

- 646 (ii) for each other executive branch procurement unit, the board;
- 647 (d) for a local government procurement unit:
- 648 (i) the governing body of the local government unit; or
- 649 (ii) an individual or body designated by the local government procurement unit;
- 650 (e) for a school district or a public school, the board, except to the extent of a school
- 651 district's own nonadministrative rules that do not conflict with the provisions of this chapter;
- 652 (f) for a state institution of higher education described in Subsection 53B-1-102(1)(a)
- 653 or (c), the State Board of Regents;
- 654 (g) for a state institution of higher education described in Subsection 53B-1-102(1)(b),
- 655 the Utah System of Technical Colleges Board of Trustees;
- 656 (h) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
- 657 State Board of Education;
- 658 (i) for a public transit district, the chief executive of the public transit district;
- 659 (j) for a local district other than a public transit district or for a special service district,
- 660 the board, except to the extent that the board of trustees of the local district or the governing
- 661 body of the special service district makes its own rules:
- 662 (i) with respect to a subject addressed by board rules; or
- 663 (ii) that are in addition to board rules;
- 664 (k) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the ~~State Board of~~ **→ [board of**
- 665 **directors of the Utah Educational Savings Plan] State Board of Regents ← ~~State Board of Regents~~ **;****
- 666 (l) for the School and Institutional Trust Lands Administration, created in Section
- 667 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
- 668 (m) for the School and Institutional Trust Fund Office, created in Section 53D-1-201,
- 669 the School and Institutional Trust Fund Board of Trustees;
- 670 (n) for the Utah Communications Authority, established in Section 63H-7a-201, the
- 671 Utah Communications Authority Board, created in Section 63H-7a-203; or
- 672 (o) for any other procurement unit, the board.
- 673 [(79)] (78) "Service":
- 674 (a) means labor, effort, or work to produce a result that is beneficial to a procurement
- 675 unit;
- 676 (b) includes a professional service; and

956 Section 8. Section **63G-6a-109** is amended to read:

957 **63G-6a-109. Issuing procurement unit and conducting procurement unit.**

958 (1) With respect to a procurement by an executive branch procurement unit, except for  
 959 a procurement by an executive branch procurement unit that, under Subsection  
 960 63G-6a-103 ~~H~~→ [(40)] (39) ←H (b), (c), (d), or (e), is designated as an independent procurement  
 960a unit:

961 (a) the division is the issuing procurement unit; and

962 (b) the executive branch procurement unit is the conducting procurement unit and is  
 963 responsible to ensure that the procurement is conducted in compliance with this chapter.

964 (2) With respect to a procurement by any other procurement unit, the procurement unit  
 965 is both the issuing procurement unit and the conducting procurement unit.

966 (3) A conducting procurement unit is responsible for contract administration.

967 Section 9. Section **63G-6a-112** is amended to read:

968 **63G-6a-112. Required public notice.**

969 [~~(1) The division or a procurement unit with independent procurement authority that~~  
 970 ~~issues a solicitation required to be published in accordance with this section, shall provide~~  
 971 ~~public notice that includes:]~~

972 [~~(a) the name of the procurement unit acquiring the procurement item;]~~

973 [~~(b) information on how to contact the issuing procurement unit;]~~

974 [~~(c) the date of the opening and closing of the solicitation;]~~

975 [~~(d) information on how to obtain a copy of the procurement documents;]~~

976 [~~(e) a general description of the procurement items that will be obtained through the~~  
 977 ~~standard procurement process or procurement under Section 63G-6a-802; and]~~

978 [~~(f) for a notice of a procurement under Section 63G-6a-802;]~~

979 [~~(i) contact information and other information relating to contesting or obtaining~~  
 980 ~~additional information relating to the procurement; and]~~

981 [~~(ii) the earliest date that the procurement unit may make the procurement.]~~

982 [~~(2) Except as provided in Subsection (4), the issuing procurement unit]~~

983 (1) A procurement unit that issues a solicitation shall publish [the] notice [described in  
 984 Subsection (1)] of the solicitation:

985 (a) at least seven days before the day of the deadline for submission of a [bid or other]  
 986 solicitation response; and

