

Transportation Procurement Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin Roberts

Senate Sponsor:

LONG TITLE**General Description:**

This bill addresses procurement of transit vehicles.

Highlighted Provisions:

This bill:

- defines terms; and
- authorizes the Department of Transportation to enter into interstate compacts and cooperative agreements for the procurement of transit vehicles, as defined.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-6a-103, as last amended by Laws of Utah 2024, Chapters 291, 408 and 438

ENACTS:

63G-6a-1404, Utah Code Annotated 1953

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

Section 1. Section **63G-6a-103** is amended to read:

63G-6a-103 . Definitions.

As used in this chapter:

- (1) "Approved vendor" means a person who has been approved for inclusion on an approved vendor list through the approved vendor list process.
- (2) "Approved vendor list" means a list of approved vendors established under Section 63G-6a-507.
- (3) "Approved vendor list process" means the procurement process described in Section 63G-6a-507.

- 31 (4) "Bidder" means a person who submits a bid or price quote in response to an invitation
32 for bids.
- 33 (5) "Bidding process" means the procurement process described in Part 6, Bidding.
- 34 (6) "Board" means the Utah State Procurement Policy Board, created in Section 63G-6a-202.
- 35 (7) "Change directive" means a written order signed by the procurement officer that directs
36 the contractor to suspend work or make changes, as authorized by contract, without the
37 consent of the contractor.
- 38 (8) "Change order" means a written alteration in specifications, delivery point, rate of
39 delivery, period of performance, price, quantity, or other provisions of a contract, upon
40 mutual agreement of the parties to the contract.
- 41 (9) "Chief procurement officer" means the individual appointed under Section 63A-2-102.
- 42 (10) "Conducting procurement unit" means a procurement unit that conducts all aspects of a
43 procurement:
- 44 (a) except:
- 45 (i) reviewing a solicitation to verify that it is in proper form; and
46 (ii) causing the publication of a notice of a solicitation; and
- 47 (b) including:
- 48 (i) preparing any solicitation document;
49 (ii) appointing an evaluation committee;
50 (iii) conducting the evaluation process, except the process relating to scores
51 calculated for costs of proposals;
52 (iv) selecting and recommending the person to be awarded a contract;
53 (v) negotiating the terms and conditions of a contract, subject to the issuing
54 procurement unit's approval; and
55 (vi) contract administration.
- 56 (11) "Conservation district" means the same as that term is defined in Section 17D-3-102.
- 57 (12) "Construction project":
- 58 (a) means a project for the construction, renovation, alteration, improvement, or repair of
59 a public facility on real property, including all services, labor, supplies, and materials
60 for the project; and
- 61 (b) does not include services and supplies for the routine, day-to-day operation, repair,
62 or maintenance of an existing public facility.
- 63 (13) "Construction manager/general contractor":
- 64 (a) means a contractor who enters into a contract:

- 65 (i) for the management of a construction project; and
66 (ii) that allows the contractor to subcontract for additional labor and materials that are
67 not included in the contractor's cost proposal submitted at the time of the
68 procurement of the contractor's services; and
- 69 (b) does not include a contractor whose only subcontract work not included in the
70 contractor's cost proposal submitted as part of the procurement of the contractor's
71 services is to meet subcontracted portions of change orders approved within the
72 scope of the project.
- 73 (14) "Construction subcontractor":
74 (a) means a person under contract with a contractor or another subcontractor to provide
75 services or labor for the design or construction of a construction project;
76 (b) includes a general contractor or specialty contractor licensed or exempt from
77 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and
78 (c) does not include a supplier who provides only materials, equipment, or supplies to a
79 contractor or subcontractor for a construction project.
- 80 (15) "Contract" means an agreement for a procurement.
- 81 (16) "Contract administration" means all functions, duties, and responsibilities associated
82 with managing, overseeing, and carrying out a contract between a procurement unit and
83 a contractor, including:
84 (a) implementing the contract;
85 (b) ensuring compliance with the contract terms and conditions by the conducting
86 procurement unit and the contractor;
87 (c) executing change orders;
88 (d) processing contract amendments;
89 (e) resolving, to the extent practicable, contract disputes;
90 (f) curing contract errors and deficiencies;
91 (g) terminating a contract;
92 (h) measuring or evaluating completed work and contractor performance;
93 (i) computing payments under the contract; and
94 (j) closing out a contract.
- 95 (17) "Contractor" means a person who is awarded a contract with a procurement unit.
- 96 (18) "Cooperative procurement" means procurement conducted by, or on behalf of:
97 (a) more than one procurement unit; or
98 (b) a procurement unit and a cooperative purchasing organization.

