

# The Salt Lake Tribune

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Article Last Updated: 1/06/2006 12:18 AM

## No-bid deal for state job scrutinized

Official offers ex-employee big bucks to retool computer data

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The Salt Lake Tribune  
Salt Lake Tribune

Despite concerns of nepotism and state-bid shortcuts, a former assistant attorney general is poised to receive a lucrative government contract.

Utah's public lands coordinator Lynn Stevens wants to hire John Boyden to retool a computer program Boyden created while working as a state attorney at a rate almost four times his salary on the public payroll. Last month he tried to give Boyden a no-bid contract.

But an environmentalist's complaint about the lack of a bid process drew scrutiny from state procurement officials, who said the contract was for legal services and should be overseen by the Attorney General's Office.

And Boyden's old colleagues appear likely to hand him the contract without going through competitive bidding.

"Quite frankly, it would be a horrible mistake to bring someone in fresh and have them try to figure it out," said Chief Deputy Attorney General Ray Hintze.

He said a team of state attorneys working on disputed roadway claims are sitting idle waiting for information trapped in the computer program created by Boyden.

Heidi McIntosh, conservation director of the Southern Utah Wilderness Alliance and the environmentalist who made the original complaint, criticized state attorneys for creating a "sweetheart deal" to cover up a blatant mistake.

"Why would they have let a single employee hold them hostage this way," she questioned, "by creating a computer program that no one else knows how to run?"

She also previously complained that Boyden is receiving the contract in part because his brother, Stephen Boyden, is Stevens' deputy. Stevens says that Boyden's brother is not involved in the issue.

Boyden earned about \$55 an hour from the state when he designed the program that stores technical information identifying roads for use in court trials. The contract will offer him \$200 an hour to tweak that program to create a specialized report for county recorders.

Hintze called the Boyden deal "an incredible bargain for the state," since most attorneys don't have the necessary technical capabilities and charge more than \$200 an hour.

While the contract will be capped at \$175,000, Boyden likely will receive only about \$96,000, because he is expected to work for the next three months, according to Hintze.

Boyden designed the system to help in court trials involving Revised Statute 2477, an 1866 law granting rights of way across federal land.

The statute was repealed in the mid-1970s, but existing roads were grandfathered in, creating a controversy over which rural tracks are state roads and affecting whether the land around them still qualifies for federal wilderness designation.

A collection of state attorneys, including Boyden, were preparing legal challenges to roads they wanted to claim under RS2477, but that was before a September court ruling broadened the definition of a country back road. Now states can simply claim roads with the county recorder and wait for the federal government to decide

if it will challenge the designation.

Boyden will alter the output from his program to provide the necessary information, such as satellite coordinates, to map RS2477 roads.

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