

45A.035 Secretary to promulgate administrative regulations.

- (1) The secretary of the Finance and Administration Cabinet shall have power and authority over, and may, except as otherwise expressly provided in this code, adopt regulations pursuant to KRS Chapter 13A and consistent with this code governing the purchasing, management, and control of any and all supplies, services, and construction, and other items required to be purchased by the Commonwealth. The secretary shall consider and decide matters of policy with regard to state procurement. The secretary shall have the power of review with respect to the implementation of administrative regulations and policy determinations.
- (2) Administrative regulations shall be promulgated governing the following:
 - (a) Conditions and procedures for delegations of purchasing authority;
 - (b) Prequalification, suspension, debarment, and reinstatement of prospective bidders;
 - (c) Small purchase procedures;
 - (d) Conditions and procedures for the purchase of items for resale;
 - (e) Conditions and procedures for the purchase of agricultural products in accordance with KRS 45A.645;
 - (f) Conditions and procedures for the use of source selection methods authorized by this code, including emergency purchases;
 - (g) Opening and rejection of bids or offers, consideration of alternate bids, and waiver of informalities in offers;
 - (h) Confidentiality of technical data and trade secrets information submitted by actual or prospective bidders or offerors;
 - (i) Partial, progressive, and multiple awards;
 - (j) Supervision of storerooms and inventories, including determination of appropriate stock levels and the management, transfer, sale, or other disposal of state-owned property;
 - (k) Definitions and classes of contractual services and procedures for acquiring them;
 - (l) An appeals process to resolve disputes arising from specifications requiring items deemed to be equivalent or a sole brand as specified in KRS 45A.170; and
 - (m) Use of reverse auctions as defined in KRS 45A.070.

The secretary may promulgate other administrative regulations as deemed advisable to carry out the purposes of this code.

Effective: June 27, 2025

History: Amended 2025 Ky. Acts ch. 162, sec. 2, effective June 27, 2025. -- Amended 2010 Ky. Acts ch. 63, sec. 1, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 47, sec. 1, effective July 15, 2008. -- Amended 2002 Ky. Acts ch. 344, sec. 8, effective July 15, 2002. -- Created 1978 Ky. Acts ch. 110, sec. 8, effective January 1, 1979.

Legislative Research Commission Note (6/27/2025). The language in subsection (2) of this statute has been modified in codification from the way it was enacted in order to

reflect the Governor's line-item veto of 2025 House Bill 622 (2025 Ky. Acts ch. 162, sec. 2).