

#### **45A.380 Noncompetitive negotiation.**

A local public agency may contract or purchase through noncompetitive negotiation only when a written determination is made that competition is not feasible and it is further determined in writing by a designee of the local public agency that:

- (1) An emergency exists which will cause public harm as a result of the delay in competitive procedures;
- (2) There is a single source within a reasonable geographical area of the product or service to be procured;
- (3) The contract is for the services of a licensed professional, such as attorney, physician, psychiatrist, psychologist, certified public accountant, registered nurse, or educational specialist; a technician such as a plumber, electrician, carpenter, or mechanic; or an artist such as a sculptor, aesthetic painter, or musician, provided, however, that this provision shall not apply to architects or engineers providing construction management services rather than professional architect or engineer services;
- (4) The contract is for the purchase of perishable foods, such as meat, fish, poultry, egg products, fresh vegetables, and fresh fruits;
- (5) The contract is for replacement parts where the need cannot be reasonably anticipated and stockpiling is not feasible;
- (6) The contract is for proprietary items for resale;
- (7) In school districts the contract relates to an enterprise in which the buying or selling by students is a part of the educational experience;
- (8) The contract or purchase is for expenditures made on authorized trips outside of the boundaries of the local public agency;
- (9) The contract is for the purchase of supplies which are sold at public auction or by receiving sealed bids;
- (10) The contract is for group life insurance, group health and accident insurance, group professional liability insurance, worker's compensation insurance, and unemployment insurance;
- (11) The contract is for a sale of supplies at reduced prices that will afford a purchase at savings to the local public agency; or
- (12) The contract is with a private real estate developer and contains a requirement:
  - (a) That the developer increase the size or otherwise improve the collection capacity of the sanitary sewer or storm water pipe serving the affected private real estate development; and
  - (b) That the local public agency pay only the proportional cost of increasing the size, or otherwise improving the collection capacity, of the sanitary sewer or storm water pipe over the original collection capacity.

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 150, sec. 1, effective July 14, 2022. -- Amended 2017 Ky. Acts ch. 151, sec. 1, effective June 29, 2017. -- Amended 1980 Ky. Acts ch. 250, sec. 12, effective April 9, 1980. -- Created 1978 Ky. Acts ch. 110, sec. 77,

effective January 1, 1980.