



Utah Division of Purchasing and General Services

POLICIES AND PROCEDURES

Policy # 018

Subject: Items That Do Not Require Procurement

Effective: March 31, 2017

References: UCA 63G-6a-103(59) - (60) & 303(5); Rule R33-1-4

Policy:

The following items do not meet the definition of a “procurement item” as defined in Utah Code 63G-6a-103 and, as such, are not subject to the requirements of the Utah Procurement Code 63G-6a and do not require that a “procurement” be conducted.

- (a) Professional Association Membership Dues and Fees

Applicable Laws:

Utah Code 63G-6a-303(5)

The chief procurement officer has final authority to determine whether an executive branch procurement unit’s anticipated expenditure of public funds, anticipated agreement to expend public funds, or provision of a benefit constitutes a procurement that is subject to this chapter.

Utah Code 63G-6a-103

(59) “Procurement”:

- (a) means a procurement unit’s acquisition of a procurement item through an expenditure of public funds, or an agreement to expend public funds;
- (b) includes all functions that pertain to the acquisition of a procurement item, including:
 - (i) preparing and issuing a solicitation; and
 - (ii)(A) conducting a standard procurement process; or
 - (B) conducting a procurement process that is an exception to a standard procurement process under Part 8, Exceptions to Procurement Requirements; and
- (c) does not include a grant.

(60) “Procurement item” means a supply, a service, or construction.

Administrative Rule R33-1-4.

- (1) Unless the chief procurement officer or head of a procurement unit with independent procurement authority issues a written exception in accordance with provisions set forth in the Utah Procurement Code and applicable Rules documenting why a competitive procurement process is not required and why it is in the best interest of the procurement unit to award a contract without engaging in a standard procurement process, a procurement unit shall conduct a standard procurement process whenever:
 - a. Public funds are expended or used to acquire a procurement item; or
 - b. A procurement unit’s property, name, influence, assets, resources, programs, or other things of value is used as consideration in the formation of a contract for a procurement item.