

45A.810 Architectural services selection committees -- Engineering or engineering-related services selection committees -- Uses -- Membership. (Effective until July 15, 2026)

- (1)
 - (a) One (1) or more architectural services selection committees and one (1) or more engineering or engineering-related services selection committees shall be created in the Finance and Administration Cabinet.
 - (b) One (1) or more engineering and engineering-related services selection committees shall be created in the Transportation Cabinet.
 - (c) One (1) or more engineering and engineering-related services selection committees shall be created in the Department of Fish and Wildlife Resources.
- (2) Except when an emergency condition exists as defined by KRS 45A.095(1)(a), when architectural, engineering, or engineering-related services are procured under KRS 45A.837 and 45A.838, or when the project is constructed under KRS 45A.045(11)(a) or (b):
 - (a) An architectural services selection committee created in the Finance and Administration Cabinet shall participate in every instance of that cabinet's procuring architectural services for its own needs and the needs of other agencies, and upon request from the commissioner of the Department of Fish and Wildlife Resources, shall assist and participate in that department's procuring of architectural services;
 - (b) An engineering and engineering-related services selection committee created in the Finance and Administration Cabinet shall participate in every instance of that cabinet's procuring engineering or engineering-related services;
 - (c) An engineering and engineering-related services selection committee created in the Transportation Cabinet shall participate in every instance of that cabinet's procuring engineering or engineering-related services; and
 - (d) An engineering and engineering-related services selection committee created in the Department of Fish and Wildlife Resources shall participate in every instance of that department's procuring of engineering or engineering-related services.
- (3) An architectural services selection committee created in the Finance and Administration Cabinet to perform its own procurement and assist other state agencies with procuring architectural services shall consist of six (6) or more members selected in the manner specified within each paragraph:
 - (a) Two (2) architects. The secretary of the Finance and Administration Cabinet shall appoint a pool of at least six (6) architects who are employees of the cabinet. At least three (3) of the architects shall be merit employees of the cabinet. The secretary, or designee, under the supervision of the Auditor of Public Accounts, or designee, shall randomly select architects from the pool. The first employee selected shall be placed on the selection committee. If the first employee selected is a merit employee, the second employee selected shall be placed on the selection committee. If the first employee selected is a nonmerit employee, the selection process shall continue until a merit

employee is selected. That merit employee shall be placed on the selection committee;

- (b) One (1) or more additional employees of the Department for Facilities Management, appointed by the commissioner of the Department for Facilities Management, to serve as a nonvoting technical adviser for a given project selection. Advisory members shall serve on a project-by-project basis and shall have the requisite knowledge, training, or experience pertaining to the professional requirements of the project;
 - (c) Two (2) merit employees of the user agency appointed by the head of that agency to serve for the duration of the selection committee's participation in the project for which they were appointed by the user agency;
 - (d) An individual. The Kentucky Society of Architects shall nominate nine (9) individuals, and the Governor shall appoint three (3) of these individuals to serve in the pool from which the secretary of the Finance and Administration Cabinet, or designee, under the supervision of the Auditor of Public Accounts, or designee, shall randomly select one (1) individual to serve on the committee;
 - (e) One (1) or more merit employees of the Auditor of Public Accounts, appointed by the Auditor, who may, at the discretion of the Auditor, serve as nonvoting members of the committee. If one (1) employee is appointed, then that employee may attend any committee proceedings. If more than one (1) employee is appointed, then either of the employees may attend any committee proceeding; and
 - (f) Upon completion of the selection process set forth in this subsection, the commissioner of the Department of Facilities Management shall submit a statement to the Auditor of Public Accounts attesting to full compliance with the selection process for each architectural firm appointed to provide architectural services. In addition, a complete record of the selection process for each project shall be maintained by the department and shall be subject to audit by the Auditor of Public Accounts.
- (4) The engineering and engineering-related services selection committee created in the Finance and Administration Cabinet shall consist of six (6) or more members selected in the manner specified in each paragraph:
- (a) Two (2) engineers. The secretary of the Finance and Administration Cabinet shall appoint a pool of at least six (6) engineers who are employees of the cabinet. At least three (3) of the engineers shall be merit employees of the cabinet. The secretary, or designee, under the supervision of the Auditor of Public Accounts, or designee, shall randomly select engineers from the pool. The first employee selected shall be placed on the selection committee. If the first employee selected is a merit employee, the second employee selected shall be placed on the selection committee. If the first employee selected is a nonmerit employee, the selection process shall continue until a merit employee is selected. That merit employee shall be placed on the selection committee;
 - (b) Two (2) merit employees of the user agency appointed by the head of that