- 99 (19) "Cooperative purchasing organization" means an organization, association, or alliance
100 of purchasers established to combine purchasing power in order to obtain the best value
101 for the purchasers by engaging in procurements in accordance with Section 63G-6a-2105.
- 102 (20) "Cost-plus-a-percentage-of-cost contract" means a contract under which the contractor
103 is paid a percentage of the total actual expenses or costs in addition to the contractor's
104 actual expenses or costs.
- 105 (21) "Cost-reimbursement contract" means a contract under which a contractor is
106 reimbursed for costs which are allowed and allocated in accordance with the contract
107 terms and the provisions of this chapter, and a fee, if any.
- 108 (22) "Days" means calendar days, unless expressly provided otherwise.
- 109 (23) "Definite quantity contract" means a fixed price contract that provides for a specified
110 amount of supplies over a specified period, with deliveries scheduled according to a
111 specified schedule.
- 112 (24) "Design professional" means:
- 113 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
114 Licensing Act;
- 115 (b) an individual licensed as a professional engineer or professional land surveyor under
116 Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors
117 Licensing Act;
- 118 (c) an individual licensed under Title 58, Chapter 53, Landscape Architects Licensing
119 Act, to engage in the practice of landscape architecture, as defined in Section
120 58-53-102; or
- 121 (d) an individual certified as a commercial interior designer under Title 58, Chapter 86,
122 State Certification of Commercial Interior Designers Act.
- 123 (25) "Design professional procurement process" means the procurement process described
124 in Part 15, Design Professional Services.
- 125 (26) "Design professional services" means:
- 126 (a) professional services within the scope of the practice of architecture as defined in
127 Section 58-3a-102;
- 128 (b) professional engineering as defined in Section 58-22-102;
- 129 (c) master planning and programming services;
- 130 (d) professional services within the scope of the practice of landscape architecture, as
131 defined in Section 58-53-102; or
- 132 (e) services within the scope of the practice of commercial interior design, as defined in

Section 58-86-102.

(27) "Design-build" means the procurement of design professional services and construction by the use of a single contract.

(28) "Division" means the Division of Purchasing and General Services, created in Section 63A-2-101.

(29) "Educational procurement unit" means:

(a) a school district;

(b) a public school, including a local school board or a charter school;

(c) the Utah Schools for the Deaf and the Blind;

(d) the Utah Education and Telehealth Network;

(e) an institution of higher education of the state described in Section 53B-1-102; or

(f) the State Board of Education.

(30) "Established catalogue price" means the price included in a catalogue, price list, schedule, or other form that:

(a) is regularly maintained by a manufacturer or contractor;

(b) is published or otherwise available for inspection by customers; and

(c) states prices at which sales are currently or were last made to a significant number of any category of buyers or buyers constituting the general buying public for the supplies or services involved.

(31)(a) "Executive branch procurement unit" means a department, division, office, bureau, agency, or other organization within the state executive branch.

(b) "Executive branch procurement unit" does not include the Colorado River Authority of Utah as provided in Section 63M-14-210.

(32) "Facilities division" means the Division of Facilities Construction and Management, created in Section 63A-5b-301.

(33) "Fixed price contract" means a contract that provides a price, for each procurement item obtained under the contract, that is not subject to adjustment except to the extent that:

(a) the contract provides, under circumstances specified in the contract, for an adjustment in price that is not based on cost to the contractor; or

(b) an adjustment is required by law.

