

Georgetown Housing Authority Board
Regular Meeting April 16, 2013
Resolution 2013-03

Resolution related to the adoption of a procurement policy, authorizing the Authority's participation in State Contract Purchasing, and designating the Executive Director as Contracting Officer for purposes of procurement.

Whereas, the current procurement policy contains excess procedures, including numerous steps channeled through the former position of finance director, it is appropriate to replace that policy with a HUD compliant, more efficient and easily followed policy; and

Whereas, the Procurement Policy requires designation of a Contracting Officer and a determination of the maximum contract amount to which the Contracting Officer may bind the Authority.

Now, therefore, be it resolved by the Georgetown Housing Authority Board as follows:

1. The attached Procurement Policy, provided by HUD as Appendix I to the HUD Procurement Handbook, 7460.8 REV 2, dated 2/2007, is adopted as the Authority's Procurement Policy. This Policy shall take effect upon adoption of this Resolution.

2. The following provisions are adopted and shall be incorporated as part of the above Procurement Policy.

a. Authority authorized to utilize State Contract Prices: Pursuant to 24 CFR 85.36, the Authority may utilize the "State Contract Price," provided pursuant to KRS 45A.050¹, for all appropriate purchases.

¹ KRS 45A.050. Centralization of procurement -- Exemptions -- Reciprocal preference for resident bidders.

(1) Except as provided in KRS 45A.800 to 45A.835 and KRS Chapters 175, 176, 177, and 180, all rights, powers, duties, and authority relating to the procurement of supplies, services, and construction, and the management, control, warehousing, sale, and disposal of supplies, services, and construction now vested in or exercised by any state agency under the several statutes relating thereto, are hereby transferred to the secretary of the Finance and Administration Cabinet as provided in this code, subject to the provisions of subsection (2) of this section.

(2) Unless otherwise ordered by the secretary of the Finance and Administration Cabinet, the acquisition of the following shall not be required through the Finance and Administration Cabinet:

- (a) Works of art for museum and public display;
- (b) Published books, maps, periodicals, and technical pamphlets; and
- (c) Services of visiting speakers, professors, and performing artists.

(3) The Finance and Administration Cabinet shall include in all state agency price contracts for the purchase of materials or supplies a provision that, as approved by the secretary of the Finance and Administration Cabinet, any political subdivision, including cities of all classes, counties, school districts, or special districts, may participate in these contracts to the same extent as the Commonwealth. Any political subdivision may purchase materials and supplies in accordance with a contract for supplies and materials entered into by the Finance and Administration Cabinet for the Commonwealth, including those contracts negotiated by the cabinet with vendors who maintain a General Services Administration price agreement as provided in KRS 45A.045(8). Political subdivisions of the Commonwealth must comply with other provisions of the Kentucky Revised Statutes which require purchase by competitive bidding, before participating in the contract, unless the state contract has been let by competitive bidding, or the contract was negotiated as provided in KRS 45A.045(8). [Emphasis added to indicate the provision that authorizes, under Kentucky law, the Authority's participation in "State Contract Price" purchasing.]

(4) The Finance and Administration Cabinet shall inform the Department for Local Government, which shall then inform the appropriate purchasing agent of each political subdivision interested in participating under this section, of

b. Designation of Executive Director (ED) as Contracting Officer: By adoption of this Procurement Policy, the Board of Commissioners delegates contracting authority to the Authority's ED. This authority entails the execution of all contracts or other commitment of funds of up to \$100,000. All contracts or other commitment of funds in excess of \$100,000 shall be specifically approved by action of the Board of Commissioners and executed by the Board Chair, or other designated member of the Board.

c. Designation of Contracting Officer's contracting authority up to \$100,000, and Procurement Responsibilities: The ED as Contracting Officer shall have contracting authority up to \$100,000.

All contracts having a dollar value of \$100,000 or more shall be submitted to the Board of Commissioners for review and approval prior to awarding a contract. For all contracts of \$100,000 or more, any and all change orders, contract modifications, and/or amendments having a dollar value of \$25,000 or more must be submitted to the Board of Commissioners for review and approval prior to executing the contract modification.

For all contracts of \$100,000 or more, any and all change orders, contract modifications, and/or amendments that result in a cumulative dollar value that exceeds 10% of the original contract value, must be submitted to the Board of Commissioners for review and approval prior to executing the contract modification.

The foregoing was brought before the Board at its April 16, 2013, meeting, upon motion by Varney, second by Foley, and adopted by a vote of four (4) to one (1), the Chair dissenting.

Approved By:

Attested By:



Secretary



Tim Foley, Vice-Chair.

all state agency contracts in effect between the Commonwealth and vendors.

(5) The secretary of the Finance and Administration Cabinet shall promulgate administrative regulations necessary for the implementation of this section and necessary to provide that the Commonwealth be reimbursed for any additional expenses incurred by the Commonwealth in allowing political subdivisions to participate in contracts with vendors.

(6) The Finance and Administration Cabinet shall comply with all provisions relating to the methods of purchasing in the Kentucky Revised Statutes. This section is not intended to repeal or otherwise affect any provision of the Kentucky Revised Statutes regarding purchasing methods of the Finance and Administration Cabinet.

(7) Notwithstanding any other statute to the contrary, all public agencies as defined in KRS 45A.490 shall comply with the provisions for reciprocal preference for resident bidders in KRS 45A.490 to 45A.494.

Effective: July 15, 2010;

History: Amended 2010 Ky. Acts ch. 117, sec. 35, effective July 15, 2010; and ch. 162, sec. 6, effective July 15, 2010. --

Amended 2007 Ky. Acts ch. 47, sec. 29, effective June 26, 2007. -- Amended 1998 Ky. Acts ch. 69, sec. 17, effective July

15, 1998. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 25, effective May 30, 1997. -- Amended 1994 Ky. Acts ch.

95, sec. 8, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 496, sec. 2, effective July 13, 1990. -- Created 1978 Ky.

Acts ch. 110, sec. 11, effective January 1, 1979.

Legislative Research Commission Note (7/15/2010). This section was amended by 2010 Ky. Acts chs. 117 and 162, which do not appear to be in conflict and have been codified together.