

H.B. 398

PROCUREMENT CODE AMENDMENTS

Representative **Gage Froerer** proposes the following amendments:

1. Page 2, Line 39:

39 ~~{None}~~ **This bill provides a coordination clause.**

2. Page 7, Lines 195 through 196:

195 services or labor for construction design or construction;

196 (b) includes a ~~{trade}~~ **general** contractor or specialty contractor **licensed or exempt from licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act** ; and

3. Page 80, Line 2470:

2470 requirements.

Section 40. Coordinating H.B. 398 with S.B. 204 -- Technical changes.

If this H.B. 398 and S.B. 204, Public-Private Partnerships, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, merge the amendments in Subsection 63G-6a-702(2) to read:

"(2) (a) The request for proposals ~~[standard procurement]~~ process is appropriate for a procurement unit to use ~~[for]~~ in selecting the proposal that provides the best value or is the most advantageous to the procurement unit, including when:

~~[(a) the procurement of professional services;~~

~~—(b) a design-build procurement;~~

(i) the procurement involves a contract whose terms and conditions are to be negotiated in order to achieve the result that is the most advantageous to the procurement unit;

~~[(c) when] (ii) cost is not the most important factor to be considered in making the selection that is most advantageous to the procurement unit; ~~[or]~~~~

~~[(d) when] (iii) factors, apart from or in addition to cost, are highly significant in making the selection that is most advantageous to the procurement unit~~[-] ; or~~~~

(iv) the procurement unit anticipates entering into a public-private partnership.

(b) The types of procurements for which it is appropriate to use the request for proposals process include:

(i) a procurement of professional services; and

(ii) a procurement of design-build or construction manager/general contractor services."