

45A.837 Price contracts for architectural, engineering, and engineering-related services -- Review procedure required.

- (1) Notwithstanding the provisions of KRS 45A.800 to 45A.835, the Finance and Administration Cabinet, the Department of Fish and Wildlife Resources, and the Transportation Cabinet may enter into price contracts for architectural, engineering, and engineering-related services. If the agencies choose to enter into a price contract, subsection (2) of this section shall apply.
- (2) Price contracts shall be awarded to firms qualified by the Finance and Administration Cabinet, Department of Facilities Management or by the Transportation Cabinet, Department of Highways. The Finance and Administration Cabinet selection committee established by KRS 45A.810 shall meet at least quarterly during each fiscal year to review and make recommendations to the commissioner of the Department for Facilities Management for qualification of interested firms. The Transportation Cabinet selection committee established by KRS 45A.810 shall meet at least quarterly during each fiscal year to review and make recommendations to the commissioner of the Department of Highways for qualification of interested firms.
 - (a) The respective committees shall evaluate those firms submitting statements of interest in obtaining a price contract. The submitting firms shall be reviewed according to the following criteria:
 1. Qualifications;
 2. Ability of professional personnel; and
 3. Past record and experience.
 - (b) Firms qualified by the commissioner of the Department for Facilities Management or by the commissioner of the Department of Highways shall be awarded price contracts by the respective departments for the type of work for which they have been qualified.
 - (c) The commissioner of the Department for Facilities Management, the commissioner of the Department of Fish and Wildlife Resources, or the commissioner of the Department of Highways may select firms to perform work under price contract for small projects for which the architectural, engineering, or engineering-related fees do not exceed one hundred fifty thousand dollars (\$150,000). However, no firm that has received more than three hundred thousand dollars (\$300,000) in price contract fees in any one (1) fiscal year in the contract discipline being awarded shall be selected to work under a price contract unless the secretary of the Finance and Administration Cabinet, the secretary of the Transportation Cabinet, or the commissioner of the Department of Fish and Wildlife Resources makes a written determination that the selection is in the best interest of the Commonwealth and the determination is confirmed by the appropriate cabinet's or department's selection committee established by KRS 45A.810.
- (3) Notwithstanding any provision of the Kentucky Revised Statutes, no price contract shall be awarded under the provisions of this section before completion of the review procedure provided for in KRS 45A.695 and 45A.705.

Effective: March 29, 2023

History: Amended 2023 Ky. Acts ch. 92, sec. 44, effective March 24, 2023; and ch. 139, sec. 10, effective March 29, 2023. -- Amended 2015 Ky. Acts ch. 105, sec. 12, effective June 24, 2015. -- Created 1998 Ky. Acts ch. 319, sec. 1, effective April 3, 1998.

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]."

Legislative Research Commission Note (3/29/2023). This statute was amended by 2023 Ky. Acts chs. 92 and 139, which do not appear to be in conflict and have been codified together.