

### **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 expenditure of public funds, or an agreement to expend public funds, in exchange for a “procurement item.” ~~buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring a “procurement item.”~~ A “procurement item” includes a supply, a service, construction, or technology. The procurement process consists of all functions that pertain to the obtaining of a procurement item, including the description of requirements, the selection process, solicitation of sources, the preparation for soliciting a procurement item, the award of a contract

*Utah Code § 63G-6a-103 ~~(35), (36), (37) (2015)~~~~(32), (33) (2014)~~*

Except as specified in the following paragraph or elsewhere in the procurement policies, the District’s procurement policies apply to every expenditure of public funds irrespective of the source of the funds, including federal assistance, by the District, under any contract.

*Utah Code § 63G-6a-105(2)(a) ~~(2015)~~(2013)*

### **Exclusions**

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

1. The procurement of real property  
*Utah Code § 63G-6a-105(7) ~~(2015)~~ ~~(2013)~~; 63G-6a-1209(2) (2013)*
2. Employment contracts or collective bargaining agreements  
*Utah Code § 63G-6a-103 ~~(48) (b) (2015)~~~~(45)(b)(2014)~~*
3. Grants ~~from the State or contracts with the State~~ or contracts between the District and another procurement unit (except for policies relating to ~~\_\_\_\_\_~~ improper conduct)  
*Utah Code § 63G-6a-107(1) (b) ~~(2015)~~(2014)*
4. “Directed procurement”  
*Utah Code § 63G-6a-105(8) (2015)*
45. Grants, gifts, or bequests: notwithstanding procurement policies, the District may comply with otherwise legal terms or conditions of a grant, gift, or bequest.  
*Utah Code § 63G-6a-107(2) ~~(2015)~~~~(2)~~(2014)*
5. 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(1)(a) ~~(2015)~~(2014)*

### **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 applicable 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 Ann. § 63G-6a-105(5), (6) (2015)(2013);  
Utah Code § 63G-6a-104(1)(i) (2015) (2014);  
Utah Code § 63G-6a-106(2), (4) (2015) (2014);  
Utah Code § 63G-6a-402(1)(a), (2) (2015) (2014)~~

Where 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(4) (2015) (2014)~~

### **Definitions**

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

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

~~Utah Code § 63G-6a-103 (8) (2015) (9) (2014)~~

2. "Contractor" means a person who is awarded a contract with a procurement unit.

~~Utah Code § 63G-6a-103 (9) (2015) (10) (2014)~~

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

~~Utah Code § 63G-6a-103(14) (2014)~~

4. "Directed procurement" means procurement of a procurement item where the source of the funds used for the procurement directs from whom the item is to be procured or imposes requirements on how the procurement is to be administered. ~~"External procurement unit" means (a) a buying organization not located in this state which, if located in this state, would qualify as a procurement unit; or (b) an agency of the United States.~~

~~Utah Code § 63G-6a-104(8) (2013)~~

5. "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. ~~furnishing, by a public entity or by any other public or private source, financial or other assistance to a person to support a program authorized by law. It does not include an award whose primary purpose is to procure an end product or procurement item; or a contract that is awarded as a result of procurement or a procurement process.~~

~~Utah Code § 63G-6a-103 (23) (2015)  
(21) (2014)~~

6. ~~\_\_\_\_\_~~ "Procurement officer" means the person designated by the Board of ~~\_\_\_\_\_~~ Education or such other person as is designated by the rule of the Procurement Policy Board.

~~Utah Code § 63G-6a-103 (38) (a) (2015) (35) (a) (2014)~~

7. "Public entity" means any government entity located in the state that expends public funds and any political subdivision of the state.

~~Utah Code § 63G-6a-104 (17) (2015) (16) (2014)~~

8. “Supplies” means all property, including equipment, materials, and printing.  
*Utah Code § 63G-6a-103 ~~(57) (2015)~~ ~~(54) (2014)~~*