

1 **Rule 3-412. Procurement of goods and services.**

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3 **Intent:**

4 To identify the respective responsibilities of the judiciary and the Department of Administrative
5 Services in the procurement of goods and services.

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7 **Applicability:**

8 This rule shall apply to the judiciary's expenditure of funds appropriated by the legislature.

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10 **Statement of the Rule:**

11 | (1) **Definitions.** Except as provided in Subsection (2), All terms are defined as provided by the
12 Utah Procurement Code, as amended, the Regulations of the Utah State Procurement Policy
13 Board, as amended and the Division of Purchasing's Policies and Procedures. Any discrepancy
14 between the statutory definition and the definition contained in the regulations shall be
15 controlled by the statutory definition.

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17 | (2) ~~**Chief procurement officer**Purchasing authority. Under the Utah CodeAs used in this rule,~~
18 chief procurement officer means the state court administrator ~~is the purchasing authority for the~~
19 ~~judiciary in the expenditure of appropriated funds for the procurement of supplies, services, and~~
20 ~~construction.~~

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22 | (3) **Procurement officers.** The state court administrator may designate ~~a others to serve as~~
23 procurement officers for various parts of the judiciary. For example, cCourt executives are the
24 procurement officers for their courts. The state court administrator or designee or a procurement
25 officer may enter into contracts or make written determinations with respect thereto as provided
26 in this rule. Court Purchasing will advise procurement officers on purchases to ensure
27 compliance with rules, policies, and statutes.

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29 **(4) Contracts to conform to statute and regulations.**

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31 (4)(A) All contracts for the procurement of supplies, services, or construction entered
32 into, by or on behalf of the judiciary, shall conform to the Utah Procurement Code, as
33 amended, the Regulations of the Utah State Procurement Policy Board, as amended
34 and the Division of Purchasing's Policies and Procedures. Any discrepancy between the
35 procedures provided for by statute and the procedures provided for by regulation shall
36 be controlled by the statutory procedures.

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38 (4)(B) Subject to the availability of funds, the state court administrator may establish
39 within the administrative office a procurement section that shall have the responsibility
40 and authority as provided by the Utah Procurement Code and the Regulations of the
41 Utah State Procurement Policy Board. Unless a procurement section is established, the
42 judiciary shall work with and through the Department of Administrative Services, Division
43 of Purchasing in the procurement of supplies, services, or construction.

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(5) Authority to contract.

(5)(A) Contracts for the procurement of supplies, services, or construction for an amount greater than \$5000 per individual item or \$10,000 per overall purchase shall be approved by the state court administrator or ahis designated procurement officer. General eCounsel shall approve such contracts as to form and legal sufficiency, and the manager of finance shall approve such contracts as to availability of funds. Other provisions for contract management contained in this Code shall be followed if they apply to the particular contract.

(5)(B) Requests to enter into contracts greater than \$5000 per individual item or \$10,000 per overall purchase shall be directed to the Chief Procurement Officer or designee~~appropriate state level administrator or the director of support services~~. The Chief Procurement Officer or designee~~state level administrator or the director of support services~~ shall coordinate all procedures required by the Utah Procurement Code, as amended, the Regulations of the Utah State Procurement Policy Board, as amended and the Division of Purchasing's Policies and Procedures. Before final award of the contract, the contract shall be approved pursuant to paragraph (5)(A).

(5)(C) Court executives are authorized to approve and enter into contracts for the procurement of supplies, services, or construction on behalf of their courts when ~~the amount of the contract is not greater than \$5000~~they are under the small purchase rule thresholds of up to \$5,000 for individual items and up to \$10,000 total per purchase. Court executives may enter into such contracts subject to the availability of funds and in accordance with paragraph (4) of this rule.

(5)(D) Procurement requirements shall not be artificially divided so as to avoid the provisions of this rule.

(5)(E) Courts should check to see if items are available on state contract before making a purchase by using the State Purchasing website contract search page or contacting Court Purchasing. Contract Search Page link: <https://statecontracts.utah.gov/Home/Search>.

Effective: ~~November 1, 2008~~September 13, 2022