(34) "Fixed price contract with price adjustment" means a fixed price contract that provides for an upward or downward revision of price, precisely described in the contract, that:

(a) is based on the consumer price index or another commercially acceptable index,

- 167 source, or formula; and
- 168 (b) is not based on a percentage of the cost to the contractor.
- 169 (35) "Grant" means an expenditure of public funds or other assistance, or an agreement to
- 170 expend public funds or other assistance, for a public purpose authorized by law, without
- 171 acquiring a procurement item in exchange.
- 172 (36) "Human services procurement item" means a procurement item used to provide
- 173 services or support to a child, youth, adult, or family.
- 174 (37) "Immaterial error":
- 175 (a) means an irregularity or abnormality that is:
- 176 (i) a matter of form that does not affect substance; or
- 177 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,
- 178 or a trivial effect on the procurement process and that is not prejudicial to other
- 179 vendors; and
- 180 (b) includes:
- 181 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of
- 182 a professional license, bond, or insurance certificate;
- 183 (ii) a typographical error;
- 184 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
- 185 (iv) any other error that the procurement official reasonably considers to be
- 186 immaterial.
- 187 (38) "Indefinite quantity contract" means a fixed price contract that:
- 188 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
- 189 procurement unit; and
- 190 (b)(i) does not require a minimum purchase amount; or
- 191 (ii) provides a maximum purchase limit.
- 192 (39) "Independent procurement unit" means:
- 193 (a)(i) a legislative procurement unit;
- 194 (ii) a judicial branch procurement unit;
- 195 (iii) an educational procurement unit;
- 196 (iv) a local government procurement unit;
- 197 (v) a conservation district;
- 198 (vi) a local building authority;
- 199 (vii) a special district;
- 200 (viii) a public corporation;

- 201 (ix) a special service district; or
202 (x) the Utah Communications Authority, established in Section 63H-7a-201;
- 203 (b) the facilities division, but only to the extent of the procurement authority provided
204 under Title 63A, Chapter 5b, Administration of State Facilities;
- 205 (c) the attorney general, but only to the extent of the procurement authority provided
206 under Title 67, Chapter 5, Attorney General;
- 207 (d) the Department of Transportation, but only[-] :
- 208 (i) to the extent of the procurement authority provided under Title 72, Transportation
209 Code; or
- 210 (ii) as specifically provided in Section 63G-6a-1404 for the procurement of transit
211 vehicles.
- 212 (e) the Department of Health and Human Services, but only for the procurement of a
213 human services procurement item; or
- 214 (f) any other executive branch department, division, office, or entity that has statutory
215 procurement authority outside this chapter, but only to the extent of that statutory
216 procurement authority.
- 217 (40)(a) "Interlocal entity" means a separate political subdivision created under Title 11,
218 Chapter 13, Interlocal Cooperation Act.
- 219 (b) "Interlocal entity" does not include a project entity.
- 220 (41) "Invitation for bids":
- 221 (a) means a document used to solicit:
- 222 (i) bids to provide a procurement item to a procurement unit; or
- 223 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and
- 224 (b) includes all documents attached to or incorporated by reference in a document
225 described in Subsection (41)(a).
- 226 (42) "Issuing procurement unit" means a procurement unit that:
- 227 (a) reviews a solicitation to verify that it is in proper form;
- 228 (b) causes the notice of a solicitation to be published; and
- 229 (c) negotiates and approves the terms and conditions of a contract.
- 230 (43) "Judicial procurement unit" means:
- 231 (a) the Utah Supreme Court;
- 232 (b) the Utah Court of Appeals;
- 233 (c) the Judicial Council;
- 234 (d) a state judicial district; or

