



TINA M. CANNON  
UTAH STATE AUDITOR

# Report No. HOLD25SP

September 2, 2025

Mayor Darren Fox and Holden Town Council  
P.O. Box 360127  
Holden, UT 84636

Dear Mayor Fox and Councilmembers:

The Office of the Utah State Auditor (Office) offers a hotline program through which we receive complaints with financial or compliance implications related to state or local governments. The Office received a complaint alleging conflict of interest and procurement process violations at Holden Town (Town).

To determine the credibility of the complaint, we reviewed the Municipal Officers' and Employees' Ethics Act<sup>1</sup> (Act) requirements, applicable conflict of interest disclosures, and the Town's process for procuring engineering consultant services between September 2019 and February 2025. We also gathered information from involved parties and reviewed relevant documentation as necessary. We note that the Act does not prohibit a municipality from doing business with a business entity where a municipal officer or employee is an officer, director, agent, employee, or owner of a substantial interest; instead, the Act requires that the municipal officer or employee properly disclose the conflict of interest. We determined that the relevant conflict of interest disclosures appear to be compliant with the corresponding statute in effect at the time and, accordingly, our letter does not further address this issue. However, we did find problems with the engineering consultant procurement process. This letter details our findings and recommendations.

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<sup>1</sup> *Utah Code 10-3-1307*

## **Finding 1. Problems with Engineering Consultant Procurement**

The Town issued a request for qualifications (RFQ) to procure engineering consultant services in 2019; however, the procurement was not compliant with various provisions of Utah Procurement Code (Code) as follows:

- a. The Town did not properly evaluate and score the submitted RFQ responses, as required by *Utah Code* 63G-6(a)-1503.5, which states that an entity “shall evaluate and score each responsive statement of qualifications . . . using the criteria described in the request for statement of qualifications.” Town council meeting minutes indicate that the Council held a general discussion about the RFQ responses but did not formally evaluate and score the responses. A lack of formal RFQ evaluation and scoring can bias the evaluation results and result in a procurement that is not transparent, fair, or competitive.
- b. The Town did not properly publish notice of the RFQ, as required by *Utah Code* 63G-6a-1502 and *Utah Code* 63G-6a-112. Town council meeting minutes indicate that the Town directly mailed the RFQ to various engineering firms instead. This is not compliant with public notice requirements, reduces transparency, and is not conducive to an open and competitive procurement process.
- c. The Town did not retain the RFQ responses from the engineering firms that were ultimately not selected for engineering consultant services. *Utah Code* 63G-6a-2002 requires that the Town retain procurement records for at least six years.

### **Recommendation:**

We recommend that the Town:

- a. As soon as practical, cancel the existing engineering consultant contract and re-procure the services in compliance with the Code and Town procurement policy requirements (see Finding 2).
- b. Ensure that all procurement responses are formally evaluated and scored, when required.
- c. Publish applicable procurements in compliance with *Utah Code* 63G-6a-112.
- d. Retain procurement records in accordance with *Utah Code* 63G-6a-2002.

## **Finding 2. Lack of Written Procurement Policy**

The Town does not have a written procurement policy. Although the Town is subject to Utah Procurement Code (Code),<sup>2</sup> additional written policy is advisable as the Code does not address all potential procurement-related issues or requirements, such as dollar thresholds for various

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<sup>2</sup> *Utah Code* 63G-6a-103(48) specifies that a municipality is subject to the Code unless the municipality has adopted its own procurement code by ordinance.

procurement types or instructions for obtaining and documenting competitive quotes for small purchases, etc. The lack of written policy contributed to the procurement problems noted in Finding 1.

**Recommendation:**

We recommend that the Town either:

- a. Adopt its own procurement code by ordinance, or
- b. Adopt a supplemental procurement policy to address specific details that the Code does not address, such as dollar thresholds and other matters the Town deems necessary.

Our procedures were limited to matters related to the complaint. Had we performed additional procedures, other matters may have come to our attention that would have been reported to you. We appreciate the courtesy and assistance extended to us by Town personnel during our review. We look forward to a continuing professional relationship. If you have any questions, please contact Julie Wrigley, Special Projects Director, at 801-538-1340 or [jwrigley@utah.gov](mailto:jwrigley@utah.gov).

Sincerely,



Tina M. Cannon  
Utah State Auditor



185 South main



Response to State Auditor's Report No. HOLD25SP

Finding 1: Problems with the Engineering Consultant Procurement

Response:

Holden Town acknowledges the issues identified in the audit relative to the notification, scoring, and retention of RFQ's, during the selection of engineering consultants in 2019. Moving forward, the Town will comply fully with the Utah Procurement Code and adhere to an updated municipal procurement policy in future consultant selections. It is anticipated that this will be implemented following the completion of the current water infrastructure project.

Finding 2: Lack of Written Procurement Policy

Response:

Holden Town recognizes the importance of having a clear and consistent procurement policy. The Town is committed to developing and implementing a formal procurement policy that aligns with the requirements of the Utah Procurement Code. This policy will guide all future procurement activities to ensure transparency, consistency, and compliance with applicable codes.



Holden Town Mayor

Sept 02, 2025