

FAP 111-44-00
MEMORANDUM OF AGREEMENT

1. A Memorandum of Agreement shall not cross over the biennium, unless wholly funded by federal road fund monies.
2. All Memoranda of Agreement shall be created in the state's procurement system. The contract shall include all terms and conditions agreed upon: the sworn statement regarding campaign finance laws required by KRS 45A.110(2) and 45A.115; the statement regarding revealing of violations of and compliance with certain KRS chapters required by KRS 45A.485; the Legislative Research Commission (LRC) Proof of Necessity (PON) form; language regarding access to documents required by 200 KAR 5:314; and language of KRS 45A.695(7) regarding payment and cancellation clause required by 45A.695(1).
3. After the contract is created, the agency shall secure the signatures of the first and second parties and electronically route the agreement to the Personal Service Contract Office of the Office of Material and Procurement Services. The document shall be reviewed and approved electronically by the Finance and Administration Cabinet, Office of General Counsel, and the secretary of the Finance and Administration Cabinet. The Finance and Administration Cabinet shall file the contract with the Government Contract Review Committee. After approval, the agreement shall be routed electronically back to the agency to retain as a permanent document. If any changes are made to the agreement along the electronic route, a new copy shall be forwarded to the second party for agreement to the changes.
4. If an agency creating a Memorandum of Agreement does not have legal counsel in-house, the agency shall submit the original document to the Personal Service Contract Office of the Office of Material and Procurement Services. The Personal Service Contract Office shall review the agreement, secure the signature of an attorney for the Finance and Administration Cabinet, and return the original to the agency to be retained as a permanent document.
5. A Modification to a Memorandum of Agreement shall be processed in the same manner as the original document. A Modification shall be used if the parties to an established agreement agree to increase or decrease funds, revise the scope of work, extend the time for performance within the current biennium, or any other change.

(KRS 45A.300; KRS 45A.660; KRS 45A.690)