

1 AN ACT relating to local government procurement.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 45A.380 is amended to read as follows:

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

- 7 (1) An emergency exists which will cause public harm as a result of the delay in  
8 competitive procedures;~~[-or-]~~
- 9 (2) There is a single source within a reasonable geographical area of the product or  
10 service to be procured;~~[-or-]~~
- 11 (3) The contract is for the services of a licensed professional, such as attorney,  
12 physician, psychiatrist, psychologist, certified public accountant, registered nurse, or  
13 educational specialist; a technician such as a plumber, electrician, carpenter, or  
14 mechanic; or an artist such as a sculptor, aesthetic painter, or musician, provided,  
15 however, that this provision shall not apply to architects or engineers providing  
16 construction management services rather than professional architect or engineer  
17 services;~~[-or-]~~
- 18 (4) The contract is for the purchase of perishable items purchased on a weekly or more  
19 frequent basis, such as fresh fruits, vegetables, fish or meat;
- 20 (5) The contract is for replacement parts where the need cannot be reasonably  
21 anticipated and stockpiling is not feasible;
- 22 (6) The contract is for proprietary items for resale;
- 23 (7) In school districts the contract relates to an enterprise in which the buying or selling  
24 by students is a part of the educational experience;
- 25 (8) The contract or purchase is for expenditures made on authorized trips outside of the  
26 boundaries of the local public agency;
- 27 (9) The contract is for the purchase of supplies which are sold at public auction or by

1 receiving sealed bids;

2 (10) The contract is for group life insurance, group health and accident insurance, group  
3 professional liability insurance, worker's compensation insurance, and  
4 unemployment insurance;~~or~~

5 (11) The contract is for a sale of supplies at reduced prices that will afford a purchase at  
6 savings to the local public agency; or

7 **(12) The contract is with a private real estate developer and contains a requirement:**

8 **(a) That the developer increase the size or otherwise improve the collection**  
9 **capacity of the sanitary sewer or storm water pipe serving the affected**  
10 **private real estate development; and**

11 **(b) That the local public agency pay only the proportional cost of increasing the**  
12 **size, or otherwise improving the collection capacity, of the sanitary sewer or**  
13 **storm water pipe over the original collection capacity.**