

# Procurement - CB

## **Scope of Procurement Policies**

This policy and the other policies in series CB, CC, and CD govern procurement by the District. To “procure” means to acquire a procurement item through procurement. “Procurement” means an acquisition of a “procurement item” through an expenditure of public funds, or an agreement to expend public funds, item.” A “procurement item” includes an item of personal property, a technology, a service, or a construction project. The procurement process consists of all functions that pertain to the obtaining of a procurement item, including preparing and issuing a solicitation, conducting a standard procurement process, or conducting a procurement process that is an exception to a standard procurement process under Policy CBF.

[Utah Code § 63G-6a-103 ~~\(52\)~~ ~~\(53\)~~, \(54\), \(55\), \(56\) \(2024~~3~~\)](#)

Except as specified in the following paragraph or elsewhere in the procurement policies, the District’s procurement policies apply to every procurement.

[Utah Code § 63G-6a-107.2\(1\) \(2020\)](#)

[Utah Code § 63G-6a-107.6 \(2024~~1~~\)](#)

## **Exclusions**

The District’s procurement policies and regulations do not apply to:

1. The acquisition or dispositions of real property or an interest in real property, including a lease of real property.  
[Utah Code § 63G-6a-107.6 \(2024~~1~~\)](#)  
[Utah Code § 63G-6a-1209\(2\) \(2013\)](#)
2. Employment contracts or collective bargaining agreements  
[Utah Code § 63G-6a-103 \(79~~7~~\) \(c\) \(2024~~3~~\)](#)
3. The District’s acquisition of a procurement item from another public entity  
[Utah Code § 63G-6a-107.6\(1\)\(a\) \(2024~~1~~\)](#)
4. Procurement according to the requirements of the source of the funds (for example, conditions of a gift or bequest)  
[Utah Code § 63G-6a-107.2\(2\)\(a\) \(2020\)](#)
5. Grants (except for Policy CDD, which does apply)  
[Utah Code § 63G-6a-107.6\(3\)\(b\) \(2024~~1~~\)](#)  
[Utah Code § 63G-6a-103\(35\) \(2024~~3~~\)](#)
6. Hiring a mediator, arbitrator, or arbitration panel member to participate in the District’s dispute resolution efforts  
[Utah Code § 63G-6a-107.6\(5\) \(2024~~1~~\)](#)

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7. Expenditure of funds administered under the Percent-for-Art Program (except for Policy CDD, which does apply to such expenditures)

[Utah Code § 63G-6a-107.6\(3\)\(a\) \(2024~~1~~\)](#)

## **Intent to Comply with Other Laws and Regulations**

It is the District's intent and purpose to comply with the Utah Procurement Code (Title 63G, Chapter 6a of the Utah Code) and with such regulations as are promulgated by the Utah Procurement Policy Board, which is the rulemaking authority for procurement by the District. To the extent that the District's procurement policies conflict with either the Procurement Code or with applicable regulations, those code provisions or regulations shall govern.

[Utah Code § 63G-6a-103\(6\), \(29\), \(39~~8~~\), \(78~~6~~\), \(e\) \(2024~~3~~\)](#)

[Utah Code § 63G-6a-106\(1\) \(2021\)](#)

[Utah Code § 63G-6a-107.2\(1\) \(2020\)](#)

[Utah Code § 63G-6a-107.2\(1\) \(2024~~3~~\)](#)

If the procurement involves expenditure of federal or state assistance, federal contract funds, local matching funds, or federal financial participation funds, the District shall comply with mandatory applicable federal law or state law and regulations regardless of conflict with these Policies, state regulations, or the Utah Procurement Code.

[Utah Code § 63G-6a-107.2\(1\) \(2020\)](#)

## **Definitions**

In addition to the definitions above or in other procurement policies, the following definitions apply to the District's procurement policies:

"Award" means the identification and selection of a vendor who may, upon satisfying the District's due diligence inquiry, contract with the District as the result of a standard procurement process or permitted exception. Unless otherwise explicitly written in the solicitation documents or exception documentation, an award or notice of an award does not create or constitute a binding contract until the resulting contract has been fully executed by all parties and approving authorities, or the purchase order documentation has been signed and delivered to the awarded vendor.

[Utah Admin. Rules R33-1-1\(2\)\(a\) \(July 8, 2024\)](#)

"Contract" means an agreement for the procurement or disposal of a procurement item.

[Utah Code § 63G-6a-103\(15\) \(2024~~3~~\)](#)

"Contractor" means a person who is awarded a contract with the District

[Utah Code § 63G-6a-103\(17\) \(2024~~3~~\)](#)

"Days" means calendar days, unless expressly provided otherwise.

[Utah Code § 63G-6a-103\(22\) \(2024~~3~~\)](#)

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“Grant” means an expenditure of public funds or other assistance, or an agreement to expend public funds or other assistance, for a public purpose authorized by law, without acquiring a procurement item in exchange.

[Utah Code § 63G-6a-103\(35\) \(2024~~3~~\)](#)

“Procurement official” means the Board of Education or the person designated by the Board of Education as a District Procurement Official,

[Utah Code § 63G-6a-103\(57~~5~~\)\(i\) \(2024~~3~~\)](#)

“Public entity” means the State or any other government entity within the state that expends public funds.

[Utah Code § 63G-6a-103\(63~~1~~\) \(2024~~3~~\)](#)

“Technology” means “information technology,” which is all computerized and auxiliary automated information handling, including all items set forth in Utah Code § 63A-16-102(8).

[Utah Code § 63G-6a-103 \(92~~9~~\) \(2024~~3~~\)](#)

[Utah Code § 63A-16-102\(8\) \(2022\)](#)