

STATE PURCHASING AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies procurement provisions relating to procurements for a vice presidential debate.

Highlighted Provisions:

This bill:

- ▶ authorizes a procurement of items intended to be used to host a vice presidential debate to be made without engaging in a standard procurement process;
- ▶ provides that publication of notice of a procurement for a vice presidential debate is not required; and
- ▶ provides for a repeal of the provisions relating to the vice presidential debate and publication of notice.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-6a-802, as last amended by Laws of Utah 2016, Chapter 355

63I-2-263, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370, and 483



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

Section 1. Section **63G-6a-802** is amended to read:

63G-6a-802. Award of contract without engaging in a standard procurement process -- Notice -- Duty to negotiate contract terms in best interest of procurement unit.

(1) The chief procurement officer or the head of a procurement unit with independent procurement authority may award a contract for a procurement item without engaging in a standard procurement process if the chief procurement officer or the head of the procurement unit with independent procurement authority determines in writing that:

(a) there is only one source for the procurement item;

(b) (i) transitional costs are a significant consideration in selecting a procurement item; and

(ii) the results of a cost-benefit analysis demonstrate that transitional costs are unreasonable or cost-prohibitive, and that the award of a contract without engaging in a standard procurement process is in the best interest of the procurement unit; [or]

(c) the award of a contract is under circumstances, described in rules adopted by the applicable rulemaking authority, that make awarding the contract through a standard procurement process impractical and not in the best interest of the procurement unit[-]; or

(d) the procurement item is intended to be used to host a debate of candidates for vice president of the United States held at a state institution of higher education.

(2) Transitional costs associated with a trial use or testing of a procurement item under a trial use contract may not be included in a consideration of transitional costs under Subsection (1)(b).

(3) (a) Subject to Subsection (3)(b), the applicable rulemaking authority shall make rules regarding the publication of notice for a procurement under this section that, at a minimum, require publication of notice of the procurement, in accordance with Section **63G-6a-112**, if the cost of the procurement exceeds \$50,000.

(b) Publication of notice under Section **63G-6a-112** is not required for:

(i) the procurement of public utility services pursuant to a sole source contract; [or]

(ii) other procurements under this section for which an applicable rule provides that notice is not required[-]; or

59 (iii) a procurement under Subsection (1)(d).

60 (4) The chief procurement officer or the head of a procurement unit with independent
61 procurement authority who awards a contract under this section shall negotiate with the
62 contractor to ensure that the terms of the contract, including price and delivery, are in the best
63 interest of the procurement unit.

64 Section 2. Section **63I-2-263** is amended to read:

65 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

66 (1) On July 1, 2020:

67 (a) Subsection [63A-1-203\(5\)\(a\)\(i\)](#) is repealed; and

68 (b) in Subsection [63A-1-203\(5\)\(a\)\(ii\)](#), the language that states "appointed on or after
69 May 8, 2018," is repealed.

70 [~~2~~] Sections ~~[63C-4a-307](#)~~ and ~~[63C-4a-309](#)~~ are repealed January 1, 2020.]

71 [~~3~~] (2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
72 repealed July 1, 2020.

73 [~~4~~] (3) The following sections regarding the World War II Memorial Commission are
74 repealed on July 1, 2020:

75 (a) Section [63G-1-801](#);

76 (b) Section [63G-1-802](#);

77 (c) Section [63G-1-803](#); and

78 (d) Section [63G-1-804](#).

79 (4) Subsections [63G-6a-802\(1\)\(d\)](#) and [63G-6a-802\(3\)\(b\)\(iii\)](#), regarding a procurement
80 relating to a vice presidential debate, are repealed January 1, 2021.

81 (5) In relation to the State Fair Park Committee, on January 1, 2021:

82 (a) Section [63H-6-104.5](#) is repealed; and

83 (b) Subsections [63H-6-104\(8\)](#) and [63H-6-104\(9\)](#) are repealed.

84 (6) Section [63H-7a-303](#) is repealed on July 1, 2022.

85 (7) In relation to the Employability to Careers Program Board, on July 1, 2022:

86 (a) Subsection [63J-1-602.1\(52\)](#) is repealed;

87 (b) Subsection [63J-4-301\(1\)\(h\)](#), related to the review of data and metrics, is repealed;

88 and

89 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

90 (8) Section [63J-4-708](#) is repealed January 1, 2023.