

**UTAH PROCUREMENT CODE**  
**§§ 63G-6-101 through 1002**  
**Criminal Sections**

**63G-6-422. Exemptions from source selection and contract requirements - Violation penalty.**

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On projects where public funds or political subdivisions are involved, the owner shall follow the procedures outlined in the Utah Procurement Code when determining or selecting their agent or construction manager. *However, no exemption shall be permitted that allows any political subdivision of this state to negotiate, enter into, or cause to be negotiated prior to open bidding for the prime contracting agent any predetermined agreement or arrangement which causes interference with the traditional fair competitive bidding process or the rights of employees under state and federal law.* Any agreement or arrangement entered into in violation of this section is unenforceable and void ab initio and the parties to such an agreement or arrangement are subject to a class B misdemeanor penalty. [6 months imprisonment, \$1,000.00 fine, restitution]

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**63G-6-1001. Felony to accept emolument.**

Any person acting as a procurement officer for the state of Utah or any subdivision thereof, or who in any official capacity participates in the procurement of any supplies, services, construction, real property, or insurance for any such political units, is guilty of a felony if the person asks, receives, or offers to receive any emolument, gratuity, contribution, loan, or reward, or any promise thereof, either for the person's own use or the use or benefit of any other person or organization from any person interested in the sale of such supplies, services, construction, real property, or insurance. [0 to 5 years imprisonment, \$5,000.00 fine, restitution]

**63G-6-1002. Felony to offer emolument.**

A person who is interested in any way in the sale of any supplies, services, construction, real property, or insurance to the state of Utah or any political subdivision thereof, is guilty of a felony if the person gives or offers to give any emolument, gratuity, contribution, loan or reward, or any promise thereof to any person acting as a procurement officer, or who in any official capacity participates in the procurement of such supplies, services, construction, real property, or insurance, whether it is given for the person's own use or for the use or benefit of any other person or organization. [0 to 5 years imprisonment, \$5,000.00 fine, restitution]

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