

1 AN ACT relating to procurement.

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

3 ➔Section 1. KRS 45A.385 is amended to read as follows:

4 The local public agency may use small purchase procedures for any contract for which a
5 determination is made that the aggregate amount of the contract does not exceed
6 forty~~thirty~~ thousand dollars (\$40,000)~~(\$30,000)~~ if small purchase procedures are in
7 writing and available to the public.

8 ➔Section 2. KRS 424.260 is amended to read as follows:

9 (1) Except where a statute specifically fixes a larger sum as the minimum for a
10 requirement of advertisement for bids, no city, county, or district, or board or
11 commission of a city or county, or sheriff or county clerk, may make a contract,
12 lease, or other agreement for:

13 (a) Materials;

14 (b) Supplies, except perishable foods such as meat, poultry, fish, egg products,
15 fresh vegetables, and fresh fruits;

16 (c) Equipment; or

17 (d) Contractual services other than professional;

18 involving an expenditure of more than forty~~thirty~~ thousand dollars
19 (\$40,000)~~(\$30,000)~~ without first making newspaper advertisement for bids. This
20 subsection shall not apply to the transfer of property between governmental
21 agencies as authorized in KRS 82.083(4)(a).

22 (2) If the fiscal court requires that the sheriff or county clerk advertise for bids on
23 expenditures of less than forty~~thirty~~ thousand dollars (\$40,000)~~(\$30,000)~~, the
24 fiscal court requirement shall prevail.

25 (3) (a) Nothing in this statute shall limit or restrict the ability of a local school district
26 to acquire supplies and equipment outside of the bidding procedure if those
27 supplies and equipment meet the specifications of the contracts awarded by

1 the Office of Material and Procurement Services in the Office of the
2 Controller within the Finance and Administration Cabinet or a federal, local,
3 or cooperative agency and are available for purchase elsewhere at a lower
4 price. A board of education may purchase those supplies and equipment
5 without advertising for bids if, prior to making the purchases, the board of
6 education obtains certification from the district's finance or purchasing officer
7 that the items to be purchased meet the standards and specifications fixed by
8 state price contract, federal (GSA) price contract, or the bid of another school
9 district whose bid specifications allow other districts to utilize their bids, and
10 that the sales price is lower than that established by the various price contract
11 agreements or available through the bid of another school district whose bid
12 specifications would allow the district to utilize their bid.

13 (b) The procedures set forth in paragraph (a) of this subsection shall not be
14 available to the district for any specific item once the bidding procedure has
15 been initiated by an invitation to bid and a publication of specifications for
16 that specific item has been published. In the event that all bids are rejected,
17 the district may again avail itself of the provisions of paragraph (a) of this
18 subsection.

19 (4) This requirement shall not apply in an emergency if the chief executive officer of
20 the city, county, or district has duly certified that an emergency exists, and has filed
21 a copy of the certificate with the chief financial officer of the city, county, or
22 district, or if the sheriff or the county clerk has certified that an emergency exists,
23 and has filed a copy of the certificate with the clerk of the court where his necessary
24 office expenses are fixed pursuant to KRS 64.345 or 64.530, or if the
25 superintendent of the board of education has duly certified that an emergency
26 exists, and has filed a copy of the certificate with the chief state school officer.

27 (5) The provisions of subsection (1) of this section shall not apply for the purchase of

- 1 wholesale electric power for resale to the ultimate customers of a municipal utility
- 2 organized under KRS 96.550 to 96.900.