

**PROCUREMENT CODE REVISIONS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Merrill F. Nelson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies a provision of the Utah Procurement Code.

**Highlighted Provisions:**

This bill:

► repeals language prohibiting a contractor under a multiple award contract from lowering the contract price under certain circumstances.

**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

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*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 contractor; and



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

31 (2) A contractor may:

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

33 (b) [~~subject to Subsection (3);~~] lower the contract price at any time during the time a  
34 contract is in effect.

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