

**45A.170 Specifications -- Items considered equal may be furnished.**

- (1) The Finance and Administration Cabinet shall have responsibility for issuing and maintaining all standard specifications for supplies, services, and construction required by the Commonwealth. Among its duties, it shall, to the greatest extent practicable:
  - (a) Prepare and issue standard specifications for supplies, services, and construction commonly required by the Commonwealth;
  - (b) Revise all standard specifications to conform to all technical and scientific advances pertaining to the supplies, services, and construction described in those specifications and to reflect changes in the Commonwealth's requirements;
  - (c) Establish guidelines for drafting specifications; and
  - (d) Ensure that every invitation for bids or request for proposals shall provide that an item equal to that named or described in the specifications may be furnished. The specifications may identify a sole brand in cases where, in the written opinion of the chief procurement officer, documented unique and valid conditions require compatibility, continuity, or conformity with established standards. An item shall be considered equal to the item named or described if, in the opinion of the owner and the design professional responsible for the specifications:
    1. It is at least equal in quality, durability, strength, design, and other criteria deemed appropriate;
    2. It will perform at least equally the function imposed by the general design for the public work being contracted for or the material being purchased; and
    3. It conforms substantially to the detailed requirements for the item in the specifications.
- (2) All specifications shall be drafted so as to maximize, to the extent practicable, competition in fulfillment of the Commonwealth's requirements.

**Effective:** July 15, 2008

**History:** Amended 2008 Ky. Acts ch. 47, sec. 2, effective July 15, 2008. -- Created 1978 Ky. Acts ch. 110, sec. 35, effective January 1, 1979.