

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

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The following purchases are exempt by law from competitive bidding and may be purchased without prior approval from OPS:

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); 200 KAR 5:309(7).
3. **Services of a visiting speaker, professor, expert witness, or performing artist**. A speaker is one who delivers a message before a group, but does not include one who conducts training by providing instruction or teaching a skill. KRS 45A.095(1)(f); KRS 45A.050(2)(c); 200 KAR 5:309(9).
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(8).
6. **Subscriptions for the purchase of periodicals in either paper or electronic format**. A subscription may include a professional journal, newspaper, other required publication, but shall not include technology hardware or software services. KRS 45A.050(2)(b); 200 KAR 5:309(7).
7. **Copyrighted material in either paper or electronic format for which only one source of supply is available**. Examples of 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); 200 KAR 5:309(7).
8. **Intergovernmental purchases** made between state agencies, political subdivisions, state universities, agencies of other states or agencies of the federal government. KRS 45A.660; 200 KAR 5:309(11).
9. **Kentucky-grown agricultural products**. Pursuant to KRS 45A.630 – KRS 45A.645.