

Effective 5/12/2020

63G-6a-804 Purchase of prison industry goods.

- (1) As used in this section:
 - (a) "Applicable procurement unit" means a procurement unit that is not:
 - (i) a political subdivision of the state; or
 - (ii) the Utah Schools for the Deaf and the Blind.
 - (b) "Correctional industries division" means the Division of Correctional Industries, created in Section 64-13a-4.
 - (c) "Correctional industries director" means the director of the correctional industries division, appointed under Section 64-13a-4.
- (2)
 - (a) An applicable procurement unit shall purchase goods and services produced by the correctional industries division as provided in this section.
 - (b) A procurement unit that is not an applicable procurement unit may, and is encouraged to, purchase goods and services under this section.
 - (c) A procurement unit is not required to use a standard procurement process to purchase goods or services under this section.
- (3) On or before July 1 of each year, the correctional industries director shall:
 - (a) publish and distribute to all procurement units and other interested public entities a catalog of goods and services produced by the correctional industries division, including a description and price of each item offered for sale; and
 - (b) update and revise the catalog described in Subsection (3)(a) during the year as the correctional industries director considers necessary.
- (4)
 - (a) An applicable procurement unit may not purchase any goods or services provided by the correctional industries division from any other source unless the correctional industries director and the procurement official or, in the case of institutions of higher education, the institutional procurement officer, determine in writing that purchase from the correctional industries division is not feasible due to one of the following circumstances:
 - (i) the good or service offered by the correctional industries division does not meet the reasonable requirements of the procurement unit;
 - (ii) the good or service cannot be supplied within a reasonable time by the correctional industries division; or
 - (iii) the cost of the good or service, including basic price, transportation costs, and other expenses of acquisition, is not competitive with the cost of procuring the item from another source.
 - (b) In cases of disagreement under Subsection (4)(a):
 - (i) the decision may be appealed to a board consisting of:
 - (A) the director of the Department of Corrections;
 - (B) the director of Administrative Services; and
 - (C) a neutral third party agreed upon by the other two members of the board;
 - (ii) in the case of an institution of higher education of the state, the president of the institution, or the president's designee, shall make the final decision; or
 - (iii) in the case of any of the following entities, a person designated by the rulemaking authority shall make the final decision:
 - (A) a legislative procurement unit;
 - (B) a judicial procurement unit; or
 - (C) a public transit district.

Amended by Chapter 257, 2020 General Session