agency to serve for the duration of the selection committee's participation in the project for which they were appointed by the user agency;

- (c) An individual. The Kentucky Society of Professional Engineers and the Kentucky Consulting Engineers Council shall together nominate nine (9) individuals, and the Governor shall appoint three (3) of these individuals to serve in the pool from which the secretary of the Finance and Administration Cabinet, or designee, under the supervision of the Auditor of Public Accounts, or designee, shall randomly select one (1) individual to serve on the committee;
 - (d) One (1) or more merit employees of the Auditor of Public Accounts, appointed by the Auditor, who may, at the discretion of the Auditor, serve as nonvoting members of the committee. If one (1) employee is appointed, then that employee may attend any committee proceedings. If more than one (1) employee is appointed, then either of the employees may attend any committee proceeding;
 - (e) One (1) or more additional employees of the Department for Facilities Management to serve as nonvoting technical adviser for a specific project selection. Advisory members shall serve on a project-by-project basis and shall have the requisite knowledge, training, or experience pertaining to the professional requirements of the project; and
 - (f) Upon completion of the selection process set forth in this subsection, the commissioner of the Department of Facilities Management shall submit a statement to the Auditor of Public Accounts attesting to full compliance with the selection process for each firm appointed to provide engineering or engineering-related services. In addition, a complete record of the selection process for each project shall be maintained by the department and shall be subject to audit by the Auditor of Public Accounts.
- (5) The engineering and engineering-related services selection committee created in the Transportation Cabinet shall consist of six (6) or more members selected in the manner specified in each paragraph:
- (a) Two (2) engineers. The secretary of the Transportation Cabinet shall appoint a pool of six (6) engineers who are employees of the cabinet. At least three (3) of the engineers shall be merit employees of the cabinet. The secretary, or designee, under the supervision of the Auditor of Public Accounts, or designee, shall randomly select engineers from the pool. The first employee selected shall be placed on the selection committee. If the first employee selected is a merit employee, the second employee selected shall be placed on the selection committee. If the first employee selected is a nonmerit employee, the selection process shall continue until a merit employee is selected. That merit employee shall be placed on the selection committee;
 - (b) Two (2) engineers who are merit employees of the user division appointed by the head of that division to serve for the duration of the selection committee's participation in the project for which they were appointed by the user agency. However, if two (2) user divisions have approximately equal responsibilities or separate responsibilities for the project, each user division head shall

