

Representative Merrill F. Nelson proposes the following substitute bill:

PROCUREMENT CODE REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Merrill F. Nelson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies a provision of the Utah Procurement Code.

Highlighted Provisions:

This bill:

- ▶ modifies a Utah Procurement Code provision governing a contract price.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-6a-1206.5, as last amended by Laws of Utah 2021, Chapter 406

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

Section 1. Section **63G-6a-1206.5** is amended to read:

63G-6a-1206.5. Change in contract price.

(1) As used in this section, "contract price":

(a) means the price under an existing contract between a procurement unit and a



26 contractor; and

27 (b) does not include a proposed price or cost contained in a solicitation response or any
28 other bid, proposal, or offer submitted by a person other than the contractor under the existing
29 contract.

30 (2) A contractor may:

31 (a) increase the contract price only in accordance with the terms of the contract; and

32 (b) subject to Subsection (3), lower the contract price at any time during the time a
33 contract is in effect.

34 (3) A contractor under a multiple award contract resulting from a bidding process may
35 not lower the contract price [~~unless the contractor's solicitation response that led to the contract~~
36 ~~award was~~] below the lowest price solicitation response that led to a contract award.