

1 **PROCUREMENT CODE MODIFICATION**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: David E. Lifferth**

5 Senate Sponsor: J. Stuart Adams

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Utah Procurement Code by removing an exemption for the
10 Division of Parks and Recreation.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ removes an exemption for the Division of Parks and Recreation from the Utah
- 14 Procurement Code; and
- 15 ▶ makes technical corrections.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **63G-6a-107**, as last amended by Laws of Utah 2014, Chapters 180, 196, and 313

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

25 Section 1. Section **63G-6a-107** is amended to read:

26 **63G-6a-107. Exemptions from chapter -- Compliance with federal law.**

27 (1) Except for Part 24, Unlawful Conduct and Penalties, the provisions of this chapter
28 do not apply to:

- 29 (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art

30 Act;

31 (b) grants awarded by the state or contracts between the state and any of the following:

32 (i) an educational procurement unit;

33 (ii) a conservation district;

34 (iii) a local building authority;

35 (iv) a local district;

36 (v) a public corporation;

37 (vi) a special service district;

38 (vii) a public transit district; or

39 (viii) two or more of the entities described in Subsections (1)(b)(i) through (vii), acting
40 under legislation that authorizes intergovernmental cooperation;

41 (c) medical supplies or medical equipment, including service agreements for medical
42 equipment, obtained through a purchasing consortium by the Utah State Hospital, the Utah
43 State Developmental Center, the University of Utah Hospital, or any other hospital owned by
44 the state or a political subdivision of the state, if:

45 (i) the consortium uses a competitive procurement process; and

46 (ii) the chief administrative officer of the hospital makes a written finding that the
47 prices for purchasing medical supplies and medical equipment through the consortium are
48 competitive with market prices;

49 (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire,
50 and State Lands, created in Section 65A-1-4, through the federal General Services
51 Administration or the National Fire Cache system; or

52 (e) goods purchased for resale to the public[; ~~or~~].

53 [~~(f) the Division of Parks and Recreation, during a fiscal emergency, as defined by~~
54 ~~Subsection 79-4-1102(1), if the division is acting under the authority described in Sections~~
55 ~~79-4-1101 through 79-4-1103;]~~

56 (2) This chapter does not prevent a procurement unit from complying with the terms
57 and conditions of any grant, gift, or bequest that is otherwise consistent with law.

58 (3) This chapter does not apply to any action taken by a majority of both houses of the
59 Legislature.

60 (4) Notwithstanding any conflicting provision of this chapter, when a procurement
61 involves the expenditure of federal assistance, federal contract funds, local matching funds, or
62 federal financial participation funds, the procurement unit shall comply with mandatory
63 applicable federal law and regulations not reflected in this chapter.

64 (5) This chapter does not supersede the requirements for retention or withholding of
65 construction proceeds and release of construction proceeds as provided in Section [13-8-5](#).