

1 STATE PURCHASING AMENDMENTS

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Todd Weiler

5 House Sponsor: Steve Eliason

7 LONG TITLE

8 General Description:

9 This bill modifies procurement provisions relating to procurements for a vice
10 presidential debate.

11 Highlighted Provisions:

12 This bill:

- 13 ▶ authorizes a procurement of items intended to be used to host a vice presidential
14 debate to be made without engaging in a standard procurement process;
- 15 ▶ provides that publication of notice of a procurement for a vice presidential debate is
16 not required; and
- 17 ▶ provides for a repeal of the provisions relating to the vice presidential debate and
18 publication of notice.

19 Money Appropriated in this Bill:

20 None

21 Other Special Clauses:

22 This bill provides a special effective date.

23 Utah Code Sections Affected:

24 AMENDS:

25 **63G-6a-802**, as last amended by Laws of Utah 2016, Chapter 355

26 **63I-2-263**, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370,
27 and 483

28
29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **63G-6a-802** is amended to read:

31 **63G-6a-802. Award of contract without engaging in a standard procurement**
32 **process -- Notice -- Duty to negotiate contract terms in best interest of procurement unit.**

33 (1) The chief procurement officer or the head of a procurement unit with independent
34 procurement authority may award a contract for a procurement item without engaging in a
35 standard procurement process if the chief procurement officer or the head of the procurement
36 unit with independent procurement authority determines in writing that:

37 (a) there is only one source for the procurement item;

38 (b) (i) transitional costs are a significant consideration in selecting a procurement item;

39 and

40 (ii) the results of a cost-benefit analysis demonstrate that transitional costs are
41 unreasonable or cost-prohibitive, and that the award of a contract without engaging in a
42 standard procurement process is in the best interest of the procurement unit; ~~or~~

43 (c) the award of a contract is under circumstances, described in rules adopted by the
44 applicable rulemaking authority, that make awarding the contract through a standard
45 procurement process impractical and not in the best interest of the procurement unit~~[-]; or~~

46 (d) the procurement item is intended to be used to host a debate of candidates for vice
47 president of the United States held at a state institution of higher education.

48 (2) Transitional costs associated with a trial use or testing of a procurement item under
49 a trial use contract may not be included in a consideration of transitional costs under
50 Subsection (1)(b).

51 (3) (a) Subject to Subsection (3)(b), the applicable rulemaking authority shall make
52 rules regarding the publication of notice for a procurement under this section that, at a
53 minimum, require publication of notice of the procurement, in accordance with Section
54 **63G-6a-112**, if the cost of the procurement exceeds \$50,000.

55 (b) Publication of notice under Section **63G-6a-112** is not required for:

56 (i) the procurement of public utility services pursuant to a sole source contract; ~~or~~

57 (ii) other procurements under this section for which an applicable rule provides that

58 notice is not required[-]; or

59 (iii) a procurement under Subsection (1)(d).

60 (4) The chief procurement officer or the head of a procurement unit with independent
61 procurement authority who awards a contract under this section shall negotiate with the
62 contractor to ensure that the terms of the contract, including price and delivery, are in the best
63 interest of the procurement unit.

64 Section 2. Section **63I-2-263** is amended to read:

65 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

66 (1) On July 1, 2020:

67 (a) Subsection **63A-1-203(5)(a)(i)** is repealed; and

68 (b) in Subsection **63A-1-203(5)(a)(ii)**, the language that states "appointed on or after
69 May 8, 2018," is repealed.

70 [~~2~~] Sections **63C-4a-307** and **63C-4a-309** are repealed January 1, 2020.]

71 [~~3~~] (2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
72 repealed July 1, 2020.

73 [~~4~~] (3) The following sections regarding the World War II Memorial Commission are
74 repealed on July 1, 2020:

75 (a) Section **63G-1-801**;

76 (b) Section **63G-1-802**;

77 (c) Section **63G-1-803**; and

78 (d) Section **63G-1-804**.

79 (4) Subsections **63G-6a-802(1)(d)** and **63G-6a-802(3)(b)(iii)**, regarding a procurement
80 relating to a vice presidential debate, are repealed January 1, 2021.

81 (5) In relation to the State Fair Park Committee, on January 1, 2021:

82 (a) Section **63H-6-104.5** is repealed; and

83 (b) Subsections **63H-6-104(8)** and (9) are repealed.

84 (6) Section **63H-7a-303** is repealed on July 1, 2022.

85 (7) In relation to the Employability to Careers Program Board, on July 1, 2022:

- 86 (a) Subsection 63J-1-602.1(52) is repealed;
- 87 (b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;
- 88 and
- 89 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.
- 90 (8) Section 63J-4-708 is repealed January 1, 2023.

91 Section 3. **Effective date.**

92 If approved by two-thirds of all the members elected to each house, this bill takes effect
93 upon approval by the governor, or the day following the constitutional time limit of Utah
94 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
95 the date of veto override.