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STATE PURCHASING AMENDMENTS

2024 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Todd D. Weiler House Sponsor: Candice B. Pierucci 2 3 **LONG TITLE** 4 **General Description:** 5 This bill modifies procurement provisions relating to procurements for a presidential debate. 6 **Highlighted Provisions:** 7 This bill: 8 authorizes the procurement of items intended to be used to host a presidential debate to 9 be made without engaging in a standard procurement process; 10 provides that publication of a notice of a procurement for a presidential debate is not 11 required; 12 provides for a repeal of the provisions relating to the presidential debate procurement 13 and the exception to the requirement to publish notice; and 14 makes technical changes. 15 **Money Appropriated in this Bill:** 16 None 17 **Other Special Clauses:** 18 This bill provides a special effective date. 19 **Utah Code Sections Affected:** 20 AMENDS: 21 63G-6a-802, as last amended by Laws of Utah 2021, Chapter 406 22 **63I-2-263**, as last amended by Laws of Utah 2023, Chapters 33, 139, 212, 354, and 530 23

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

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- Section 1. Section **63G-6a-802** is amended to read:
- 26 63G-6a-802. Award of contract without engaging in a standard procurement
- 27 process -- Notice -- Duty to negotiate contract terms in best interest of procurement unit.

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28	(1)	A procurement unit may award a contract for a procurement item without engaging in a
29		standard procurement process if the procurement official determines in writing that:
30		(a) there is only one source for the procurement item;
31		(b) (i) transitional costs are a significant consideration in selecting a procurement
32		item; and
33		(ii) the results of a cost-benefit analysis demonstrate that transitional costs are
34		unreasonable or cost-prohibitive, and that the award of a contract without
35		engaging in a standard procurement process is in the best interest of the
36		procurement unit;
37		(c) the award of a contract is under circumstances, described in rules adopted by the
38		rulemaking authority, that make awarding the contract through a standard
39		procurement process impractical and not in the best interest of the procurement unit; [
40		or]
41		(d) the procurement item is intended to be used for, or in connection with the
42		establishment of, a state store, as defined in Section 32B-1-102[-]; or
43		(e) the procurement item is intended to be used to host a debate of candidates for
44		president of the United States held at a state institution of higher education.
45	(2)	Transitional costs associated with a trial use or testing of a procurement item under a
46		trial use contract awarded under Section 63G-6a-802.3 may not be included in a
47		consideration of transitional costs under Subsection (1)(b).
48	(3)	(a) Subject to Subsection (3)(b), a rulemaking authority shall make rules regarding
49		the publication of notice for a procurement under this section that, at a minimum,
50		require publication of notice of the procurement, in accordance with Section
51		63G-6a-112, if the cost of the procurement exceeds \$50,000.
52		(b) Publication of notice under Section 63G-6a-112 is not required for:
53		(i) the procurement of public utility services pursuant to a sole source contract; [or]
54		(ii) other procurements under this section for which an applicable rule provides that
55		notice is not required[-] ; or
56		(iii) a procurement under Subsection (1)(e).
57	(4)	A procurement official who awards a contract under this section shall negotiate with the
58		contractor to ensure that the terms of the contract, including price and delivery, are in
59		the best interest of the procurement unit.
60		Section 2. Section 63I-2-263 is amended to read:
61		63I-2-263 . Repeal dates: Title 63A to Title 63N.

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62 (1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services

- Procurement Advisory Council is repealed July 1, 2025.
- 64 [(2) Section 63A-17-303 is repealed July 1, 2023.]
- 65 [(3)] (2) Section 63A-17-806 is repealed June 30, 2026.
- 66 [(4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology
- 67 Commission is repealed July 1, 2023.]
- 68 (3) Subsections 63G-6a-802(1)(e) and (3)(b)(iii) are repealed January 1, 2025.
- 69 [(5)] (4) Section 63H-7a-303 is repealed July 1, 2024.
- 70 [(6)] (5) Subsection 63H-7a-403(2)(b), regarding the charge to maintain the public safety
- 71 communications network, is repealed July 1, 2033.
- 72 [(7)] (6) Subsection 63J-1-602.2(45), which lists appropriations to the State Tax
- Commission for property tax deferral reimbursements, is repealed July 1, 2027.
- 74 [(8)] (7) Subsection 63N-2-213(12)(a), relating to claiming a tax credit in the same taxable
- year as the targeted business income tax credit, is repealed December 31, 2024.
- 76 [(9)] (8) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an Enterprise
- Zone, is repealed December 31, 2024.
- 78 Section 3. **Effective date.**
- 79 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
- 80 <u>elected to each house, this bill takes effect upon approval by the governor, or the day</u>
- 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.
- 83 (2) If this bill is not approved by two-thirds of all the members elected to each house, this
- bill takes effect May 1, 2024.