

28 AMENDS:

29 [53A-20-101](#), as last amended by Laws of Utah 2012, Chapters 86 and 347

30 [63G-6a-103](#), as last amended by Laws of Utah 2013, Chapter 445

31

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

33 Section 1. Section [53A-20-101](#) is amended to read:

34 **[53A-20-101. Construction and alteration of public schools and other public](#)**  
 35 **[school facilities.](#)**

36 (1) As used in this section~~[, the word "sealed" does not preclude acceptance of~~  
 37 ~~electronically sealed and submitted bids or proposals in addition to bids or proposals manually~~  
 38 ~~sealed and submitted.];~~

39 (a) "Construction" has the same meaning as defined in Section [63G-6a-103](#).

40 (b) "Local education agency" or "LEA" means a school district, charter school, or the  
 41 Utah Schools for the Deaf and the Blind.

42 (2) ~~§~~ **→** [Except as provided in Subsection (4), the] The ~~←~~ **§** design, construction, and  
 42a maintenance

43 projects for a public school or other public school facility shall follow all procurement, source  
 44 selection, construction, public notice, and contracting procedures provided in Title 63G,  
 45 Chapter 6a, Utah Procurement Code.

46 ~~[(2) (a) Prior to the construction of any school or the alteration of any existing school~~  
 47 ~~plant, if the total estimated accumulative building project cost exceeds \$80,000, a local school~~  
 48 ~~board shall advertise for bids on the project at least 10 days before the bid due date.]~~

49 ~~[(b) The board shall have the advertisement published in a newspaper having general~~  
 50 ~~circulation throughout the state and in appropriate construction trade publications that offer~~  
 51 ~~free listings.]~~

52 ~~[(c) A similar advertisement is required in a newspaper published or having general~~  
 53 ~~circulation in any city or county that would be affected by the proposed project.]~~

54 ~~[(d) The advertisement shall:]~~

55 ~~[(i) require sealed proposals for the building project in accordance with plans and~~  
 56 ~~specifications furnished by the local school board;]~~

57 ~~[(ii) state where and when the proposals will be opened and shall reserve the right of~~  
 58 ~~the board to reject any and all proposals; and]~~

90 use a construction manager/general contractor as its method of construction contracting  
 91 management on projects where the total estimated accumulative cost exceeds \$80,000, it shall  
 92 select the construction manager/general contractor in accordance with the requirements of Title  
 93 63G, Chapter 6a, Utah Procurement Code.]

94 [~~(9) A local school board member may not have a direct or indirect financial interest in~~  
 95 ~~the construction project contract.]~~

96 ~~§→ [(4) (a) An LEA may self-perform work on a construction project up to \$100,000;~~

97 ~~— (b) A construction project over \$100,000 shall be procured in accordance with the~~  
 98 ~~requirements of Title 63G, Chapter 6a, Utah Procurement Code.] ←§~~

99 Section 2. Section 63G-6a-103 is amended to read:

100 **63G-6a-103. Definitions.**

101 As used in this chapter:

102 (1) "Architect-engineer services" means:

103 (a) professional services within the scope of the practice of architecture as defined in  
 104 Section 58-3a-102; or

105 (b) professional engineering as defined in Section 58-22-102.

106 (2) "Bidder" means a person who responds to an invitation for bids.

107 (3) "Change directive" means a written order signed by the procurement officer that  
 108 directs the contractor to suspend work or make changes, as authorized by contract, without the  
 109 consent of the contractor.

110 (4) "Change order" means a written alteration in specifications, delivery point, rate of  
 111 delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual  
 112 agreement of the parties to the contract.

113 (5) "Chief procurement officer" means the chief procurement officer appointed under  
 114 Subsection 63G-6a-302(1).

115 (6) (a) "Construction" means the process of building, renovating, altering, improving,  
 116 or repairing a public building or public work.

117 (b) "Construction" does not include the routine operation, routine repair, or routine  
 118 maintenance of an existing structure, building, or real property.

119 (7) (a) "Construction manager/general contractor" means a contractor who enters into a  
 120 contract for the management of a construction project when the contract allows the contractor