Effective 5/12/2020

63G-6a-507 Approved vendor list procurement process.

(1) As used in this section:
(a) "Closed-ended approved vendor list" means an approved vendor list that is subject to:
(i) a short period of time, specified by the procurement unit, during which vendors may be added to the list; and
(ii) a specified period of time after which the list will expire.
(b) "Open-ended approved vendor list" means an approved vendor list that is subject to:
(i) an indeterminate period of time during which vendors may be added to the list;
(ii) the addition of vendors to the list throughout the term of the list; and
(iii) a specified period of time after which the procurement unit is required to verify that vendors on the list continue to meet the minimum mandatory requirements, evaluation criteria, and applicable score thresholds.
(2) A procurement unit may not establish an approved vendor list unless the procurement unit has first completed the statement of qualifications process described in Section 63G-6a-410.
(3)
(a) A procurement unit may establish an approved vendor list for:
(i) a specific, fully defined procurement item; or
(ii) a future procurement item that is not specifically and fully defined, if the request for statement of qualifications contains a general description of:
(A) the procurement item; and
(B) the type of vendor that the procurement unit seeks to provide the procurement item.
(b) A procurement unit may not award a contract to a vendor on an approved vendor list for a procurement item that is outside the scope of the general description of the procurement item contained in the request for statement of qualifications.
(4) After receiving the statements of qualifications and evaluation scores submitted by the evaluation committee under Subsection 63G-6a-410(9)(f), the procurement official of the procurement unit using the request for statement of qualifications process under Section 63G-6a-410 as part of an approved vendor list process shall:
(a) include on an approved vendor list those vendors meeting the minimum mandatory requirements, evaluation criteria, and applicable score thresholds; and
(b) reject any vendor not meeting the minimum mandatory requirements, evaluation criteria, and applicable score thresholds as ineligible for inclusion on the approved vendor list.
(5)
(a) A procurement unit shall include approved vendors on a closed-ended approved vendor list or an open-ended approved vendor list.
(b)
(i) A closed-ended approved vendor list shall expire no later than 18 months after the publication of the closed-ended approved vendor list.
(ii) A procurement unit shall verify, no less frequently than every 18 months, by a method approved by the procurement official, that each vendor on an open-ended approved vendor list continues to meet the minimum mandatory requirements, evaluation criteria, and applicable score thresholds.
(6) A procurement unit may:
(a)
(i) using a bidding process, request for proposals process, small purchase process, or design professional procurement process, award a contract to a vendor on an approved vendor list for any procurement item or type of procurement item specified by the procurement

unit in the request for statement of qualifications, including procurement items that the procurement unit intends to acquire in a series of future procurements described in the request for statement of qualifications; and

(ii) limit participation in a bidding process, request for proposals process, small purchase process, or design professional procurement process to vendors on an approved vendor list; or

(b) award a contract to a vendor on an approved vendor list at a price established as provided in Section 63G-6a-113.

(7)

(a) After establishing an approved vendor list as provided in this section, a conducting procurement unit shall, before using the approved vendor list, submit the approved vendor list to the issuing procurement unit.

(b) An issuing procurement unit that receives an approved vendor list under Subsection (7)(a) shall make the approved vendor list available to the public.

(8) A conducting procurement unit administering an open-ended approved vendor list shall:

(a) require a vendor seeking inclusion on the approved vendor list to submit a statement of qualifications that complies with all requirements applicable at the time of the initial request for statement of qualifications; and

(b) if modifying the requirements for inclusion on the approved vendor list, apply any new or additional requirement to all vendors equally, whether a vendor is seeking inclusion on the approved vendor list for the first time or is already included on the approved vendor list.

(9) A rulemaking authority shall make rules pertaining to an approved vendor list process, including:

(a) procedures to ensure that all vendors on an approved vendor list have a fair and equitable opportunity to compete for a contract for a procurement item; and

(b) requirements for using an approved vendor list with the small purchase process.

Amended by Chapter 365, 2020 General Session