

1 **EMERGENCY PROCUREMENT DECLARATION**

2 **MODIFICATIONS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Candice B. Pierucci**

6 Senate Sponsor: Daniel McCay

7

LONG TITLE

8 **Committee Note:**

9 The Economic Development and Workforce Services Interim Committee recommended
10 this bill.

11 Legislative Vote: 13 voting for 1 voting against 3 absent

12 **General Description:**

13 This bill modifies provisions related to the public procurement of goods or services
14 during an emergency.

15 **Highlighted Provisions:**

16 This bill:

- 17 ▶ defines terms;
- 18 ▶ modifies reporting requirements related to an emergency procurement;
- 19 ▶ limits the term length of a contract entered into for an emergency procurement; and
- 20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:
27



28 **63G-6a-803**, as last amended by Laws of Utah 2020, Chapter 365



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

31 Section 1. Section **63G-6a-803** is amended to read:

32 **63G-6a-803. Emergency procurement.**

33 (1) As used in this section, "natural disaster" means an event where:

34 (a) one or more of the following has caused widespread damage:

35 (i) an explosion;

36 (ii) fire;

37 (iii) a flood;

38 (iv) a storm;

39 (v) a tornado;

40 (vi) winds;

41 (vii) an earthquake;

42 (viii) lightning; or

43 (ix) other adverse weather event; and

44 (b) the president of the United States has declared an emergency or major disaster in
45 the state, or the governor has declared a state of emergency under Title 53, Chapter 2a, Part 2,
46 Disaster Response and Recovery Act.

47 ~~[(1)]~~ (2) Notwithstanding any other provision of this chapter and subject to Subsection
48 (4), a procurement official may authorize a procurement unit to engage in an emergency
49 procurement without using a standard procurement process if the procurement is necessary to:

50 (a) avoid a lapse in a critical government service;

51 (b) mitigate a circumstance that is likely to have a negative impact on public health,
52 safety, welfare, or property, including a natural disaster; or

53 (c) protect the legal interests of a public entity.

54 ~~[(2)]~~ (3) A procurement unit conducting an emergency procurement under Subsection
55 ~~[(1)]~~ (2) shall:

56 (a) ensure that the procurement is made with as much competition as reasonably
57 practicable while:

58 (i) avoiding a lapse in a critical government service;

59 (ii) avoiding harm, or a risk of harm, to the public health, safety, welfare, or property;

60 or

61 (iii) protecting the legal interests of a public entity; and

62 [~~(b) after the emergency has abated, prepare a written document explaining the~~
63 ~~emergency condition that necessitated the emergency procurement under Subsection (1).]~~

64 (b) make the following publicly available on the procurement unit's website within 14
65 days of the emergency procurement:

66 (i) a written document describing the specific emergency that necessitated the
67 emergency procurement;

68 (ii) the name of the highest ranking government official that approved the emergency
69 procurement; and

70 (iii) each written contract related to the emergency procurement.

71 (4) (a) Except as provided in ~~§~~ → [Subsection (4)(b)] Subsections (4)(b), (5), and (6) ← ~~§~~ ,
71a the term of a contract entered into for

72 an emergency procurement under this section may be no longer than 30 days.

73 (b) The term of a contract entered into for an emergency procurement under this
74 section related to a natural disaster may be no longer than 60 days.

74a ~~§~~ → **(5) (a) Subject to Subsection (5)(b), the requirements described in Subsection (4) do not**
74b **apply to an emergency procurement for legal services.**

74c **(b) A person hired through an emergency procurement to provide legal services may**
74d **not, under the contract entered into through the emergency procurement, hire or otherwise**
74e **provide remuneration to a consultant for services related to any topic that is not directly**
74f **related to the legal services for which the person was hired.**

74g **(6) The requirements described in Subsection (4) do not apply to an emergency**
74h **procurement by the Department of Human Services related to the:**

74i **(a) placement of a client with a residential service provider; or**

74j **(b) provision of medical services for a client.** ← ~~§~~