

R33. Government Operations, Purchasing and General Services.

R33-6. Bidding.

R33-6-101. Competitive Sealed Bidding; Multiple Stage Bidding.

(1) Competitive sealed bidding shall be conducted in accordance with the requirements in Title 63G, Chapter 6a, Part 6, Bidding. Definitions in Title 63G, Chapter 6a, Utah Procurement Code shall apply to this rule unless otherwise specified in this rule. This rule provides requirements and procedures and must be used in conjunction with Title 63G, Chapter 6a.

R33-6-108. Re-solicitation of a Bid.

(1) Re-solicitation of a bid may occur only if the procurement official determines that:

- (a) a material change in the scope of work or specifications has occurred;
- (b) procedures outlined in Title 63G, Chapter 6a were not followed;
- (c) additional public notice is desired;
- (d) there was a lack of adequate competition; or
- (e) other reasons exist that are in the best interests of the procurement unit.

(2) Re-solicitation may not be used to avoid awarding a contract to a qualified vendor in an attempt to steer the award of a contract to a favored vendor.

R33-6-110. Multiple or Alternate Bids.

(1) Multiple or alternate bids will not be accepted, unless otherwise specifically required or allowed in the invitation for bids.

(2) If a bidder submits multiple or alternate bids that are not requested in the invitation for bids, the procurement official will only accept the bidder's first bid and will not accept any other bids constituting multiple or alternate bids.

R33-6-111. Methods to Resolve Tie Bids.

(1) In accordance with Section 63G-6a-608, in the event of tie bids, the contract shall be awarded to the procurement item offered by a Utah resident bidder, provided the bidder indicated on the invitation to bid form that it is a Utah resident bidder.

(2) If a Utah resident bidder is not identified, the preferred method for resolving tie bids shall be for the procurement official by tossing a coin in the presence of a minimum of three witnesses with the firm first in alphabetical order being designated as "heads" for the coin toss.

(3) Other methods to resolve a tie bid described in Section 63G-6a-608 may be used as deemed appropriate by the procurement official.

R33-6-112. Publication of Award.

(1) The procurement unit shall, on the day on which the award of a contract is announced, make available to each bidder and to the public a notice that includes:

- (a) the name of the bidder to which the contract is awarded and the price of the procurement item; and
- (b) the names and the prices of each bidder to which the contract is not awarded.

KEY: government purchasing, sealed bidding, multiple stage bidding, reverse auction

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