

1 **AMENDMENT TO PROCUREMENT CODE EXEMPTIONS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Margaret Dayton**

5 House Sponsor: Keith Grover

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts language establishing an exemption from the Utah Procurement Code.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ exempts from the Utah Procurement Code purchases of certain firefighting supplies
13 and equipment made by the Division of Forestry, Fire, and State Lands.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **63G-6a-107**, as last amended by Laws of Utah 2013, Chapter 445

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

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

24 **63G-6a-107. Exemptions from chapter -- Compliance with federal law.**

25 (1) Except for Part 23, Unlawful Conduct and Penalties, the provisions of this chapter
26 are not applicable to:

27 (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art
28 Act;

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

- 30 (i) an educational procurement unit;
- 31 (ii) a conservation district;
- 32 (iii) a local building authority;
- 33 (iv) a local district;
- 34 (v) a public corporation;
- 35 (vi) a special service district;
- 36 (vii) a public transit district; or
- 37 (viii) two or more of the entities described in Subsections (1)(b)(i) through (vii), acting
- 38 under legislation that authorizes intergovernmental cooperation;
- 39 (c) medical supplies or medical equipment, including service agreements for medical
- 40 equipment, obtained through a purchasing consortium by the Utah State Hospital, the Utah
- 41 State Developmental Center, the University of Utah Hospital, or any other hospital owned by
- 42 the state or a political subdivision of the state, if:
 - 43 (i) the consortium uses a competitive procurement process; and
 - 44 (ii) the chief administrative officer of the hospital makes a written finding that the
 - 45 prices for purchasing medical supplies and medical equipment through the consortium are
 - 46 competitive with market prices;
 - 47 (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire,
 - 48 and State Lands, created in Section 65A-1-4, through the federal General Services
 - 49 Administration or the National Fire Cache system;
 - 50 [~~(d)~~] (e) goods purchased for resale; or
 - 51 [~~(e)~~] (f) any action taken by a majority of both houses of the Legislature.
- 52 (2) (a) Notwithstanding Subsection (1), the provisions of Part 23, Unlawful Conduct
- 53 and Penalties, are not applicable to an entity described in Subsection (1)(b)(ii), (iii), (iv), (vi),
- 54 (vii), or (viii).
- 55 (b) This chapter does not prevent a procurement unit from complying with the terms
- 56 and conditions of any grant, gift, or bequest that is otherwise consistent with law.
- 57 (3) Notwithstanding any conflicting provision of this chapter, when a procurement

58 involves the expenditure of federal assistance, federal contract funds, local matching funds, or
59 federal financial participation funds, the procurement unit shall comply with mandatory
60 applicable federal law and regulations not reflected in this chapter.

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