

150 ~~[(a) except as provided in Part 4, Surplus Property Services,]~~

151 (i) prescribe a schedule of fees to be charged for all services provided by the division

152 ~~[to any department or agency]~~ after the purchasing director:

153 ~~[(i)]~~ (A) submits the proposed rate, fees, or other amounts for services provided by the

154 division's internal service fund to the Rate Committee established in Section ~~§~~ → [f] 63A-1-114 [f]

155 ~~[63J-1-410] ← §~~ ; and

156 ~~[(ii)]~~ (B) obtains the approval of the Legislature, as required by ~~[Sections 63J-1-410~~

157 ~~and]~~ Section 63J-1-504;

158 ~~[(b) when practicable,]~~ (ii) ensure that the fees are approximately equal to the cost of
159 providing the services; and

160 ~~[(c) periodically]~~ (iii) annually conduct a market analysis of fees ~~[, which analysis]~~.

161 (b) A market analysis under Subsection (3)(a)(iii) shall include a comparison of the
162 division's rates with the fees of other public or private sector providers ~~[where]~~ if comparable
163 services and rates are reasonably available.

164 Section 4. Section 63A-2-104 is amended to read:

165 **63A-2-104. Delegation of general services to departments or agencies -- Writing**
166 **required -- Contents -- Termination.**

167 (1) The purchasing director ~~[of the Division of Purchasing and General Services]~~, with
168 the approval of the executive director, may delegate, in writing, ~~[his]~~ the purchasing director's
169 authority to perform or control any general services function to ~~[other]~~ another state ~~[agencies~~
170 ~~and institutions]~~ agency by contract or other means authorized by law, if:

171 (a) in the judgment of the executive director, the state ~~[department or]~~ agency has
172 requested the authority; and

173 (b) the state ~~[department or]~~ agency has the necessary resources and skills to perform
174 or control the functions.

175 (2) The purchasing director may delegate ~~[his]~~ the purchasing director's authority only
176 when the delegation would result in net cost savings or improved service delivery to the state
177 as a whole.

178 (3) The written delegation shall contain ~~[the following]~~:

179 (a) a precise definition of each function to be delegated;

180 (b) a clear description of the standards to be met in performing each function

181 delegated;

182 (c) a provision for periodic administrative audits by the department; and

183 (d) a date on which the agreement shall terminate if not previously terminated or
184 renewed.

185 (4) An agreement to delegate functions to a state agency [~~or institution~~] may be
186 terminated by the department if the results of an administrative [~~audits~~] audit conducted by the
187 department ~~§~~→ [f] reveal [f] [~~reveals~~] ←~~§~~ lack of compliance with the terms of the agreement.

188 Section 5. Section **63A-2-105** is amended to read:

189 **63A-2-105. Director to approve certain purchases.**

190 (1) [~~Each~~] A state agency that intends to purchase any mail-related equipment or copy
191 machine shall submit a purchase request to the purchasing director [~~of the Division of General~~
192 ~~Services~~].

193 (2) The purchasing director shall review [~~those requests~~] a request under Subsection
194 (1) to ensure that:

195 (a) the authority to perform those functions has been appropriately delegated to the
196 state agency under this part;

197 (b) the equipment meets proper specifications; and

198 (c) the benefits from the state agency's purchase of the equipment outweigh the benefits
199 of having the same functions performed by the [~~Division of Purchasing and General Services~~]
200 division.

201 Section 6. Section **63A-2-401** is amended to read:

202 **63A-2-401. Utah surplus property program -- Definitions -- Administration.**

203 [~~(1) As used in this part, "agency" means:~~]

204 [~~(a) the Utah Departments of Administrative Services, Agriculture and Food, Alcoholic~~
205 ~~Beverage Control, Commerce, Heritage and Arts, Corrections, Workforce Services, Health,~~
206 ~~Human Resource Management, Human Services, Insurance, Natural Resources, Public Safety,~~
207 ~~Technology Services, and Transportation and the Labor Commission;]~~

208 [~~(b) the Utah Offices of the Auditor, Attorney General, Court Administrator, Utah~~
209 ~~Office for Victims of Crime, Rehabilitation, and Treasurer;]~~

210 [~~(c) the Public Service Commission and State Tax Commission;]~~

211 [~~(d) the State Boards of Education, Pardons and Parole, and Regents;]~~

212 ~~[(e) the Career Service Review Office;]~~
 213 ~~[(f) other state agencies designated by the governor;]~~
 214 ~~[(g) the legislative branch, the judicial branch, and the State Board of Regents; and]~~
 215 ~~[(h) an institution of higher education, its president, and its board of trustees for~~
 216 ~~purposes of Section 63A-2-402.]~~

217 (1) The division shall determine the appropriate method for disposing of state surplus
 218 property.

219 (2) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the division
 220 may contract with one or more state surplus property contractors to assist with the disposition
 221 of state surplus property by:

222 (a) online auction;

223 (b) live auction;

224 (c) pick up, sale, and disposal ~~§~~ → [] ; ← ~~§~~

225 (d) disposal;

226 (e) destruction; or

227 (f) another method approved by the purchasing director.

228 (3) (a) A state agency shall use the services of the state surplus property contractors
 229 under contract with the division for the disposition of state surplus property unless the
 230 purchasing director authorizes an exception in writing.

231 (b) Justification for an exception under Subsection (3)(a) includes:

232 (i) a security issue;

233 (ii) the need for restricted public access to the state surplus property;

234 (iii) a lack of adequate storage space; and

235 (iv) an issue specific to the state agency, as approved by the purchasing director.

236 ~~[(2)(a) The]~~ (4) (a) By following the procedures and requirements of Title 63G,
 237 Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing a
 238 surplus property program that meets the requirements of this chapter by following the
 239 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

240 (b) The rules under Subsection (4)(a) shall include:

241 (i) procedures and requirements for transferring state surplus property directly from
 242 one state agency to another [agency];

398 ~~property program; and]~~

399 ~~[(b) (i) issue the request for proposals described in this section on or before September~~
400 ~~30, 2013; or]~~

401 ~~[(ii) in November 2013, give an oral report to the Government Operations Interim~~
402 ~~Committee, explaining why the request for proposals was not issued on or before September~~
403 ~~30, 2013.]~~

404 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
405 division shall make rules pertaining to the process and procedures relating to services provided
406 by a person awarded a contract under Subsection (1).

407 Section 11. Section **63A-2-411** is repealed and reenacted to read:

408 **63A-2-411. Disposal of state surplus property with minimal value.**

409 (1) As used in this section, "minimal value" means a value of less than \$100.

410 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
411 division shall make rules that permit a state agency to dispose of property with a minimal value
412 that the state agency has declared to be state surplus property as provided in Subsection
413 63A-2-401(7).

414 (3) The division's rules under Subsection ~~§~~→ ~~(1)~~ (2) ←~~§~~ shall permit a state agency to
414a dispose of

415 state surplus property with a minimal value by:

416 (a) destroying the property;

417 (b) disposing of the property as waste; or

418 (c) donating the property to:

419 (i) a charitable organization; or

420 (ii) an employee of the state agency.

421 (4) Property of a state agency is presumed to have a minimal value if the property is
422 not purchased after the state agency offers the property for sale to the public at a price above
423 \$100 for at least seven days:

424 (a) through an online auction;

425 (b) through a live auction;

426 (c) at a retail location managed by the division; or

427 (d) through another sale method approved by the director.

428 Section 12. **Repealer.**