

**FAP 111-08-00**

**COMPETITIVE BIDDING EXCEPTIONS: SPECIFIED BY LAW OR REGULATION**

The following purchases are exempt by law from competitive bidding and may be purchased without prior approval from the Finance and Administration Cabinet, Office of Material and Procurement Services:

1. **Contractual services where no competition exists**, such as electrical energy, telephone service, and other public utility services. KRS 45A.095(1)(a); 200 KAR 5:309(1)
2. **Works of art for museum and public display**. KRS 45A.050(2)(a)
3. **Services of a visiting speaker, professor, expert witness, or performing artist**. KRS 45A.095(1)(f)
4. **Rates fixed by law or ordinance**. KRS 45A.095(1)(b)
5. **Commercial items purchased for resale to the general public through a resale outlet maintained by a state agency**. The items shall:
  - a. be purchased only from a wholesaler, manufacturer, or producer; and
  - b. not require modification or alteration before sale. KRS 45A.095(1)(d); 200 KAR 5:309(6)
6. **Subscriptions for the purchase of periodicals in either paper or electronic format**. A subscription may include a professional journal, newspaper, or other required publication. KRS 45A.050(2)(b); 200 KAR 5:309(5)
7. **Copyrighted material in either paper or electronic format for which only one source of supply is available**. Items commonly covered under this section include:
  - a. Library books. KRS 45A.095(1)(c)
  - b. Published books, maps, periodicals, and technical pamphlets. KRS 45A.050(2)(b)
  - c. Department of Education, Free Text Book Program.
8. **Cooperative purchases** made between state agencies, political subdivisions, state universities, agencies of other states, or agencies of the federal government. KRS 45A.300; KRS 45A.660; 200 KAR 5:309(9)