- 235 (e) an office, committee, subcommittee, or other organization within the state judicial
236 branch.
- 237 (44) "Labor hour contract" is a contract under which:
- 238 (a) the supplies and materials are not provided by, or through, the contractor; and
- 239 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and profit
240 for a specified number of labor hours or days.
- 241 (45) "Legislative procurement unit" means:
- 242 (a) the Legislature;
- 243 (b) the Senate;
- 244 (c) the House of Representatives;
- 245 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
- 246 (e) a committee, subcommittee, commission, or other organization:
- 247 (i) within the state legislative branch; or
- 248 (ii)(A) that is created by statute to advise or make recommendations to the
249 Legislature;
- 250 (B) the membership of which includes legislators; and
- 251 (C) for which the Office of Legislative Research and General Counsel provides
252 staff support.
- 253 (46) "Local building authority" means the same as that term is defined in Section 17D-2-102.
- 254 (47) "Local government procurement unit" means:
- 255 (a) a county, municipality, interlocal entity, or project entity, and each office of the
256 county, municipality, interlocal entity, or project entity, unless:
- 257 (i) the county or municipality adopts a procurement code by ordinance;
- 258 (ii) the interlocal entity adopts procurement rules or policies as provided in
259 Subsection 11-13-226(2); or
- 260 (iii) the project entity adopts a procurement code through the process described in
261 Section 11-13-316;
- 262 (b)(i) a county or municipality that has adopted this entire chapter by ordinance, and
263 each office or agency of that county or municipality; and
- 264 (ii) a project entity that has adopted this entire chapter through the process described
265 in Subsection 11-13-316; or
- 266 (c) a county, municipality, or project entity, and each office of the county, municipality,
267 or project entity that has adopted a portion of this chapter to the extent that:
- 268 (i) a term in the ordinance is used in the adopted chapter; or

(ii) a term in the ordinance is used in the language a project entity adopts in its procurement code through the process described in Section 11-13-316.

(48) "Multiple award contracts" means the award of a contract for an indefinite quantity of a procurement item to more than one person.

(49) "Multiyear contract" means a contract that extends beyond a one-year period, including a contract that permits renewal of the contract, without competition, beyond the first year of the contract.

(50) "Municipality" means a city or town.

(51) "Nonadopting local government procurement unit" means:

(a) a county or municipality that has not adopted Part 16, Protests, Part 17, Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19, General Provisions Related to Protest or Appeal; and

(b) each office or agency of a county or municipality described in Subsection (51)(a).

(52) "Offeror" means a person who submits a proposal in response to a request for proposals.

(53) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference under the requirements of this chapter.

(54) "Procure" means to acquire a procurement item through a procurement.

(55) "Procurement" means the acquisition of a procurement item through an expenditure of public funds, or an agreement to expend public funds, including an acquisition through a public-private partnership.

(56) "Procurement item" means an item of personal property, a technology, a service, or a construction project.

(57) "Procurement official" means:

(a) for a procurement unit other than an independent procurement unit, the chief procurement officer;

(b) for a legislative procurement unit, the individual, individuals, or body designated in a policy adopted by the Legislative Management Committee;

(c) for a judicial procurement unit, the Judicial Council or an individual or body designated by the Judicial Council by rule;

(d) for a local government procurement unit:

(i) the legislative body of the local government procurement unit; or

(ii) an individual or body designated by the local government procurement unit;

(e) for a special district, the board of trustees of the special district or the board of

- trustees' designee;
- (f) for a special service district, the governing body of the special service district or the governing body's designee;
- (g) for a local building authority, the board of directors of the local building authority or the board of directors' designee;
- (h) for a conservation district, the board of supervisors of the conservation district or the board of supervisors' designee;
- (i) for a public corporation, the board of directors of the public corporation or the board of directors' designee;
- (j) for a school district or any school or entity within a school district, the board of the school district or the board's designee;
- (k) for a charter school, the individual or body with executive authority over the charter school or the designee of the individual or body;
- (l) for an institution of higher education described in Section 53B-2-101, the president of the institution of higher education or the president's designee;
- (m) for the State Board of Education, the State Board of Education or the State Board of Education's designee;
- (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or the designee of the Commissioner of Higher Education;
- (o) for the Utah Communications Authority, established in Section 63H-7a-201, the executive director of the Utah Communications Authority or the executive director's designee; or
- (p)(i) for the facilities division, and only to the extent of procurement activities of the facilities division as an independent procurement unit under the procurement authority provided under Title 63A, Chapter 5b, Administration of State Facilities, the director of the facilities division or the director's designee;
- (ii) for the attorney general, and only to the extent of procurement activities of the attorney general as an independent procurement unit under the procurement authority provided under Title 67, Chapter 5, Attorney General, the attorney general or the attorney general's designee;
- (iii) for the Department of Transportation created in Section 72-1-201, and only to the extent of procurement activities of the Department of Transportation as an independent procurement unit under the procurement authority provided under Title 72, Transportation Code, the executive director of the Department of

