

1 AN ACT relating to state contracts.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 45A.110 is amended to read as follows:

4 (1) A written determination of responsibility of a bidder or offeror shall be made and it
5 shall be made in accordance with administrative regulations promulgated by the
6 secretary of the Finance and Administration Cabinet. A reasonable inquiry to
7 determine the responsibility of a bidder or offeror may be conducted. The failure of
8 a bidder or offeror to promptly supply information in connection with such an
9 inquiry may be grounds for a determination of nonresponsibility with respect to
10 such a bidder or offeror.

11 (2) A written determination of responsibility of a bidder or offeror shall not be made
12 until the bidder or offeror provides the secretary of the Finance and Administration
13 Cabinet with his sworn statement made under penalty of perjury that:

14 **(a)** He ~~or she~~ has:~~[not]~~

15 **1. Never** knowingly violated any provision of the campaign finance laws
16 of the Commonwealth; **and**

17 **2. Not had two (2) or more civil penalties under KRS 337.990, 338.991,**
18 **339.990, or 341.990 imposed on him or her within the past five (5)**
19 **years;** and

20 **(b)** ~~[that]~~ The award of a contract to a bidder or offeror will not violate any
21 provision of the campaign finance laws of the Commonwealth.

22 "Knowingly" means, with respect to conduct or to a circumstance described by a
23 statute defining an offense, that a person is aware or should have been aware that
24 his **or her** conduct is of that nature or that the circumstance exists.

25 (3) Except as otherwise provided by law, information furnished by a bidder or offeror
26 pursuant to this section may not be disclosed outside of the Division of State
27 Purchasing or the purchasing agency administering the contract without prior

- 1 written consent of the bidder or offeror.