

#### **45A.070 Definitions for KRS 45A.070 to 45A.180.**

As used in KRS 45A.070 to 45A.180, unless the context in which they are used clearly requires a different meaning:

- (1) "Best value" means a procurement in which the decision is based on the primary objective of meeting the specific business requirements and best interests of the Commonwealth. These decisions shall be based on objective and quantifiable criteria that shall include price and the reciprocal preference for a resident bidder required under KRS 45A.494 that have been communicated to the offerors as set forth in the invitation for bids.
- (2) "Cost-reimbursement contract" means a contract under which the Commonwealth reimburses the contractor for those contract costs, within a stated ceiling, which are allowable and allocable in accordance with cost principles as provided in KRS 45A.215, and a fee, if any.
- (3) "Established catalogue price" means the price included in the most current catalogue, price list, schedule, or other form that:
  - (a) Is regularly maintained by the manufacturer or vendor of an item;
  - (b) Is either published or otherwise available for inspection by customers; and
  - (c) States prices at which sales are currently or were last made to a significant number of buyers constituting the general buying public for that item.
- (4) "Invitation for bids" means all documents, whether attached or incorporated by reference, utilized for soliciting bids in accordance with the procedures set forth in KRS 45A.080 of this code.
- (5) "Request for proposals" means all documents, whether attached or incorporated by reference, utilized for soliciting proposals in accordance with the procedures set forth in KRS 45A.085, 45A.090, 45A.095, 45A.100, or 45A.180.
- (6) "Responsible bidder or offeror" means a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.
- (7) "Responsive bidder" means a person who has submitted a bid under KRS 45A.080 which conforms in all material respects to the invitation for bids, so that all bidders may stand on equal footing with respect to the method and timeliness of submission and as to the substance of any resulting contract.
- (8) "Reverse auction" means a real-time, structured bidding process, usually lasting less than one (1) hour, and taking place at a previously scheduled time and Internet location, during which multiple bidders, anonymous to each other, submit revised, lower bids to provide the solicited good or leased space. "Reverse auction" does not apply to construction projects, including but not limited to road, bridge, and building projects.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 63, sec. 2, effective July 15, 2010; and ch. 162, sec. 7, effective July 15, 2010. -- Amended 2003 Ky. Acts ch. 98, sec. 3, effective June 24, 2003. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 26, effective

May 30, 1997. -- Amended 1990 Ky. Acts ch. 496, sec. 3, effective July 13, 1990. --  
Created 1978 Ky. Acts ch. 110, sec. 15, effective January 1, 1979.

**Legislative Research Commission Note** (7/15/2020). This section was amended by  
2010 Ky. Acts chs. 63 and 162, which do not appear to be in conflict and have been  
codified together.