There’s a FAP for that

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OBJECTIVES

- Become familiar with Finance Administrative Policies and Procedures related to Procurement
- Learn how the FAP’s authorize and guide Kentucky procurement
- Understand how FAP’s relate to cited authorities in eMARS

There’s a FAP for that!!
PROCUREMENT FOUNDATION

KRS 45A

200 KAR 5

FAPs
KENTUCKY MODEL PROCUREMENT CODE KRS 45A
KENTUCKY MODEL
PROCUREMENT CODE

There's a FAP for that!!
• Administrative Regulations provide more nuts and bolts of the law
• Regulations have the same force and effect as any law passed by the legislature
Commonly referred to as **FAPs**

Procurement FAP’s are FAP 111-10-00 through FAP 111-59-00

Provide guidance and direction

Updated February 2016
CITED AUTHORITY

• A Cited Authority is required for procurement and payment documents in eMARS

• A Cited Authority represents the valid legal purchasing authority for the procurement document

• Many Cited Authorities represent a Finance Administrative Policy and Procedure
DO YOU KNOW ABOUT THE GENERAL CONDITIONS?

- There's a FAP for that! FAP 110-10-00
- The general conditions and instructions for solicitations are incorporated into each solicitation and contract
- Important information to buyers that may clarify questions you have about the solicitation and contract process
- Includes requirements that vendors must comply with in order to be considered for an award
The product I ordered was damaged when I received it. What do I do?

There's a FAP for that!!

FAP 111-41-00
What are the those crazy rules about purchasing printing?

*There’s a FAP for that!* FAP 111-12-00
When is purchasing food for a meeting allowed?

*There's a FAP for that!!*

FAP 111-09-00-08
Can my agency buy a silver mint julep cup for our retiring Assistant Director?

*There's a FAP for that!* FAP 120-23-00
My agency wants to purchase a used tractor but how do we do that?

There’s a FAP for that!! FAP 111-53-00
The vendor said they would give my agency a discount on a new trailer if we trade in our old trailer. Can we do that?

*There's a FAP for that!!* FAP 111-54-00
What do I do if state property is stolen?

*There's a FAP for that!!*

FAP 120-11-00
What information is required on a RQS?

There's a FAP for that!  

- Lead time
- Clear, concise specifications & standards
- Measureable criteria
- Principles of operation
- Delivery
- Evaluation & award

FAP 111-38-00
No matter how many times my agency addresses the delivery and invoice issues, this vendor never complies. HELP!

There's a FAP for that!! FAP 111-42-00
PSC & MOA
WHAT’S THE DIFFERENCE?

There's a FAP for that!!

FAP 111-43-00 PERSONAL SERVICE CONTRACTS

PSC is the required method of obtaining professional services from a private entity

FAP 111-44-00 MEMORANDUM OF AGREEMENT

MOA is an agreement to exchange resources or responsibilities between governmental entities or with an entity qualified as a non-profit 501 (c)(3)

Commonalities

PSC’s and MOA’s are established in eMARS as PON2 documents

Subject to monthly review by the Government Contract Review Committee (GCRC)
MORE FAP GUIDANCE

Small Purchases FAP111-55-00

- Guidance for Small Purchases for Goods and Non-professionals Services
- Not used for printing or professional service contracts.
- Used for purchases when the cost is estimated to be no more than the amounts established for your agency by the FAC Secretary
- Cannot parcel, split, divide, or schedule over a period of time in order to subvert the intent of the Small Purchase procedure
DO WE HAVE TO BID EVERYTHING WE PURCHASE?

Not always –

There’s multiple FAP’s for that!!

• **FAP 111-08-00** COMPETITIVE BIDDING EXCEPTIONS: SPECIFIED BY LAW OR REGULATION

• **FAP 111-09-00** COMPETITIVE BIDDING EXCEPTIONS: STANDING DETERMINATION OF NOT PRACTICABLE OR FEASIBLE

• **FAP 111-10-00** COMPETITIVE BIDDING EXCEPTIONS: SOLE SOURCE

• **FAP 111-39-00** EMERGENCY PURCHASES
## NON-COMPETITIVE NEGOTIATION

### Three Important FAP’s

| FAP 111-08-00 | • Exceptions to Sealed Bidding (By Law or Regulation) |
| FAP 111-09-00 | • Exceptions to Sealed Bidding (Not Practicable /Feasible) |
| FAP 111-10-00 | • Exceptions to Sealed Bidding (Sole Source) |
EXCEPTIONS TO SEALED BIDDING
(BY LAW OR REGULATION)
FAP 111-08-00
Exempt from bidding without prior approval from OPS
EXCEPTIONS TO SEALED BIDDING
(NOT PRACTICABLE / FEASIBLE) FAP 111-09-00

Prior approval of OPS required for “Other goods and services”
Prior approval required by OPS for all purchases over $5,000 or the agency's single quote small purchase authority.
EMERGENCY PURCHASES

There’s a FAP for that!! FAP 111-39-00

KRS 45A.095 (3) defines an emergency condition

Key points:

• A threat or impending threat to public health, welfare, or safety

• An immediate and serious need for services, construction, or items of tangible personal property

• Cannot be met through normal procurement methods

• Initial determination of emergency made by head of using agency

• Purchase must be fully documented in a letter to the Secretary of the Finance & Administration Cabinet
WHERE DO I SEND MY REQUESTS?

There’s not a FAP for that but good question!

- Address letters requesting Exemption to Sealed Bidding for Sole Source or Not Practicable to Bid (other services) to Joan Graham, Executive Director
- Address letter justifying Emergency Purchase to William M. Landrum, Secretary
- Send both Exemption and Emergency letters to OPS.Reporting@ky.gov
QUESTIONS?