

150.0242 Department procurements -- Applicability of Executive Branch Code of Ethics -- Administrative regulations.

- (1) Notwithstanding any provision of law to the contrary, the department shall conduct all procurements necessary for the performance of its duties in accordance with the procurement procedures outlined in KRS Chapter 45A, this chapter, and the administrative regulations promulgated under this chapter, but the department shall not be subject to any provision of KRS Chapter 45A that requires the approval of any Finance and Administration Cabinet official for the department to proceed with any aspect of the procurement process. Upon approval of the commission, the commissioner shall be deemed the chief purchasing officer for the purposes of conducting procurements for the department and shall have all of the authority and responsibility with regard to the department's procurements as the secretary for the Finance and Administration Cabinet has for procurements under KRS Chapter 45A. All department personal service contracts, tax incentive agreements, and memoranda of agreement shall be subject to review by the Government Contract Review Committee established by KRS 45A.705.
- (2) In its bidding and negotiation processes, the department, upon approval of the commission, shall perform its own bidding and procurement in accordance with the procedures established by KRS Chapter 45A.
- (3) All members of the commission, the commissioner, and employees of the department shall be subject to the requirements of the Executive Branch Code of Ethics established under KRS Chapter 11A.
- (4) On or before January 1, 2024, the department shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement its procedures for the procurement of engineering services pursuant to this chapter and KRS 45A.800 to 45A.835.

Effective: March 29, 2023

History: Amended 2023 Ky. Acts ch. 139, sec. 14, effective March 29, 2023. -- Created 2022 Ky. Acts ch. 197, sec. 1, effective April 13, 2022.

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]."