1204 Section 18. Section **63G-6a-303** is amended to read:

1205 **63G-6a-303. Duties and authority of chief procurement officer.**

1206 (1) The chief procurement officer:

1207 (a) is the director of the division;

1208 (b) serves as the central procurement officer of the state;

1209 (c) serves as a voting member of the board; and

1210 (d) serves as the protest officer for a protest relating to a procurement of an executive

1211 branch procurement [~~unit without independent procurement authority~~], except an executive

1212 branch procurement unit designated under Subsection 63G-6a-103 ~~H→ [(40)] (39) ←H~~ (b), (c), (d),

1212a or (e) as an

1213 independent procurement unit, or a state cooperative contract procurement, unless the chief

1214 procurement officer designates another to serve as protest officer, as authorized in this chapter.

1215 (2) Except as otherwise provided in this chapter, the chief procurement officer shall:

1216 (a) develop procurement policies and procedures supporting ethical procurement

1217 practices, fair and open competition among vendors, and transparency within the state's

1218 procurement process;

1219 (b) administer the state's cooperative purchasing program, including state cooperative

1220 contracts and associated administrative fees;

1221 (c) enter into an agreement with a public entity for services provided by the division, if

1222 the agreement is in the best interest of the state;

1223 (d) ensure the division's compliance with any applicable law, rule, or policy, including

1224 a law, rule, or policy applicable to the division's role as an issuing procurement unit or

1225 conducting procurement unit, or as the state's central procurement organization;

1226 (e) manage the division's electronic procurement system;

1227 (f) oversee the recruitment, training, career development, certification requirements,

1228 and performance evaluation of the division's procurement personnel;

1229 (g) make procurement training available to procurement units and persons who do

1230 business with procurement units;

1231 (h) provide exemplary customer service and continually improve the division's

1232 procurement operations;

1233 (i) exercise all other authority, fulfill all other duties and responsibilities, and perform

1234 all other functions authorized under this chapter; and

1266 solicitation, as defined in Subsection 63G-6a-2105(7), even if the procurement item is also  
 1267 offered under a state cooperative contract, if the chief procurement officer determines that the  
 1268 procurement pursuant to a regional solicitation is in the best interest of the acquiring  
 1269 procurement unit; and

1270 (v) remove an individual from the procurement process or contract administration for:

1271 (A) having a conflict of interest or the appearance of a conflict of interest with a person  
 1272 responding to a solicitation or with a contractor;

1273 (B) having a bias or the appearance of bias for or against a person responding to a  
 1274 solicitation or for or against a contractor;

1275 (C) making an inconsistent or unexplainable score for a solicitation response;

1276 (D) having inappropriate contact or communication with a person responding to a  
 1277 solicitation;

1278 (E) socializing inappropriately with a person responding to a solicitation or with a  
 1279 contractor;

1280 (F) engaging in any other action or having any other association that causes the chief  
 1281 procurement officer to conclude that the individual cannot fairly evaluate a solicitation  
 1282 response or administer a contract; or

1283 (G) any other violation of a law, rule, or policy.

1284 (4) The chief procurement officer may not delegate to an individual outside the  
 1285 division the chief procurement officer's authority over a procurement described in Subsection  
 1286 (3)(a)(iv).

1287 (5) The chief procurement officer has final authority to determine whether an executive  
 1288 branch procurement unit's anticipated expenditure of public funds, anticipated agreement to  
 1289 expend public funds, or provision of a benefit constitutes a procurement that is subject to this  
 1290 chapter.

1291 (6) Except as otherwise provided in this chapter, the chief procurement officer shall  
 1292 review, monitor, and audit the procurement activities and delegated procurement authority of  
 1293 an executive branch procurement unit [~~without independent procurement authority~~], except to  
 1294 the extent that an executive branch procurement unit is designated under Subsection  
 1295 63G-6a-103 ~~H~~→ [(40)] (39) ←H (b), (c), (d), or (e) as an independent procurement unit, to ensure  
 1295a compliance

1296 with this chapter, rules made by the applicable rulemaking authority, and division policies.