

FAP 111-09-00

COMPETITIVE BIDDING EXCEPTIONS: STANDING DETERMINATION OF NOT PRACTICABLE OR FEASIBLE

OPS has determined that the following specific items are not practicable or feasible for competitive bidding. Only the specific goods or services listed are exempt from competitive bidding. Except when noted below, an agency shall not exceed its single quote small purchase authority without the prior approval of OPS.

1. **Fresh meat, fresh dairy, fresh produce, fresh seafood and fresh eggs.** 200 KAR 5:309(14).
2. **Transcripts.** Purchase of court reporter services to furnish originals and copies of transcriptions of court proceedings, depositions, hearings and other legal proceedings, or public stenographer for public forums and meetings, if minutes or verbatim records are required.
3. **Advertisements, public media, public displays, billboards, signage and booths.** Dissemination of information and the purchase or rental of promotional related items for official agency use. Includes direct placement of advertising without production costs.
4. **Insurance and bonds under \$10,000.** The purchase of insurance and bonds of \$1,000 or more requires prior approval by the FAC's Division of State Risk and Insurance Services and OPS. A contract shall be created by the agency in the state's eProcurement system to document the selection and forwarded through the FAC's Division of State Risk and Insurance Services and OPS for electronic approval prior to a purchase of insurance or bonds. KRS 45A.022.
5. **Equipment repair service and parts.** If the cost exceeds \$5,000 for a single repair, an agency shall submit three (3) written quotes for the repair and explain why the repair cost is reasonable. If three (3) quotes are not feasible, the requesting agency shall submit written justification stating the reason why three (3) quotes cannot be obtained. If repairs will be made by agency personnel, repair parts may be obtained up to a replacement total of the agency's small purchase authority. If the repair cost represents a substantial percentage of equipment market value, an agency shall justify incurring repair expense versus the purchase of new or used equipment.
6. **Short-term equipment and supplies rental.** Lease of non-proprietary equipment and supplies for no more than six (6) months.
7. **Airfare, discount travel tickets.** An agency may purchase discount airfare or travel tickets for authorized employee travel requirements. All provisions of state travel regulations are applicable. 200 KAR 2:006.
8. **Conferences and Other Events Hosted by Agencies.** When the cost exceeds the agency's purchase authority, the agency shall obtain three (3) written quotes for all necessary event services. If it is determined that three (3) quotes are not feasible, the agency shall provide written justification as to why quotes were not obtainable. If specifications are revised after conducting the initial evaluation of quotes, all vendor(s) shall be advised of the revision(s) and given the opportunity to provide revised quotations. If appropriate, the agency may conduct best and final offers with the vendor(s) determined to be acceptable. The agency may also negotiate with the best evaluated offeror. Every effort shall be made to procure the services as cost effectively as possible.
9. **Vehicle motor fuels.** Vehicle motor fuels shall be purchased for use in state-owned vehicles and machinery only by fleet fuel credit cards provided and issued by the vendor awarded the current applicable Master Agreement (MA). The state procurement card may be used for out-of-state fuel purchases where the fleet fuel credit card is not accepted in accordance with FAP 111-58-00(3)(d)(5).
10. **Deaf and Hard of Hearing Interpreters.** Purchase of the services of deaf interpreters for public meetings, training sessions, or as needed to meet the requirements of the Kentucky Commission on the Deaf and Hard of Hearing Interpreter Referral Services Program (735 KAR 2:020(1)), the Rehabilitation Act (29 USC 794d), and the Americans with Disabilities Act (42 USC 126).

11. **Foreign language interpreters.** Purchase of the services of foreign language interpreters for public meetings, training sessions, or as needed to meet the requirements of the agency to provide service to the public in the execution of official duties of the agency.
12. **Other goods and services.** An agency may present electronic justification for purchases under this policy to OPS. Prior approval of the executive director of OPS shall be obtained, if the cost exceeds the agency's small purchase authority.

Related to: KRS 45A.080(1); KRS 45A.095(1); 200 KAR 5:309