

200 KAR 5:410. Preferences for purchases of commodities or services.

RELATES TO: KRS 45A.465, 45A.470

STATUTORY AUTHORITY: KRS 45A.470, 45A.045(2), 45A.055

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.045(2) requires the Finance and Administration Cabinet to promulgate administrative regulations to govern purchasing by or for agencies. This administrative regulation establishes requirements setting forth the preference given to qualified entities identified in KRS 45A.470(1).

Section 1. Definitions.

- (1) "Bidder" means any entity submitting a response to a solicitation.
- (2) "Qualified bidder" means Kentucky Industries for the Blind, Incorporated; any nonprofit corporation that furthers the purposes of KRS Chapter 163; or a qualified nonprofit agency for individuals with severe disabilities as described in KRS 45A.465(3).
- (3) "Solicitation" means any invitation for bids, request for proposals, advertisement for bid, or any other method of soliciting a contract issued by a public agency.

Section 2. Percentage Preference.

- (1) Products made by the Department of Corrections, Division of Prison Industries, shall receive a preference equal to twenty (20) percent of the maximum points awarded to a bidder in a solicitation.
- (2) Products or services provided by a qualified bidder shall receive a preference equal to fifteen (15) percent of the maximum points awarded to a bidder in a solicitation.

Section 3. Claiming Qualified Bidder Status.

- (1) Except for Kentucky Industries for the Blind, Incorporated, a bidder claiming qualified bidder status shall submit along with its response to a solicitation a notarized affidavit which affirms that it meets the requirements to be considered a qualified bidder.
 - (2) If requested, failure to provide documentation to a public agency proving qualified bidder status may result in disqualification of the bidder or contract termination.
- (37 Ky.R. 1111; Am. 1411; eff. 1-3-2011; Crt eff. 2-19-2020.)