

45A.182 Selection committee procedures to apply when capital project is to be constructed utilizing the design-build method -- Cancellation or rejection of requests or proposals.

- (1) When a capital project is to be constructed utilizing the design-build method in accordance with KRS 45A.180, a process parallel to the selection committee procedures established in KRS 45A.810 shall apply when procuring a design-build team and shall incorporate the following:
 - (a) The evaluation process may include a multiple phased proposal that is based on qualifications, experience, technical requirements, guaranteed maximum price, and other criteria as set forth in the request for proposal. The guaranteed maximum price component shall be submitted by the offeror independently of other documents and shall be held by the executive director of the Office of Facility Development and Efficiency.
 - (b) Each evaluator shall independently score each phase and indicate a total score for all evaluation factors as set forth in the request for proposal.
 - (c) Final phase proposals from the offerors on the short list shall be evaluated and scored by the evaluation committee members who shall not have knowledge of the guaranteed maximum price component. Each evaluator shall independently score the final phase proposals and indicate a total score. A total average score shall be calculated for each offeror. Then each offeror's respective score for the guaranteed maximum price and any reciprocal preference for resident bidders required under KRS 45A.494 shall be added. The offeror with the highest point total in the final phase shall receive the contract award unless the guaranteed maximum price proposal is in excess of the authorized budget. If two (2) or more of the offerors achieve the same highest point total at the end of the final phase scoring, the purchasing officer shall request best-and-final proposals from each offeror.
 - (d) If the guaranteed maximum price of the offeror with the highest point total in the final phase is greater than the amount of funds identified in the request for proposal, then competitive negotiations may be conducted with the offerors under the following restrictions:
 1. If discussion pertaining to the revision of the specifications or quantities are held, the offerors shall be afforded an opportunity to take part in such discussions.
 2. Written revisions of the specifications shall be made available to each of the offerors and shall provide for an expeditious response.
 3. Information derived from revised maximum guaranteed price proposals shall not be disclosed to competing offerors.
- (2) A request for proposal or other solicitation may be canceled, or all proposals may be rejected, if it is determined in writing that such action is taken in the best interest of the Commonwealth and approved by the purchasing officer.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 162, sec. 11, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 12, sec. 28, effective June 25, 2009. -- Amended 2005 Ky. Acts ch. 85, sec. 73, effective June 20, 2005. -- Created 2003 Ky. Acts ch. 98, sec. 10, effective June 24, 2003.