

**45A.838 Establishment and operation of pool of firms to provide professional contract services -- Administrative regulations to be promulgated by Transportation Cabinet and Department of Fish and Wildlife Resources.**

- (1) If choosing to operate under this section, the Transportation Cabinet and the Department of Fish and Wildlife Resources shall, by administrative regulations promulgated under KRS Chapter 13A, designate each type of project for which a pool of firms is to be established and from which the firm to provide the needed architectural, engineering, or engineering-related contract services is to be selected. The project types designated by these administrative regulations shall be limited to those projects for which the professional services to be rendered for each individual contract are substantially similar and to those project types for which architectural, engineering, or engineering-related fees are expected to be at least fifty thousand dollars (\$50,000).
- (2) The Transportation Cabinet and the Department of Fish and Wildlife Resources selection committees established under KRS 45A.810 shall annually select the engineering or engineering-related services firms for each pool in accordance with the standards for application and selection established by administrative regulation under subsection (4) of this section.
- (3) Once selected for a particular pool, a firm providing architectural, engineering, or engineering-related services shall remain in the pool for two (2) years unless disqualified under subsection (6) of this section. Upon the expiration of the two (2) year period, a firm may reapply for selection.
- (4) The procedures and criteria for qualifying and selecting the firms to be placed in each annual pool shall be set forth in administrative regulations promulgated by the Transportation Cabinet or the Department of Fish and Wildlife Resources. The administrative regulations shall provide for adequate notice to firms of the establishment of the individual pools, an application procedure for a firm interested in the pool for a particular type of project, the deadline for submission of the application, and the criteria to be used for the establishment of each pool.
- (5) The procedures for determining which firm is to be selected from the pool to provide services for a particular project shall be set forth in administrative regulations promulgated by the Transportation Cabinet or the Department of Fish and Wildlife Resources.
- (6) The secretary of the Transportation Cabinet or the commissioner of the Department of Fish and Wildlife Resources may remove a firm from a pool for good cause. Any firm that has been removed from a pool may, within thirty (30) days after the removal, petition the secretary for reinstatement. Within sixty (60) days following the secretary's receipt of a petition, the selection committee shall meet to consider the request for reinstatement. If the selection committee recommends that the firm be reinstated to the pool and the secretary accepts the recommendation, the affected firm shall be reinstated.
- (7) After one (1) year of disqualification, a firm that has been removed from a pool under subsection (6) of this section may reapply to be qualified.
- (8) Nothing in this section shall be construed to require use of any pool for a particular project if the responsible cabinet or department has determined that the project does

not meet the criteria established for pool projects.

**Effective:** March 29, 2023

**History:** Amended 2023 Ky. Acts ch. 139, sec. 11, effective March 29, 2023. --  
Created 1998 Ky. Acts ch. 319, sec. 2, 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]."