

- 5395 (m) other subjective or objective criteria specified in the request for proposals.
- 5396 (2) Criteria not described in the request for proposals may not be used to evaluate a
 5397 proposal.
- 5398 (3) The authorized purchasing entity shall:
- 5399 (a) appoint an evaluation committee consisting of at least three individuals ~~H~~→ **at least one**
 5399a **of which is a representative of the user agency ←H ; and**
- 5400 (b) ensure that the evaluation committee and each member of the evaluation
 5401 committee:
- 5402 (i) does not have a conflict of interest with any of the offerors;
- 5403 (ii) can fairly evaluate each proposal;
- 5404 (iii) does not contact or communicate with an offeror for any reason other than
 5405 conducting the procurement process; and
- 5406 (iv) conducts the evaluation in a manner that ensures a fair and competitive process
 5407 and avoids the appearance of impropriety.
- 5408 (4) The evaluation committee may conduct interviews with, or participate in
 5409 presentations by, the offerors.
- 5410 (5) Except as provided in Subsection (6) or (7), each member of the evaluation
 5411 committee is prohibited from knowing, or having access to, any information relating to the
 5412 cost, or the scoring of the cost, of a proposal until after the evaluation committee submits its
 5413 final recommended scores on all other criteria to the authorized purchasing entity.
- 5414 (6) (a) As used in this Subsection (6), "management fee" includes only the following
 5415 fees of the construction manager/general contractor:
- 5416 (i) preconstruction phase services;
- 5417 (ii) monthly supervision fees for the construction phase; and
- 5418 (iii) overhead and profit for the construction phase.
- 5419 (b) When selecting a construction manager/general contractor for a construction
 5420 project, the evaluation committee:
- 5421 (i) may, at any time after the opening of the responses to the request for proposals, have
 5422 access to, and consider, the management fee proposed by the offerors; and
- 5423 (ii) except as provided in Subsection (7), may not know or have access to any other
 5424 information relating to the cost of construction submitted by the offerors, until after the
 5425 evaluation committee submits its final recommended scores on all other criteria to the