

553 without involvement by the division or the chief procurement officer:

554 (i) retain outside counsel; or

555 (ii) procure litigation support services, including retaining an expert witness.

556 (b) A procurement unit with independent procurement authority that is not represented

557 by the attorney general's office may, in accordance with the provisions of this chapter, but

558 without involvement by the division or the chief procurement officer:

559 (i) retain outside counsel; or

560 (ii) procure litigation support services, including retaining an expert witness.

561 (6) The state auditor's office may, in accordance with the provisions of this chapter, but

562 without involvement by the division or the chief procurement officer, procure audit services.

563 (7) The state treasurer may, in accordance with the provisions of this chapter, but

564 without involvement by the division or the chief procurement officer, procure:

565 (a) deposit [~~and investment~~] services; and

566 (b) services related to issuing bonds.

567 Section 6. Section **63G-6a-107** is amended to read:

568 **63G-6a-107. Exemptions from chapter -- Compliance with federal law.**

569 (1) Except for Part 24, Unlawful Conduct and Penalties, the provisions of this chapter

570 do not apply to:

571 (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art

572 Act;

573 (b) ~~It~~ **It** ~~is~~ **is** ~~awarded by the state~~ **awarded by the state** ~~[or contracts between the state and~~

573a ~~any of the~~

574 ~~following];~~

575 ~~[(i) an educational procurement unit;]~~

576 ~~[(ii) a conservation district;]~~

577 ~~[(iii) a local building authority;]~~

578 ~~[(iv) a local district;]~~

579 ~~[(v) a public corporation;]~~

580 ~~[(vi) a special service district;]~~

581 ~~[(vii) a public transit district; or]~~

582 ~~[(viii) two or more of the entities described in Subsections (1)(b)(i) through (vii);~~

583 ~~acting under legislation that authorizes intergovernmental cooperation;]~~

584 (c) ~~H~~→ [contracts] a contract ←~~H~~ between procurement units:

585 ~~(c)~~ (d) medical supplies or medical equipment, including service agreements for
586 medical equipment, obtained through a purchasing consortium by the Utah State Hospital, the
587 Utah State Developmental Center, the University of Utah Hospital, or any other hospital owned
588 by the state or a political subdivision of the state, if:

589 (i) the consortium uses a competitive procurement process; and

590 (ii) the chief administrative officer of the hospital makes a written finding that the
591 prices for purchasing medical supplies and medical equipment through the consortium are
592 competitive with market prices;

593 ~~(d)~~ (e) the purchase of firefighting supplies or equipment by the Division of Forestry,
594 Fire, and State Lands, created in Section 65A-1-4, through the federal General Services
595 Administration or the National Fire Cache system;

596 ~~(e)~~ (f) goods purchased for resale to the public; ~~[or]~~

597 ~~(f)~~ (g) the Division of Parks and Recreation, during a fiscal emergency, as defined by
598 Subsection 79-4-1102(1), if the division is acting under the authority described in Sections
599 79-4-1101 through 79-4-1103[-]; or

600 (h) activities related to the management of investments by a public entity granted
601 investment authority by law.

602 (2) This chapter does not prevent a procurement unit from complying with the terms
603 and conditions of any grant, gift, or bequest that is otherwise consistent with law.

604 ~~[(3) This chapter does not apply to any action taken by a majority of both houses of the~~
605 ~~Legislature.]~~

606 ~~[(4)]~~ (3) Notwithstanding any conflicting provision of this chapter, when a
607 procurement involves the expenditure of federal or state assistance, federal contract funds,
608 local matching funds, or federal financial participation funds, the procurement unit shall
609 comply with mandatory applicable federal or state law and regulations not reflected in this
610 chapter.

611 ~~[(5)]~~ (4) This chapter does not supersede the requirements for retention or withholding
612 of construction proceeds and release of construction proceeds as provided in Section 13-8-5.

613 Section 7. Section 63G-6a-204 is amended to read:

614 **63G-6a-204. Applicability of rules and regulations of Utah State Procurement**

956 the design professional's negligent act, wrongful act, error or omission, or other liability
 957 imposed by law.

958 ~~[(b)]~~ (2) Subsection ~~[(2)(a)]~~ (1) may not be waived by contract.

959 ~~[(c)]~~ (3) Notwithstanding Subsections ~~[(2)(a)]~~ (1) and ~~[(b)]~~ (2), a design professional
 960 may be required to indemnify a person for whom the design professional has direct or indirect
 961 control or responsibility.

962 Section 14. Section **63G-6a-1206.5** is enacted to read:

963 **63G-6a-1206.5. Change in contract price.**

964 ~~§→ [(1) At any time during the period that a contract is in effect, a contractor may lower the~~
 965 ~~contract price to the procurement unit.~~

966 ~~——(2) ←§~~ A contractor may increase the contract price only in accordance with the terms of
 967 the contract.

968 Section 15. Section **63G-6a-1501** is amended to read:

969 **Part 15. Design Professional Services**

970 **63G-6a-1501. Title.**

971 This part is known as "[~~Architect-Engineer~~] Design Professional Services."

972 Section 16. Section **63G-6a-1502** is amended to read:

973 **63G-6a-1502. Policy regarding design professional services.**

974 ~~[(1) It is the policy of this state to]~~

975 (1) A procurement unit seeking to procure design professional services shall:

976 (a) publicly announce all requirements for [~~architect-engineer~~] those services through a
 977 request for statement of qualifications [~~and to~~], as provided in this part; and

978 (b) negotiate contracts for [~~architect-engineer~~] design professional services;

979 (i) on the basis of demonstrated competence and qualification for the type of services
 980 required[-]; and

981 (ii) at fair and reasonable prices.

982 ~~(2) [Architect-engineer services shall be procured]~~ A procurement unit shall procure
 983 design professional services as provided in this part, except as otherwise provided in Sections
 984 63G-6a-403, 63G-6a-404, 63G-6a-408, 63G-6a-802, and 63G-6a-803.

985 (3) This part does not affect the authority of, and does not apply to procedures
 986 undertaken by, a procurement unit to obtain the services of architects or engineers in the