

Overview and General Information

Resources:

- Section 7-09 Forms and Instructions or Section 16 Forms, [16-07 Purchasing Forms](#)
- [Section 08-00 Payment Processing](#) for specifics related to PRC's and GMA's
- [Section 07-00.02 State Cooperative Contracts](#)
- [State Purchasing Website](#), [State of Utah Accounting Policies and Procedures](#)
- [Purchasing Flow Chart](#), [Purchasing Checklist](#)
- [UCI website](#)
- Section 01-06.00 [Separation of Duties](#) requirements.
- [UCA 63A-3-110 2\(a\)](#)

Purpose:

This purchasing section is intended to document the policies and procedures governing the purchasing process for the State of Utah Courts. As per 63A-3-110 2(a) employees are prohibited from “using public funds for a personal use expenditure.”

Overview: Refer to the Purchasing [Flow Chart](#).

General Information:

The State Division of Purchasing publishes and maintains policies and procedures that provide a systematic arrangement of information covering statewide procurement policies and procedures. This information is found in Section 04, "Purchasing", of the State of Utah Accounting Policies and Procedures Manual. The Courts, while independent from State Purchasing according to UCA 63-56-13 and Rule 3-412, follow these policies. Variance from and amendments to the State of Utah Division of Purchasing policies and procedures are contained in this section.

For the purposes of this section, "Purchaser" is defined as any State Court employee who acts on behalf of any court or departmental subdivision of the State Courts in the process of purchasing or otherwise obtaining goods and/or services.

Policy:

1. The Purchaser will follow the Regulations of the State of Utah Procurement Policy Board, as amended, and the [State of Utah Accounting Policies and Procedures Manual](#) in State Court purchasing practices, except where specifically stated otherwise within this section or by Judicial Council rule. ([See Rule 3-412](#))
2. Any exception to Judicial Branch Purchasing Policy and Procedure must be approved in writing by the State Court Administrator or designee prior to a Purchaser acting on the exception.
3. The State Court Administrator is the Chief Procurement Officer for the Judicial Branch.
 - a. Pursuant to Utah Code 63G-6a-304, a Courts Limited Purchasing Delegation has been granted to the Law Library Director allowing for the procurement of proprietary publications and subscriptions costing up to \$50,000 per purchase. The CLPD reference number must be entered into the FINET description line and should be renewed annually (i.e. FY2018 = [CLPD1801](#)).
 - b. Pursuant to Utah Code 63G-6a-304, a Court's Limited Purchasing Delegation has been granted to the Language Access Program Coordinator allowing for interpreters to be paid in excess of \$50,000 per year as an exception to the small purchasing rules and without the need to obtain competitive bids. This is an exception by the Utah State Court Administrator for instances when exceeding this limit cannot reasonably be avoided without impacting needed interpreter services and recognizes the importance of court interpreters in protecting the rights of parties during Court proceedings. This exception does not have to be renewed annually.
4. The Purchasing Manager is recognized as the procurement officer with the authority provided in [Rule 3-412](#).
5. The Court Executives are the procurement officers for their courts, per [Rule 3-412 \(3\)](#) and subject to the limitations stated in Rule 3-412.
6. No form of "vendor favoritism" is acceptable in the vendor selection process.
7. **Grant payments are not exempt from state purchasing and travel policies, in all cases the most stringent rules apply.**
8. Purchasers should select items and services produced or distributed by state agencies before considering other methods.
9. Before using a state cooperative contract the entire contract should be read. All state cooperative contract numbers have prefixes designating what type of contracts they are. (See [Use of State Cooperative Contracts](#) for a complete explanation.)
10. Small purchasing rules prohibit payments to a single vendor exceeding \$50,000 in a fiscal year without a contract.
11. For purchases of \$1,000 or less, the Purchaser may select the best source without seeking competitive quotes. The best source is a vendor on contract with the state, unless a contract does not exist for the product or service needed.

12. For purchases of \$1,001 to \$5,000 that are not on contract, the Purchaser must obtain at least two (preferably three) competitive quotes. Quotes may be written or by telephone. If getting quotes by telephone, complete a Telephone Quotation form. The quotes must be for items which are the same or very similar. Documentation of the quotes obtained must accompany the original invoice when submitted for payment.
13. For purchases of \$5,001 or more that **are not on a state cooperative contract**, whether for product or services (single sum or an annual sum), the Purchaser must submit a written request/requisition with detailed specifications to AOC Purchasing to conduct the procurement.
14. For purchases of \$1,001 or more from a vendor in which the Purchaser cannot receive competitive quotes from multiple bidders, the Purchaser must contact AOC Purchasing to see if they need to submit an "Award Without Engaging in Standard Procurement" form (formerly Sole Source Form). This form must be approved by AOC Purchasing prior to making the purchase.
15. Purchase needs dictated by emergency circumstances, which do not allow time for following normal policy and procedure should be approved by the appropriate State Level Administrator. In absence of the State Level Administrator, approval can be given by the State Court Administrator, the Deputy Court Administrator, or the Purchasing Manager. Hourly rate quotes should be obtained from two or more vendors when purchasing emergency repair services.
16. Unusual purchases are to receive written approval from the immediate supervisor and from the administrator that oversees the work of the department. Approvals need to be submitted with the P-card log to be scanned into FINET.
17. **Employee Purchases - some state cooperative contracts; i.e., office supplies, cell phones, allow employees to purchase items at the contract rate for personal use. In this case, the employee must make the purchase themselves and must pay the state sales tax. The employee may not have the Courts pay for an item and then reimburse the cost.**
18. Court personnel are authorized to purchase select personal use items such as gloves, disinfecting wipes, masks, tissues and other items that prevent the spread of disease. These items may be provided for use by court personnel and court patrons (such as witnesses, jurors, and other participants in the judicial process) throughout the court public and non-public areas.
19. The purchase of First Aid kits and related materials appropriate to each court and department is an authorized expense.
20. See [Judicial Operations](#) for allocations to judges/senior judges and commissioners for Utah Bar activities, law related books, subscriptions and other similar activities.
21. Purchases and expenses incurred in support of the jury process are authorized, subject to [Judicial Council Rule 4-405](#), as amended, pursuant to UCA 78B-1-101, as amended. Such purchases and expenses include any relevant printing and postage costs.
22. Courts are authorized to purchase wall decorations, clocks, floral arrangements, plants and other similar decorative items for common areas in

the courthouses with state funds. These items cannot be purchased by the Courts for personal offices.

23. The policy and operational procedures for all construction (new or remodel) are detailed in the Accounting Policies and Procedures Manual provided by the State Division of Administrative Services, Division of Finance.
24. Final invoice totals which exceed original vendor quotes must be approved by the appropriate State Level Administrator.
25. Court owned property must be disposed of through [Surplus Property](#). If the items being surplussed are deemed to be in reasonable condition and possibly needed by another court, please notify AOC purchasing at least 30 days prior to sending property to surplus Property so that other courts may be notified of the availability of such property.
26. Provisions in UCA 55-5 stipulate that first refusal for installation of a vending machine in State Facilities must be given to the [Division of Services for the Blind and Visually Impaired](#). Only if the Division declines to place a vending machine in the facility, may an RFP for vending services be issued.