



Commonwealth of Kentucky
Finance and Administration Cabinet
OFFICE OF THE SECRETARY
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Steven L. Beshear
Governor

Jonathan Miller
Secretary

February 8, 2008

No. 08-05

Craig M. Avery, P.E.
Fuller, Mossbarger, Scott & May Engineers, Inc.
1409 North Forbes Road
Lexington, KY 40511

RE: Determination of Protest

Dear Mr. Avery:

The Finance & Administration Cabinet (the "Finance Cabinet") is in receipt of your letter of protest, on behalf of Fuller, Mossbarger, Scott & May Engineers, Inc. ("FMSM"), relating to the contract extension of the Kentucky Map Modernization plan.

FACTUAL BACKGROUND

In 2004, FMSM submitted a proposal to the Environmental and Public Protection Cabinet, Department for Environmental Protection, Division of Water ("DOW") for the Kentucky Map Modernization initiative. FMSM was awarded a contract based upon that proposal. In 2007, DOW, however, decided not to renew FMSM's contract for the FY2007 work plan.

DETERMINATION

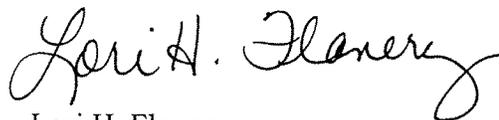
Any actual or prospective bidder who is aggrieved in connection with the solicitation or selection for award of a contract may file a protest with the Secretary of the Finance Cabinet ("Secretary"). KRS 45A.285. FMSM's "protest" relates to a contract renewal. Hence, FMSM does not have standing under KRS 45A.285

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and the Secretary does not have jurisdiction under this statute. The "protest," therefore, is **DENIED** without prejudice.

In accordance with KRS 45A.285 (4), the decision by Finance Cabinet shall be final and conclusive.

For the Secretary
Finance and Administration Cabinet
By Designation

A handwritten signature in cursive script that reads "Lori H. Flanery".

Lori H. Flanery
Deputy Secretary

cc: Shannan Stamper, Executive Director
Office of Legal Services, EPPC