

Transportation Procurement Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin Roberts

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill addresses procurements by the Department of Transportation.

Highlighted Provisions:

This bill:

- defines terms;
- authorizes the Department of Transportation to utilize types of cooperative purchasing agreements for the procurement of transit vehicles; and
- makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-6a-107.6, as last amended by Laws of Utah 2024, Chapters 291, 522

63G-6a-109, as last amended by Laws of Utah 2022, Chapter 421

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

Section 1. Section **63G-6a-107.6** is amended to read:

63G-6a-107.6 . Exemptions from chapter.

(1) Except for this Subsection (1), the provisions of this chapter do not apply to:

- (a) a public entity's acquisition of a procurement item from another public entity; or
- (b) a public entity that is not a procurement unit, including the Colorado River Authority of Utah as provided in Section 63M-14-210.

(2) Unless otherwise provided by statute and except for this Subsection (2), the provisions

of this chapter do not apply to the acquisition or disposal of real property or an interest in real property.

(3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, the provisions of this chapter do not apply to:

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

(b) a grant;

(c) medical supplies or medical equipment, including service agreements for medical equipment, obtained by the University of Utah Hospital or the Department of Health and Human Services through a purchasing consortium if:

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

(ii) the chief administrative officer of the hospital or the executive director of the Department of Health and Human Services, as the case may be, makes a written finding that the prices for purchasing medical supplies and medical equipment through the consortium are competitive with market prices;

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

(e) supplies purchased for resale to the public;

(f) activities related to the management of investments by a public entity granted investment authority by law; or

(g) activities of the Utah water agent appointed under Section 73-10g-702;

(h) transit vehicles procured by the Department of Transportation through a purchasing consortium, cooperative purchasing agreement, or an interagency agreement if:

(i) the contracting party for the acquisition of the transit vehicle from the vendor is:

(A) a public entity;

(B) another state government; or

(C) a public transit district in another state;

(ii) the transit vehicle is intended to be used for, or in connection with, a public transit service within the state; and

(iii) the procurement of the transit vehicle is in the best interest of the state.

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

(5) Except for this Subsection (5), the provisions of this chapter do not apply to a

procurement unit's hiring a mediator, arbitrator, or arbitration panel member to participate in the procurement unit's dispute resolution efforts.

Section 2. Section **63G-6a-109** is amended to read:

63G-6a-109 . Issuing procurement unit and conducting procurement unit.

(1) With respect to a procurement by an executive branch procurement unit, except for a procurement by an executive branch procurement unit that, under [Subsection ~~63G-6a-103(38)(b), (c), (d), or (e)~~] Section 63G-6a-103, is [designated] defined as an independent procurement unit:

(a) the division is the issuing procurement unit; and

(b) the executive branch procurement unit is the conducting procurement unit and is responsible to ensure that the procurement is conducted in compliance with this chapter.

(2) With respect to a procurement by any other procurement unit, the procurement unit is both the issuing procurement unit and the conducting procurement unit.

(3) A conducting procurement unit is responsible for contract administration.

Section 3. **Effective Date.**

This bill takes effect on May 7, 2025.