337 Transportation or the executive director's designee;
338 (iv) for the Department of Health and Human Services, and only to the extent of the
339 procurement activities of the Department of Health and Human Services as an
340 independent procurement unit, the executive director of the Department of Health
341 and Human Services or the executive director's designee; or
342 (v) for any other executive branch department, division, office, or entity that has
343 statutory procurement authority outside this chapter, and only to the extent of the
344 procurement activities of the department, division, office, or entity as an
345 independent procurement unit under the procurement authority provided outside
346 this chapter for the department, division, office, or entity, the chief executive
347 officer of the department, division, office, or entity or the chief executive officer's
348 designee.

349 (58) "Procurement unit" means:

- 350 (a) a legislative procurement unit;
- 351 (b) an executive branch procurement unit;
- 352 (c) a judicial procurement unit;
- 353 (d) an educational procurement unit;
- 354 (e) the Utah Communications Authority, established in Section 63H-7a-201;
- 355 (f) a local government procurement unit;
- 356 (g) a special district;
- 357 (h) a special service district;
- 358 (i) a local building authority;
- 359 (j) a conservation district; or
- 360 (k) a public corporation.

361 (59) "Professional service" means labor, effort, or work that requires specialized
362 knowledge, expertise, and discretion, including labor, effort, or work in the field of:

- 363 (a) accounting;
- 364 (b) administrative law judge service;
- 365 (c) architecture;
- 366 (d) construction design and management;
- 367 (e) engineering;
- 368 (f) financial services;
- 369 (g) information technology;
- 370 (h) the law;

- 371 (i) medicine;
372 (j) psychiatry; or
373 (k) underwriting.
- 374 (60) "Project entity" means the same as that term is defined in Section 11-13-103.
- 375 (61) "Protest officer" means:
- 376 (a) for the division or an independent procurement unit:
- 377 (i) the procurement official;
378 (ii) the procurement official's designee who is an employee of the procurement unit;
379 or
380 (iii) a person designated by rule made by the rulemaking authority; or
- 381 (b) for a procurement unit other than an independent procurement unit, the chief
382 procurement officer or the chief procurement officer's designee who is an employee
383 of the division .
- 384 (62) "Public corporation" means the same as that term is defined in Section 63E-1-102.
- 385 (63) "Public entity" means the state or any other government entity within the state that
386 expends public funds.
- 387 (64) "Public facility" means a building, structure, infrastructure, improvement, or other
388 facility of a public entity.
- 389 (65) "Public funds" means money, regardless of its source, including from the federal
390 government, that is owned or held by a procurement unit.
- 391 (66) "Public transit district" means a public transit district organized under Title 17B,
392 Chapter 2a, Part 8, Public Transit District Act.
- 393 (67) "Public-private partnership" means an arrangement or agreement, occurring on or after
394 January 1, 2017, between a procurement unit and one or more contractors to provide for
395 a public need through the development or operation of a project in which the contractor
396 or contractors share with the procurement unit the responsibility or risk of developing,
397 owning, maintaining, financing, or operating the project.
- 398 (68) "Qualified vendor" means a vendor who:
- 399 (a) is responsible; and
400 (b) submits a responsive statement of qualifications under Section 63G-6a-410 that
401 meets the minimum mandatory requirements, evaluation criteria, and any applicable
402 score thresholds set forth in the request for statement of qualifications.
- 403 (69) "Real property" means land and any building, fixture, improvement, appurtenance,
404 structure, or other development that is permanently affixed to land.

