

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	Cosponsors:	Suzanne Harrison	Mark A. Strong
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10	Steve R. Christiansen	A. Cory Maloy	Steve Waldrip
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12	Joel Ferry	Adam Robertson	
13	Francis D. Gibson	Andrew Stoddard	
	Craig Hall		

14

15 **LONG TITLE**

16 **General Description:**

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

19 **Highlighted Provisions:**

- 20 This bill:
- 21 ▶ defines terms;
 - 22 ▶ modifies reporting requirements related to an emergency procurement;
 - 23 ▶ limits the term length of a contract entered into for an emergency procurement; and
 - 24 ▶ makes technical changes.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **63G-6a-803**, as last amended by Laws of Utah 2020, Chapter 365



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

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

35 **63G-6a-803. Emergency procurement.**

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

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

38 (i) an explosion;

39 (ii) fire;

40 (iii) a flood;

41 (iv) a storm;

42 (v) a tornado;

43 (vi) winds;

44 (vii) an earthquake;

45 (viii) lightning; or

46 (ix) other adverse weather event; and

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

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

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

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

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

57 ~~[(2)]~~ (3) A procurement unit conducting an emergency procurement under Subsection
58 ~~[(1)]~~ (2) shall:

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

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

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

63 or

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

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

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

69 (i) a written document describing the specific emergency that necessitated the
70 emergency procurement;

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

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

74 (4) (a) Except as provided in Subsections (4)(b), (5), and (6), the term of a contract
75 entered into for an emergency procurement under this section may be no longer than 30 days.

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

78 (5) (a) Subject to Subsection (5)(b), the requirements described in Subsection (4) do
79 not apply to an emergency procurement for legal services.

80 (b) A person hired through an emergency procurement to provide legal services may
81 not, under the contract entered into through the emergency procurement, hire or otherwise
82 provide remuneration to a consultant for services related to any topic that is not directly related
83 to the legal services for which the person was hired.

84 (6) The requirements described in Subsection (4) do not apply to an emergency
85 procurement by the Department of Human Services related to the:
86 (a) placement of a client with a residential service provider; or
87 (b) provision of medical services for a client.