

# 1st Sub. S.B. 155

## POLITICAL SUBDIVISION'S PROCUREMENT PROCESS FOR CONSTRUCTION PROJECTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 1, 2011 10:08 AM

Representative **Stephen E. Sandstrom** proposes the following amendments:

1. *Page 1, Lines 13 through 18:*

13 This bill:

14 ▶ authorizes a city ~~{-of the first class-}~~ to adopt and follow provisions of Title 63G,  
15 Chapter 6, Utah Procurement Code for ~~{-}~~

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

17 ~~and~~

18 ~~—————•-}~~ certain construction methods;

2. *Page 2, Line 48 through Page 3, Line 63*

*Senate 3rd Reading Amendments*

*2-18-2011:*

48 (b) except as provided in Subsection ~~§→ [(3)]~~ ~~{-(4)-}~~ (3) ~~←§~~, enter into a contract for the  
48a completion of the

49 building improvement or public works project with:

50 (i) the lowest responsive responsible bidder; or

51 (ii) ~~{-except as provided in Subsection (2)-}~~ for a design-build project [that the]

52 ~~formulated by a local entity [began formulating before March 1, 2004 and with respect to~~

53 ~~which a contract is entered into before September 1, 2004]~~ ~~{-subject to Section 11-39-107-}~~, a

54 responsible bidder that:

55 (A) offers design-build services; and

56 (B) satisfies the local entity's criteria relating to financial strength, past performance,  
57 integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder  
58 to perform fully and in good faith the contract requirements for a design-build project.

59 ~~{(2) A local entity may not enter into a contract for design-build services if:~~

60 ~~—————(a) the local entity is not subject §→ to ←§ Section 11-39-107; and~~

61 ~~—————(b) the local entity did not enter a design-build services contract before September 1,~~

62 ~~2004.-}~~

63 ~~[(2)]~~ ~~{-(3)-}~~ (2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may

3. *Page 3, Lines 69 through 73*

*a. Senate 3rd Reading Amendments*

b.2-18-2011:

69 (ii) Notwithstanding Subsection [(2)] ~~{(3)}~~ (2) (b)(i), a local entity may divide the cost of a  
70 building improvement or public works project that would, without dividing, exceed the bid  
71 limit if the local entity complies with the requirements of this section with respect to each part  
72 of the building improvement or public works project that results from dividing the cost.  
73 [(3)] ~~{(4)}~~ (3) (a) The local entity may reject any or all bids submitted.

4. Page 3, Line 83 through Page 4, Line 89

Senate 3rd Reading Amendments

2-18-2011:

83 (1) This chapter may not be construed to:  
84 (a) prohibit a county or, subject to Subsection (2), a city ~~{of the first class}~~ legislative  
85 body from adopting the procedures of the procurement code; or  
86 (b) limit the application of the procurement code to a local district or special service  
87 district.  
88 (2) A city ~~{of the first class}~~ ;  
89 (a) ~~{for a building improvement or public works project costing \$20,000,000 or more.}~~

5. Page 4, Lines 97 through 102:

97 (b) may not adopt the procedures or elect to follow the provisions of the procurement  
98 code ~~{:~~  
99 ~~——(i) for a building improvement or public works project costing less than \$20,000,000;~~  
100 ~~or~~  
101 ~~——(ii)}~~ for a construction contracting method other than one listed in Subsection (2)(a).  
102 (3) For a building improvement or public works project ~~{costing \$20,000,000 or more.}~~ a

6. Page 4, Lines 108 through 114:

108 [(2)] (4) (a) In seeking bids and awarding a contract for a building improvement or  
109 public works project, a county or ~~{, Subject to Subsection (2),}~~ a city ~~{of the first class}~~ legislative  
110 body may elect to follow the provisions of the procurement code, as the county or city ~~{of the~~  
111 ~~first class}~~ legislative body considers appropriate under the circumstances, for specification  
112 preparation, source selection, or contract formation.  
113 (b) A county or a city ~~{of the first class}~~ legislative body's election to adopt the  
114 procedures of the procurement code may not excuse the county or city ~~{of the first class}~~ .

7. Page 4, Line 118:

118 unless the county or city ~~{of the first class}~~ has previously adopted the procurement code as

8. Page 5, Line 120:

120 (d) The county or city ~~{-of the first class-}~~ legislative body shall: