

1 **DEPARTMENT OF TRANSPORTATION PROCUREMENT**

2 **AUTHORITY**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: David G. Buxton**

6 House Sponsor: Kay J. Christofferson

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to the Department of Transportation's procurement
11 authority.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ broadens the executive director's procurement authority to include purchases
15 necessary to achieve the statutory functions and responsibilities of the department;
- 16 ▶ describes the executive director's authority to determine whether an item or
17 purchase related to the department's mission is a procurement item; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **72-1-202**, as last amended by Laws of Utah 2018, Chapter 424

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

28 Section 1. Section **72-1-202** is amended to read:

29 **72-1-202. Executive director of department -- Appointment -- Qualifications --**

30 **Term -- Responsibility -- Power to bring suits -- Salary.**

31 (1) (a) The governor, after consultation with the commission and with the consent of
32 the Senate, shall appoint an executive director to be the chief executive officer of the
33 department.

34 (b) The executive director shall be a qualified executive with technical and
35 administrative experience and training appropriate for the position.

36 (c) The executive director shall remain in office until a successor is appointed.

37 (d) The executive director may be removed by the governor.

38 (2) In addition to the other functions, powers, duties, rights, and responsibilities
39 prescribed in this chapter, the executive director shall:

40 (a) have responsibility for the administrative supervision of the state transportation
41 systems and the various operations of the department;

42 (b) have the responsibility for the implementation of rules, priorities, and policies
43 established by the department and the commission;

44 (c) have the responsibility for the oversight and supervision of any transportation
45 project for which state funds are expended;

46 (d) have full power to bring suit in courts of competent jurisdiction in the name of the
47 department as the executive director considers reasonable and necessary for the proper
48 attainment of the goals of this chapter;

49 (e) receive a salary, to be established by the governor within the salary range fixed by
50 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual
51 traveling expenses while away from the executive director's office on official business; ~~and~~

52 (f) purchase all ~~necessary~~ equipment, services, and supplies ~~for the department.~~
53 necessary to achieve the department's functions, powers, duties, rights, and responsibilities
54 delegated under Section 72-1-201; and

55 (g) have the responsibility to determine whether a purchase from, contribution to, or
56 other participation with a public entity or association of public entities in a pooled fund
57 program to acquire, develop, or share information, data, reports, or other services related to the

58 department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement
59 Code.