- appoint one (1) member to the selection committee;
- (c) An individual. The Kentucky Society of Professional Engineers and the Kentucky Consulting Engineers Council shall together nominate nine (9) individuals, and the Governor shall appoint three (3) of these individuals to serve in the pool from which the secretary of the Transportation Cabinet, or designee, under the supervision of the Auditor of Public Accounts, or designee, shall randomly select one (1) individual to serve on the committee;
 - (d) One (1) or more merit employees of the Auditor of Public Accounts, appointed by the Auditor, who may, at the discretion of the Auditor, serve as nonvoting members of the committee. If one (1) employee is appointed, then that employee may attend any committee proceedings. If more than one (1) employee is appointed, then either of the employees may attend any committee proceeding; and
 - (e) Upon completion of the selection process set forth in this subsection, the commissioner of the Department of Highways shall submit a statement to the Auditor of Public Accounts attesting to full compliance with the selection process for each firm appointed to provide engineering or engineering-related services. In addition, a complete record of the selection process for each project shall be maintained by the department and shall be subject to audit by the Auditor of Public Accounts.
- (6) The engineering and engineering-related services selection committee created within the Department of Fish and Wildlife Resources shall consist of six (6) or more members selected as follows:
- (a) The commissioner of the Department of Fish and Wildlife Resources shall appoint five (5) members:
 1. One (1) department employee in or designated to the job classification of Department of Fish and Wildlife Resources Project Manager;
 2. Two (2) Department of Fish and Wildlife Resources employees in the Engineering and Geological series, at least one (1) of whom shall be a merit employee;
 3. One (1) merit employee of the Department of Fish and Wildlife Resources designated by the division head for the project or by the commissioner; and
 4. One (1) employee of the Department of Fish and Wildlife Resources who is an attorney;
 - (b) The Kentucky Society of Professional Engineers and the Kentucky Consulting Engineers Council shall together nominate nine (9) individuals, and the Governor shall select three (3) of these individuals to serve in a pool from which the commissioner of the Department of Fish and Wildlife Resources, or designee, under the supervision of the Auditor of Public Accounts, or designee, shall randomly select one (1) individual to serve on the committee;
 - (c) One (1) or more merit employees of the Auditor of Public Accounts, appointed by the Auditor, who may, at the discretion of the Auditor, serve as nonvoting members of the committee. If one (1) employee is appointed, then

that employee may attend any committee proceedings. If more than one (1) employee is appointed, then either of the employees may attend any committee proceeding; and

- (d) Upon completion of the selection process set forth in this subsection, the commissioner of the Department of Fish and Wildlife Resources shall submit a statement to the Auditor of Public Accounts attesting to full compliance with the selection process for each firm appointed to provide engineering or engineering-related services. A complete record of the selection process for each project shall be maintained by the Department of Fish and Wildlife Resources and shall be subject to audit by the Auditor of Public Accounts.
- (7)
- (a) All selection committee members shall have experience which qualifies them to serve on the committee.
 - (b) The same appointment procedures set out in this section apply to any user agency or user division listed in subsection (3), (4), (5), or (6) of this section that does not operate under a merit system.
 - (c) Any individual appointed to serve in a pool from which selection committee members are drawn shall serve in the pool for an initial one (1) year term and may be reappointed. He or she shall serve until his or her successor is appointed and qualified. A successor or a replacement, in the case of a vacancy in the pool, shall be appointed in the same manner as the initial appointee. If a selection committee member, drawn from a pool, leaves a selection committee, his or her replacement shall be drawn from the pool in the same manner as he or she. The replacement shall have the merit or nonmerit status of his or her predecessor.
 - (d) Any individual appointed by the Auditor of Public Accounts to serve on selection committees shall serve an initial one (1) year term and may be reappointed to succeed himself or herself. He or she shall serve until his or her successor is appointed and qualified. A successor or a replacement, in the case of a vacancy, shall be appointed in the same manner as the initial appointee.
 - (e) The selection committee members appointed by the head of a user agency or user division shall serve on a project-by-project basis. These members shall participate only in committee action related to the project for which they were appointed. A replacement, in the case of a vacancy, shall be appointed in the same manner as the initial appointee.

Effective: March 29, 2023

History: Amended 2023 Ky. Acts ch. 139, sec. 6, effective March 29, 2023. -- Amended 2017 Ky. Acts ch. 175, sec. 7, effective June 29, 2017. -- Amended 1998 Ky. Acts ch. 319, sec. 4, effective April 3, 1998. -- Amended 1996 Ky. Acts ch. 246, sec. 2, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 95, sec. 2, effective July 15, 1994. -- Created 1992 Ky. Acts ch. 55, sec. 3, effective July 14, 1992.

Legislative Research Commission Note (3/29/2023). 2023 Ky. Acts ch. 139, sec. 22, provides, "The requirements of this Act shall apply to all procurements and acquisitions of interests in real property undertaken by, or for the benefit of, the Department of Fish and Wildlife Resources, including procurements and acquisitions of interests in real property that commenced prior to the effective date of this Act [March 29, 2023]."