

# H.B. 409

## AMENDMENTS TO THE PROCUREMENT CODE

Representative V. Lowry Snow proposes the following amendments:

1. Page 6, Line 155:

155 (b) an individual licensed as a professional engineer or professional land surveyor under Title 58,  
Chapter 22.

2. Page 16, Line 473:

473 (3) ~~{Except as provided in Subsection 17B-1-108(3) relating to local districts, the}~~ The

3. Page 20, Lines 606 through 608:

606 procurement involves the expenditure of federal or state assistance, federal contract funds, local  
607 matching funds, or federal financial participation funds, the procurement unit shall comply  
608 with mandatory applicable federal or state law and regulations not reflected in this chapter.

4. Page 24, Line 734 through Page 25, Line 746:

734 (2) (a) The applicable rulemaking authority may make rules governing small purchases of any  
procurement item ,  
735 including ~~{-}~~ construction, job order contracting, design professional services, other professional  
services, information technology, and goods.

(b) Rules under Subsection (2)(a) may include provisions:

736 ~~{(a)}~~ (i) establishing expenditure thresholds, including:  
737 ~~{(i)}~~ (A) an annual cumulative threshold;  
738 ~~{(ii)}~~ (B) an individual procurement threshold; ~~{+}~~ and ~~{+}~~  
739 ~~{(iii)}~~ (C) a single procurement aggregate threshold; ~~{-and}~~  
740 ~~{(iv) other thresholds relating to the procurement of a procurement item, including:~~  
741 ~~(A) construction, including job order contracting;~~  
742 ~~(B) design professional services and other professional services; and~~  
743 ~~(C) an information technology project;}~~  
744 ~~{(b)}~~ (ii) establishing procurement requirements relating to the thresholds described in  
745 Subsection (2) ~~{(a)}~~ (b)(i) ; and  
746 ~~{(c)}~~ (iii) providing for the use of electronic, telephone, or written quotes.

5. Page 31, Lines 947 through 956:

947            ~~{(1) As used in this section, "design [professional]" expert" means:~~  
948        ~~—— (a) an architect, licensed under Title 58, Chapter 3a, Architects Licensing Act;~~  
949        ~~—— (b) a landscape architect, licensed under Title 58, Chapter 53, Landscape Architects~~  
950        ~~Licensing Act; or~~  
951        ~~—— (c) a professional engineer or professional land surveyor, licensed under Title 58,~~  
952        ~~Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.}~~  
953            ~~{(2)(a)}~~    (1)    A contract, including an amendment to an existing contract, entered into under  
954        this chapter may not require that a design    ~~{+}~~    ~~professional~~    ~~{+}~~    ~~{expert}~~    indemnify another  
              from liability  
955        claims that arise out of the design    ~~{+}~~    ~~professional's~~    ~~{+}~~    ~~{expert's}~~    services, unless the liability  
              claim  
956        arises from the design    ~~{+}~~    ~~professional's~~    ~~{+}~~    ~~{expert's}~~    negligent act, wrongful act, error or  
              omission, or

6. *Page 32, Lines 958 through 960:*

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~~    ~~{+}~~    ~~{expert}~~    may be  
960        required to indemnify a person for whom the design    ~~{+}~~    ~~professional~~    ~~{+}~~    ~~{expert}~~    has direct or  
              indirect

7. *Page 33, Lines 993 through 994:*

993            (a) the    ~~{person's}~~    design professional's    work history and experience;  
994            (b) performance ratings earned by the    ~~{person}~~    design professional    or references for similar  
              work;

8. *Page 33, Line 996:*

996            (d) the quality of the    ~~{person's}~~    design professional's    past work product;

9. *Page 33, Line 999:*

999            (f) the    ~~{person's}~~    design professional's    financial solvency;

10. *Page 39, Line 1181:*

1181        procurement unit, a judicial procurement unit, a    nonadopting    local government procurement unit, or a  
              public

11. *Page 40, Line 1207:*

1207 under Subsection 63G-6a-1602 {~~(3)~~} (2) ; or