- 405 (70) "Request for information" means a nonbinding process through which a procurement
406 unit requests information relating to a procurement item.
- 407 (71) "Request for proposals" means a document used to solicit proposals to provide a
408 procurement item to a procurement unit, including all other documents that are attached
409 to that document or incorporated in that document by reference.
- 410 (72) "Request for proposals process" means the procurement process described in Part 7,
411 Request for Proposals.
- 412 (73) "Request for statement of qualifications" means a document used to solicit information
413 about the qualifications of a person interested in responding to a potential procurement,
414 including all other documents attached to that document or incorporated in that
415 document by reference.
- 416 (74) "Requirements contract" means a contract:
- 417 (a) under which a contractor agrees to provide a procurement unit's entire requirements
418 for certain procurement items at prices specified in the contract during the contract
419 period; and
- 420 (b) that:
- 421 (i) does not require a minimum purchase amount; or
422 (ii) provides a maximum purchase limit.
- 423 (75) "Responsible" means being capable, in all respects, of:
- 424 (a) meeting all the requirements of a solicitation; and
425 (b) fully performing all the requirements of the contract resulting from the solicitation,
426 including being financially solvent with sufficient financial resources to perform the
427 contract.
- 428 (76) "Responsive" means conforming in all material respects to the requirements of a
429 solicitation.
- 430 (77) "Rule" includes a policy or regulation adopted by the rulemaking authority, if adopting
431 a policy or regulation is the method the rulemaking authority uses to adopt provisions
432 that govern the applicable procurement unit.
- 433 (78) "Rulemaking authority" means:
- 434 (a) for a legislative procurement unit, the Legislative Management Committee;
435 (b) for a judicial procurement unit, the Judicial Council;
436 (c)(i) only to the extent of the procurement authority expressly granted to the
437 procurement unit by statute:
438 (A) for the facilities division, the facilities division;

- 439 (B) for the Office of the Attorney General, the attorney general;
440 (C) for the Department of Transportation created in Section 72-1-201, the
441 executive director of the Department of Transportation;
442 (D) for the Department of Health and Human Services, the executive director of
443 the Department of Health and Human Services; and
444 (E) for any other executive branch department, division, office, or entity that has
445 statutory procurement authority outside this chapter, the governing authority of
446 the department, division, office, or entity; and
447 (ii) for each other executive branch procurement unit, the board;
- 448 (d) for a local government procurement unit:
449 (i) the governing body of the local government unit; or
450 (ii) an individual or body designated by the local government procurement unit;
- 451 (e) for a school district or a public school, the board, except to the extent of a school
452 district's own nonadministrative rules that do not conflict with the provisions of this
453 chapter;
- 454 (f) for a state institution of higher education, the Utah Board of Higher Education;
- 455 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
456 State Board of Education;
- 457 (h) for a public transit district, the chief executive of the public transit district;
- 458 (i) for a special district other than a public transit district or for a special service district,
459 the board, except to the extent that the board of trustees of the special district or the
460 governing body of the special service district makes its own rules:
461 (i) with respect to a subject addressed by board rules; or
462 (ii) that are in addition to board rules;
- 463 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah
464 Board of Higher Education;
- 465 (k) for the School and Institutional Trust Lands Administration, created in Section
466 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
- 467 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201, the
468 School and Institutional Trust Fund Board of Trustees;
- 469 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the
470 Utah Communications Authority board, created in Section 63H-7a-203; or
471 (n) for any other procurement unit, the board.
- 472 (79) "Service":

