

COMPETITIVE NEGOTIATIONS: CONSTRUCTION-RELATED

1. A contract may be awarded by competitive negotiation if, under regulations issued by the secretary of the FAC, the purchasing officer determines in writing that the use of competitive sealed bidding is not practical. The written determination shall be approved by the director of DECA.
2. Advertisement shall be in the same manner as those set forth in FAP 220-05-00.
3. All responsive, responsible bidder's solicitation responses shall be evaluated in accordance with the specifications and terms and conditions of the solicitation, and in accordance with all applicable state laws, to include the reciprocal preference for Kentucky resident bidders (KRS 45A.494) and preferences for a qualified bidder or the Department of Corrections, Division of Prison Industries (200 KAR 5:410, KRS 45A.470). Each contract shall be awarded from a bid evaluation in the state's eProcurement system. The bid evaluation shall contain a record of all bidders' responses.
4. An agency needing to purchase construction services or commodities by competitive negotiation shall follow these procedures:
 - a. Notice shall be posted advising of the availability of proposal documents and specifications, and of the time and date for receipt of proposals.
 - b. The method for receipt of proposals, method of award, and criteria shall be clearly defined in the solicitation.
 - c. If it is anticipated that an award may be made on the original offer without further submittals or negotiations, it shall be so stated in the notice.
 - d. Proposals shall be received and time stamped by the procuring agency prior to the closing time and date for receipt of proposals indicated in the solicitation or any extension thereof made by addendum.
 1. A public opening shall not be held.
 2. Proposals shall be opened by the purchasing officer and copies distributed to the using agency, the consultant, DECA, and all others as applicable, for review and recommendation.
 3. All proposal prices shall be kept confidential and the proposals shall not be subject to public inspection until a contract has been awarded.

Relates to: KRS 45A.085; 200 KAR 5:307