

## HB0280S01 compared with HB0280

~~{deleted text}~~ shows text that was in HB0280 but was deleted in HB0280S01.

inserted text shows text that was not in HB0280 but was inserted into HB0280S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Doug Owens proposes the following substitute bill:

### LOCAL GOVERNMENT CONSTRUCTION PROJECT BID

#### NOTICE

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Doug Owens**

Senate Sponsor: ~~{ }~~ Todd D. Weiler

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#### LONG TITLE

##### General Description:

This bill modifies a provision relating to notice requirements for bids for a local government construction project.

##### Highlighted Provisions:

This bill:

- ▶ eliminates a requirement that a local government entity post notice of a bid on a building improvement or public works project in five public places;
- ▶ requires notice of the bid to be posted on the state procurement notice website; and
- ▶ makes technical changes.

##### Money Appropriated in this Bill:

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None

### Other Special Clauses:

~~{ None }~~ This bill provides a coordination clause.

### Utah Code Sections Affected:

AMENDS:

**11-39-103**, as last amended by Laws of Utah 2021, Chapter 355

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

Section 1. Section **11-39-103** is amended to read:

**11-39-103. Requirements for undertaking a building improvement or public works project -- Request for bids -- Authority to reject bids.**

(1) If the estimated cost of the building improvement or public works project exceeds the bid limit, the local entity shall, if it determines to proceed with the building improvement or public works project:

(a) request bids for completion of the building improvement or public works project by posting notice, at least five days before opening the bids, on:

~~[(i) posting notice at least five days before opening the bids in at least five public places in the local entity and leaving the notice posted for at least three days; and]~~

~~[(ii) posting notice on]~~ (i) the Utah Public Notice Website created in Section 63A-16-601~~[, at least five days before opening the bids]~~; and

(ii) a state website that is:

(A) owned or managed by or provided under contract with the division; and

(B) established for the purpose of posting public procurement notices; and

(b) except as provided in Subsection (3), enter into a contract for the completion of the building improvement or public works project with:

(i) the lowest responsive responsible bidder; or

(ii) for a design-build project formulated by a local entity, a responsible bidder that:

(A) offers design-build services; and

(B) satisfies the local entity's criteria relating to financial strength, past performance, integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder to perform fully and in good faith the contract requirements for a design-build project.

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(2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may reject any or all bids submitted.

(b) (i) The cost of a building improvement or public works project may not be divided to avoid:

(A) exceeding the bid limit; and

(B) subjecting the local entity to the requirements of this section.

(ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a building improvement or public works project that would, without dividing, exceed the bid limit if the local entity complies with the requirements of this section with respect to each part of the building improvement or public works project that results from dividing the cost.

(3) (a) The local entity may reject any or all bids submitted.

(b) If the local entity rejects all bids submitted but still intends to undertake the building improvement or public works project, the local entity shall again request bids by following the procedure provided in Subsection (1)(a).

(c) If, after twice requesting bids by following the procedure provided in Subsection (1)(a), the local entity determines that no satisfactory bid has been submitted, the governing body may undertake the building improvement or public works project as it considers appropriate.

### **Section 2. Coordinating H.B. 280 with S.B. 43 -- Substantive and technical amendments.**

If this H.B. 280 and S.B. 43, Public Notice Requirements, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication, by amending Subsection 11-39-103(1)(a) to read:

"(a) request bids for completion of the building improvement or public works project by:

(i) [posting] providing notice for the local entity, as a class A notice under Section 63G-28-102, except the notice described in Subsection 63G-28-102(1)(c), for at least five days before opening the bids [in at least five public places in the local entity and leaving the notice posted for at least three days]; and

[(ii) posting notice on the Utah Public Notice Website created in Section 63A-16-601,

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at least five days before opening the bids; and]

(ii) at least five days before opening the bids, posting notice on a state website that is:

(A) owned or managed by or provided under contract with the division; and

(B) established for the purpose of posting public procurement notices; and".