

**56.8161 Determination that agency is entitled to use built-to-suit to acquire space --
Definitions.**

If the secretary of the Finance and Administration Cabinet determines that an agency is entitled to additional space and that built-to-suit on private property or built-to-suit on state-owned land is the most economically advantageous method for acquiring that space, the secretary shall set forth his determination in a written finding which shall be approved by the Governor. The following definitions shall apply to built-to-suit projects:

- (1) "Design-build-finance" means a built-to-suit project delivery method in which the chief purchasing officer enters into a single procurement and contract award for design, construction, and financing of a capital project over a contractually defined period; and in which the ownership and title of the capital project shall be conveyed at any time to the Commonwealth of Kentucky.
- (2) "Design-build-finance-operate" means a built-to-suit project delivery method in which the chief purchasing officer enters into a single procurement and contract award for design, construction, financing, and operation of a capital project over a contractually defined period; and in which the ownership and title of the capital project shall be conveyed at any time to the Commonwealth of Kentucky.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 98, sec. 14, effective June 24, 2003. -- Created 1992 Ky. Acts ch. 54, sec. 1, effective July 14, 1992.