Subsections (4)(b)(i) and (ii);
- (iv) review a community rehabilitation program's bid; and
- (v) award and renew specified contracts for set contract times, without competitive bidding, for a procurement unit's purchase of a good or service under Subsection (7).

(5) The provisions of Subsections (4) and (7)(a) are an exception to the procurement provisions under this chapter.

(6)

- (a) The advisory board may enter into an agreement with a person to provide administrative support to the advisory board.
- (b) Subject to the advisory board guidelines and discretion, a person described in Subsection (6) (a) shall:
 - (i) identify a community rehabilitation program and the good or service that the community rehabilitation program provides or has the potential to provide;
 - (ii) help ensure that a community rehabilitation program's good or service is provided at reasonable quality and delivery levels;
 - (iii) recommend pricing for a community rehabilitation program's good or service;
 - (iv) under the advisory board's discretion:
 - (A) review a community rehabilitation program's bid; and
 - (B) recommend to the advisory board that a procurement unit award a contract to a community rehabilitation program;
 - (v) collect and report program data to the advisory board and the division; and
 - (vi) perform other duties that the advisory board specifies.
- (7) Except as provided under Subsection (9), notwithstanding any provision of this chapter to the contrary, a procurement unit shall purchase a community rehabilitation program's good or service using the preferred procurement contract list approved under Subsection (4)(b)(iii) if:
 - (a) the community rehabilitation program's good or service reasonably conforms to the needs and specifications of the procurement unit;
 - (b) the community rehabilitation program can supply the good or service within a reasonable time; and
 - (c) the price of the good or service is reasonably competitive with the cost of procuring the good or service from another source.
- (8) A community rehabilitation program:
 - (a) may submit a bid to the advisory board at any time and not necessarily in response to an invitation for bids; and
 - (b) shall certify on the bid that the community rehabilitation program submits to the advisory board or to a procurement unit under this section that the community rehabilitation program is claiming a preference under this section.
- (9) During a fiscal year, the requirement for a procurement unit to purchase a good or service that a community rehabilitation program produces under the preferred procurement list under Subsection (7) does not apply if the division determines that the total amount of procurement contracts with community rehabilitation programs has reached \$5 million for that fiscal year.
- (10) In the case of conflict between a purchase under this section and a purchase under Section 63G-6a-804, this section prevails.

Amended by Chapter 69, 2025 General Session