



POLICIES AND PROCEDURES

Policy # 019

Subject: Adding Additional Funds to a Contract

Effective: May 10, 2017

References: UCA 63G-6a-102 and Part 8

Purpose:

Two of the purposes of the Utah Procurement Code are to ensure the fair and equitable treatment of all persons who deal with the Utah Procurement and to provide increased economy in State of Utah procurement activities. Adding funds to an existing contract constitutes an expenditure of public funds without competition and is an exception to the standard procurement process, and must adhere to the purposes of the Utah Procurement Code.

Policy:

In order to achieve this purpose, when adding additional funds to a contract, the following provisions shall apply to executive branch procurement units:

- A. Up to 25 % in additional funds may be added to the initial total amount of a contract issued and conducted by an executive branch procurement unit, without engaging in another procurement process, if, after reviewing the applicable laws and rules, the chief procurement officer or head of a procurement unit with independent procurement authority, or delegate approves adding the additional funds.
- B. Over 25 % in additional funds may be added to the initial total amount of a contract issued and conducted by an executive branch procurement unit, without engaging in another procurement process, if, after consultation with the Attorney General's Office or appropriate legal counsel, the chief procurement officer or head of a procurement unit with independent procurement authority determines that adding the additional funds does not violate state or federal antitrust laws and is consistent with the purpose of ensuring the fair and equitable treatment of all persons who deal with the procurement system.
- C. Subsections A and B do not apply when a statute explicitly authorizes adding additional funds to a specific existing contract issued and conducted by an executive branch agency.

- D. Without engaging in another procurement process, additional funds may only be added to an existing contract for the procurement item(s) identified in the scope of work or procurement specifications set forth in the solicitation and resulting contract.