

1                                   **STATE PROHIBITION OF SUDAN RELATED**

2   **CONTRACTS**

3   2009 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: David Litvack**

6   Senate Sponsor: Luz Robles

7   Cosponsor:   Jennifer M. Seelig

---

8

9   **LONG TITLE**

10 **General Description:**

11           This bill modifies the Utah Procurement Code by requiring the State Procurement  
12 Policy Board to make certain rules related to contracting with companies doing  
13 business in Sudan.

14 **Highlighted Provisions:**

15           This bill:

16           ▶ requires the State Procurement Policy Board to make rules that are consistent with  
17 provisions of the federal Sudan Accountability and Divestment Act of 2007  
18 forbidding a state agency from contracting with a person who does business in  
19 Sudan;

20           ▶ requires the board to make an annual report to the Legislature concerning the  
21 establishment, implementation, and enforcement of rules; and

22           ▶ makes technical changes.

23 **Monies Appropriated in this Bill:**

24           None

25 **Other Special Clauses:**

26           None

27 **Utah Code Sections Affected:**

28 AMENDS:

29           **63G-6-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382

30 **63G-6-208**, as renumbered and amended by Laws of Utah 2008, Chapter 382



31  
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **63G-6-202** is amended to read:

34 **63G-6-202. Powers and duties of board.**

35 (1) Except as otherwise provided in [~~Sections 63G-6-104 and 63G-6-208~~] Section  
36 63G-6-104 and Subsection 63G-6-208(1)(b), the policy board shall:

37 (a) make rules, consistent with this chapter, governing the procurement, management,  
38 and control of any and all supplies, services, and construction to be procured by the state; and

39 (b) consider and decide matters of policy within the provisions of this chapter,  
40 including those referred to it by the chief procurement officer.

41 (2) (a) The policy board may:

42 (i) audit and monitor the implementation of its rules and the requirements of this  
43 chapter;

44 (ii) upon the request of a local public procurement unit, review that procurement unit's  
45 proposed rules to ensure that they are not inconsistent with the provisions of this chapter; and

46 (iii) approve the use of innovative procurement methods proposed by local public  
47 procurement units.

48 (b) The policy board may not exercise authority over the award or administration of:

49 (i) any particular contract; or

50 (ii) over any dispute, claim, or litigation pertaining to any particular contract.

51 Section 2. Section **63G-6-208** is amended to read:

52 **63G-6-208. Rules and regulations of policy board and building board.**

53 (1) (a) Except as provided in Subsection (2), the policy board shall make rules  
54 governing state procurement by complying with the procedures and requirements of Title 63G,  
55 Chapter 3, the Utah Administrative Rulemaking Act.

56 (b) [~~The~~] Except for rules made under Subsection (1)(c), the procurement rules  
57 adopted by the policy board under this section apply to all local public procurement units

58 unless the local public procurement unit's legislative body has adopted separate rules  
59 governing procurement.

60 (c) The rules shall include provisions consistent with federal contract prohibition  
61 provisions of the Sudan Accountability and Divestment Act of 2007 (Pub. L. No. 110-174)  
62 that prohibit a state agency from contracting with a person doing business in Sudan.

63 (2) The State Building Board rules governing procurement of construction,  
64 architect-engineer services, and leases apply to the procurement of construction,  
65 architect-engineer services, and leases of real property by the Division of Facilities  
66 Construction and Management.

67 (3) The board shall make a report by July 1 of each year to an appropriate legislative  
68 interim committee designated by the Legislative Management Committee created under  
69 Section 36-12-6 on the establishment, implementation, and enforcement of the rules made  
70 under Subsection (1)(c).