- 473 (a) means labor, effort, or work to produce a result that is beneficial to a procurement
474 unit;
- 475 (b) includes a professional service; and
- 476 (c) does not include labor, effort, or work provided under an employment agreement or a
477 collective bargaining agreement.
- 478 (80) "Small purchase process" means the procurement process described in Section
479 63G-6a-506.
- 480 (81) "Sole source contract" means a contract resulting from a sole source procurement.
- 481 (82) "Sole source procurement" means a procurement without competition pursuant to a
482 determination under Subsection 63G-6a-802(1)(a) that there is only one source for the
483 procurement item.
- 484 (83) "Solicitation" means an invitation for bids, request for proposals, or request for
485 statement of qualifications.
- 486 (84) "Solicitation response" means:
- 487 (a) a bid submitted in response to an invitation for bids;
- 488 (b) a proposal submitted in response to a request for proposals; or
- 489 (c) a statement of qualifications submitted in response to a request for statement of
490 qualifications.
- 491 (85) "Special district" means the same as that term is defined in Section 17B-1-102.
- 492 (86) "Special service district" means the same as that term is defined in Section 17D-1-102.
- 493 (87) "Specification" means any description of the physical or functional characteristics or of
494 the nature of a procurement item included in an invitation for bids or a request for
495 proposals, or otherwise specified or agreed to by a procurement unit, including a
496 description of:
- 497 (a) a requirement for inspecting or testing a procurement item; or
- 498 (b) preparing a procurement item for delivery.
- 499 (88) "Standard procurement process" means:
- 500 (a) the bidding process;
- 501 (b) the request for proposals process;
- 502 (c) the approved vendor list process;
- 503 (d) the small purchase process; or
- 504 (e) the design professional procurement process.
- 505 (89) "State cooperative contract" means a contract awarded by the division for and in behalf
506 of all public entities.

- 507 (90) "Statement of qualifications" means a written statement submitted to a procurement
508 unit in response to a request for statement of qualifications.
- 509 (91) "Subcontractor":
- 510 (a) means a person under contract to perform part of a contractual obligation under the
511 control of the contractor, whether the person's contract is with the contractor directly
512 or with another person who is under contract to perform part of a contractual
513 obligation under the control of the contractor; and
- 514 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services to
515 a contractor.
- 516 (92) "Technology" means the same as "information technology," as defined in Section
517 63A-16-102.
- 518 (93) "Tie bid" means that the lowest responsive bids of responsible bidders are identical in
519 price.
- 520 (94) "Time and materials contract" means a contract under which the contractor is paid:
- 521 (a) the actual cost of direct labor at specified hourly rates;
- 522 (b) the actual cost of materials and equipment usage; and
- 523 (c) an additional amount, expressly described in the contract, to cover overhead and
524 profit, that is not based on a percentage of the cost to the contractor.
- 525 (95) "Transitional costs":
- 526 (a) means the costs of changing:
- 527 (i) from an existing provider of a procurement item to another provider of that
528 procurement item; or
- 529 (ii) from an existing type of procurement item to another type;
- 530 (b) includes:
- 531 (i) training costs;
- 532 (ii) conversion costs;
- 533 (iii) compatibility costs;
- 534 (iv) costs associated with system downtime;
- 535 (v) disruption of service costs;
- 536 (vi) staff time necessary to implement the change;
- 537 (vii) installation costs; and
- 538 (viii) ancillary software, hardware, equipment, or construction costs; and
- 539 (c) does not include:
- 540 (i) the costs of preparing for or engaging in a procurement process; or

(ii) contract negotiation or drafting costs.

(96) "Vendor":

(a) means a person who is seeking to enter into a contract with a procurement unit to provide a procurement item; and

(b) includes:

(i) a bidder;

(ii) an offeror;

(iii) an approved vendor;

(iv) a design professional; and

(v) a person who submits an unsolicited proposal under Section 63G-6a-712.

Section 2. Section **63G-6a-1404** is enacted to read:

63G-6a-1404 . Interstate compacts and cooperative agreements for procurement of transit vehicles.

(1) As used in this section:

(a) "Public transit district" means the same as that term is defined in Section 17B-2a-802.

(b) "Transit vehicle" means any vehicle that the Department of Transportation or a public transit district uses to provide public transportation services.

(2) The Department of Transportation may, for the purpose of procuring one or more transit vehicles:

(a) enter into a compact, an interagency agreement, or a cooperative purchasing agreement directly with one or more state governments, agencies of other states, or other governmental entities; or

(b) participate in, sponsor, or administer a cooperative purchasing agreement through an entity that facilitates those agreements for the purchase of transit vehicles, if the department determines that the agreement would be in the best interest of the state.

(3) The executive director of the Department of Transportation, pursuant to Subsection 63G-6a-103(78)(c)(i)(C), is granted authority to and may adopt rules to implement this section.

Section 3. **Effective Date.**

This bill takes effect on May 7, 2025.