

SB0196S01 compared with SB0196

~~deleted text~~ shows text that was in SB0196 but was deleted in SB0196S01.

inserted text shows text that was not in SB0196 but was inserted into SB0196S01.

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Senator Todd Weiler proposes the following substitute bill:

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:

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None

Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

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

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).

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(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~~

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

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

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

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

(1) On July 1, 2020:

(a) Subsection 63A-1-203(5)(a)(i) is repealed; and

(b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after May 8, 2018," is repealed.

~~[(2) Sections 63C-4a-307 and 63C-4a-309 are repealed January 1, 2020.]~~

~~[(3)]~~ (2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2020.

~~[(4)]~~ (3) The following sections regarding the World War II Memorial Commission are repealed on July 1, 2020:

(a) Section 63G-1-801;

(b) Section 63G-1-802;

(c) Section 63G-1-803; and

(d) Section 63G-1-804.

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63G-6a-802(1)(d) and 63G-6a-802(3)(b)(iii), regarding a procurement relating to a vice presidential debate, are repealed January 1, 2021.

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

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- (a) Section 63H-6-104.5 is repealed; and
- (b) Subsections 63H-6-104(8) and (9) are repealed.
- (6) Section 63H-7a-303 is repealed on July 1, 2022.
- (7) In relation to the Employability to Careers Program Board, on July 1, 2022:
 - (a) Subsection 63J-1-602.1(52) is repealed;
 - (b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;

and

- (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.
- (8) Section 63J-4-708 is repealed January 1, 2023.

Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.