

**FAP 111-57-00**  
**COMPETITIVE NEGOTIATIONS**

1. A contract may be awarded by competitive negotiation if, under regulations issued by the secretary of the Finance and Administration Cabinet, the purchasing officer determines in writing that the use of competitive sealed bidding is not practical.
2. The Finance and Administration Cabinet, Office of Material and Procurement Services shall use a Request for Proposal (RFP) for solicitations by competitive negotiation. The RFP shall include comprehensive performance requirements, technical provisions, separate cost provisions, and specific evaluation criteria for evaluating offers. Contract awards shall be based upon cost and technical evaluation criteria set forth in the RFP.
3.
  - a. An agency needing to purchase services or commodities by RFP shall forward a Purchase Request and a copy of the supporting documentation electronically to the Office of Material and Procurement Services. The supporting documentation shall include, at a minimum, information on specifications, performance requirements, and evaluation criteria. An agency shall contact the Office of Material and Procurement Services to receive a copy of the standard format as soon as possible after identifying the requirement for an RFP.
  - b. A purchase involving computer-related services or equipment shall receive prior approval from the Commonwealth Office of Technology in accordance with FAP 111-15-00.
  - c. The Office of Material and Procurement Services shall review the agency Purchase Request and supporting materials and return the draft document to the requesting agency with comments if clarifications, revisions or additions are needed.
  - d. The requesting agency shall make any necessary changes or modifications to the draft document and prepare the draft RFP. The requesting agency and the Office of Material and Procurement Services shall review the entire proposal and make any necessary final changes.
  - e. The Office of Material and Procurement Services shall put the material in final RFP format and distribute the RFP to prospective offerors. Posting the RFP to the Commonwealth's eProcurement web site shall satisfy the distribution requirement. State agencies shall suggest possible offerors or vendors to be solicited.
  - f. The requesting agency shall nominate a technical evaluation committee, and if applicable, a cost evaluation committee for the project and submit the nomination to the Office of Material and Procurement Services for confirmation. The committees shall be comprised of members who are state employees, unless approval for appointment of non-state employees is granted by the secretary of the Finance and Administration Cabinet.
  - g. Vendors shall submit all responses to RFPs to the Office of Material and Procurement Services. Following receipt of responses to the RFP, the Office of Material and Procurement Services shall determine which offers have met the general conditions of the RFP and are acceptable for award. The technical proposals for those offers determined acceptable for award shall be transmitted to the technical evaluation committee for evaluation. If applicable, the cost proposals determined acceptable for award shall be transmitted to the cost evaluation committee. The evaluation committees shall review and evaluate all offers determined to be acceptable for award in accordance with the criteria set forth in the RFP. Members of the evaluation committees shall forward their signed evaluations and comments to the Office of Material and Procurement Services.
  - h. Upon receipt and review of the evaluations and scores, the Office of Material and Procurement Services shall determine if "Best and Final Offers" are appropriate. If used, the call for "Best and Final Offers" shall be sent only to those firms determined acceptable for award. After best and

Finance and Administration Cabinet Manual of Policies and Procedures

final responses are received, the Office of Material and Procurement Services shall award the contract in accordance with the award methodology stated in the RFP.

4. An agency having a project that may be best handled by competitive negotiation shall contact the Office of Material and Procurement Services for further coordination and guidance on procedures.

(KRS 45A.085)  
(200 KAR 5:307)