

**POLITICAL SUBDIVISION'S PROCUREMENT PROCESS
FOR CONSTRUCTION PROJECTS**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Benjamin M. McAdams

House Sponsor: Jim Nielson

LONG TITLE

General Description:

This bill authorizes a city of the first class to adopt and follow, in certain circumstances, provisions of Title 63G, Chapter 6, Utah Procurement Code.

Highlighted Provisions:

This bill:

▶ authorizes a city of the first class to adopt and follow provisions of Title 63G, Chapter 6, Utah Procurement Code for:

• a building improvement or public works project that costs \$20,000,000 or more;
and

• certain construction methods; and

▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-39-107, as last amended by Laws of Utah 2008, Chapter 382



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **11-39-107** is amended to read:

30 **11-39-107. Procurement code.**

31 (1) This chapter may not be construed to:

32 (a) prohibit a county or, subject to Subsection (2), a city of the first class legislative
33 body from adopting the procedures of the procurement code; or

34 (b) limit the application of the procurement code to a local district or special service
35 district.

36 (2) A city of the first class:

37 (a) for a building improvement or public works project costing \$20,000,000 or more,
38 may adopt the procedures and follow the provisions of the procurement code for the
39 procurement of and as the procedures and provisions relate to the following construction
40 contracting methods:

41 (i) design-build, as defined in Section 63G-6-103;

42 (ii) construction manager/general contractor, as defined in Section 63G-6-103; or

43 (iii) a method that requires that the local entity draft a plan, specifications, and an
44 estimate for the building improvement or public works project; and

45 (b) may not adopt the procedures or elect to follow the provisions of the procurement
46 code;

47 (i) for a building improvement or public works project costing less than \$20,000,000;

48 or

49 (ii) for a construction contracting method other than one listed in Subsection (2)(a).

50 [~~2~~] (3) (a) In seeking bids and awarding a contract for a building improvement or
51 public works project, a county or, Subject to Subsection (2), a city of the first class legislative
52 body may elect to follow the provisions of the procurement code, as the county or city of the
53 first class legislative body considers appropriate under the circumstances, for specification
54 preparation, source selection, or contract formation.

55 (b) A county or a city of the first class legislative body's election to adopt the
56 procedures of the procurement code may not excuse the county or city of the first class,
57 respectively, from complying with the requirements to award a contract for work in excess of
58 the bid limit and to publish notice of the intent to award.

59 (c) An election under Subsection [~~(2)~~] (3)(a) may be made on a case-by-case basis,
60 unless the county or city of the first class has previously adopted the procurement code as
61 permitted by Subsection 63G-6-104(3)(e).

62 (d) The county or city of the first class legislative body shall:

63 (i) make each election under Subsection [~~(2)~~] (3)(a) in an open meeting; and

64 (ii) specify in its action the portions of the procurement code to be followed.

65 [~~(3)~~] (4) If the estimated cost of the building improvement or public works project
66 proposed by a local district or special service district exceeds the bid limit, the governing body
67 of the local district or special service district may, if it determines to proceed with the building
68 improvement or public works project, use the competitive procurement procedures of the
69 procurement code in place of the comparable provisions of this chapter.

Legislative Review Note
as of 2-4-11 11:20 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 155

SHORT TITLE: Political Subdivision's Procurement Process for Construction Projects

SPONSOR: McAdams, B.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.