

1 AN ACT relating to procurement.

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

3 ➔Section 1. KRS 424.260 is amended to read as follows:

- 4 (1) Except where a statute specifically fixes a larger sum as the minimum for a
5 requirement of advertisement for bids, no city, county, or district, or board or
6 commission of a city or county, or sheriff or county clerk, may make a contract,
7 lease, or other agreement for:
- 8 (a) Materials;
 - 9 (b) Supplies, except perishable foods such as meat, poultry, fish, egg products,
10 fresh vegetables, and fresh fruits;
 - 11 (c) Equipment; or
 - 12 (d) Contractual services other than professional;
13 involving an expenditure of more than ~~forty~~^{thirty} thousand dollars
14 ~~(\$40,000)~~^(\$30,000) without first making newspaper advertisement for bids. This
15 subsection shall not apply to the transfer of property between governmental
16 agencies as authorized in KRS 82.083(4)(a).
- 17 (2) If the fiscal court requires that the sheriff or county clerk advertise for bids on
18 expenditures of less than ~~forty~~^{thirty} thousand dollars ~~(\$40,000)~~^(\$30,000), the
19 fiscal court requirement shall prevail.
- 20 (3) (a) Nothing in this statute shall limit or restrict the ability of a local school district
21 to acquire supplies and equipment outside of the bidding procedure if those
22 supplies and equipment meet the specifications of the contracts awarded by
23 the Office of Material and Procurement Services in the Office of the
24 Controller within the Finance and Administration Cabinet or a federal, local,
25 or cooperative agency and are available for purchase elsewhere at a lower
26 price. A board of education may purchase those supplies and equipment
27 without advertising for bids if, prior to making the purchases, the board of

1 education obtains certification from the district's finance or purchasing officer
2 that the items to be purchased meet the standards and specifications fixed by
3 state price contract, federal (GSA) price contract, or the bid of another school
4 district whose bid specifications allow other districts to utilize their bids, and
5 that the sales price is lower than that established by the various price contract
6 agreements or available through the bid of another school district whose bid
7 specifications would allow the district to utilize their bid.

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

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

22 (5) The provisions of subsection (1) of this section shall not apply for the purchase of
23 wholesale electric power for resale to the ultimate customers of a municipal utility
24 organized under KRS 96.550 to 96.900.