

834 the procurement unit.

835 (96) "Vendor":

836 (a) means a person who is seeking to enter into a contract with a procurement unit to
837 provide a procurement item; and

838 (b) includes:

839 (i) a bidder;

840 (ii) an offeror;

841 (iii) an approved vendor; ~~and~~

842 (iv) a design professional[-]; and

843 (v) a person who submits an unsolicited proposal under Section 63G-6a-712.

844 Section 3. Section **63G-6a-712** is enacted to read:

845 **63G-6a-712. Unsolicited proposals.**

846 (1) As used in this section, "unsolicited proposal":

847 (a) means a written proposal:

848 (i) for a public-private partnership ~~§~~ for ~~H~~ :

848a **(A) ~~H~~ an infrastructure project ~~§~~ H ; or**

848b **(B) a project to collect, analyze, and distribute health data to improve health and health
848c care and to facilitate interaction regarding health and health care issues ~~H~~ ; and**

849 (ii) that is not submitted in response to a solicitation; and

850 (b) does not include an initial proposal, as defined in Section 63G-6a-711.

851 (2) (a) Subject to Subsection (2)(b), a person may submit an unsolicited proposal to a
852 procurement unit at any time.

853 (b) An unsolicited proposal may not be used to seek a procurement unit's consideration
854 of a proposal after the expiration of the time for submitting proposals in response to a request
855 for proposals.

856 (3) An unsolicited proposal shall include:

857 ~~§~~ (a) a reference to this section and a statement that the unsolicited proposal is
857a submitted under this section; ~~§~~

857b ~~§~~ [(a)] (b) ~~§~~ a conceptual description of the ~~H~~ [~~§~~ infrastructure ~~§~~] ~~H~~
857b1 project that

857c constitutes the procurement item that is

858 the subject of the proposed public-private partnership;

859 ~~§~~ [(b)] (c) ~~§~~ a description of the economic benefit of the

859a1 ~~H~~ [~~§~~ infrastructure ~~§~~] ~~H~~ project

859a to the state and the procurement

860 unit;

861 ~~§~~ [(c)] (d) ~~§~~ information concerning the ~~§~~ [products,] ~~§~~ services ~~§~~ [, and
861a supplies] or facilities ~~§~~ currently being

862 provided by the state or procurement unit that are similar to the ~~H~~ [~~§~~ infrastructure ~~§~~] ~~H~~
862a project;

863 ~~§~~ [(d)] (e) ~~§~~ an estimate of the ~~H~~ [~~§~~ infrastructure ~~§~~] ~~H~~ project costs for:

864 (i) design;

865 (ii) implementation;

866 (iii) operation and maintenance; and

867 (iv) any other related project cost; and

868 ~~§~~ → ~~(e)~~ **(f)** ← ~~§~~ the name, address, telephone number, and email address of an individual

868a who may

869 be contacted for further information concerning the unsolicited proposal.

870 (4) A procurement unit is not required to consider an unsolicited proposal.

871 (5) A procurement unit may charge a person submitting an unsolicited proposal a fee to

872 cover the actual cost of processing, considering, and evaluating the unsolicited proposal.

873 (6) A procurement unit that receives an unsolicited proposal may not award a contract

874 for the procurement item described in the unsolicited proposal unless:

875 (a) the procurement unit first engages in a standard procurement process for proposals

876 to provide the procurement item described in the unsolicited proposal; or

877 (b) awarding the contract without the procurement unit engaging in a standard

878 procurement process is allowed under Section 63G-6a-802.

879 (7) If a procurement unit engages in a standard procurement process pursuant to

880 Subsection (6)(a):

881 (a) the procurement unit shall treat an unsolicited proposal as though it were submitted

882 as a proposal in response to the solicitation; and

883 (b) a person who has submitted an unsolicited proposal may, within the time provided

884 in the solicitation for the submission of proposals, modify the unsolicited proposal to the extent

885 necessary to address matters raised in the solicitation that were not addressed in the initial

886 unsolicited proposal.

887 (8) An applicable rulemaking authority may make rules to govern the submission,

888 processing, consideration, and evaluation of an unsolicited proposal, including fees relating to

889 the unsolicited proposal.

890 (9) An unsolicited proposal is subject to Chapter 2, Government Records Access and

891 Management Act, including, if applicable, provisions relating to a written claim of business

892 confidentiality, as provided in Section 63G-2-309, for trade secrets, commercial information, or

893 nonindividual financial information described in Subsection 63G-2-305(1) or (2).