



July 2, 2025

RE: Request for Board Approval to adopt the Kentucky Model Procurement Code

Dear Mr. Swope,

It has come to my attention that Bellevue Independent is only one of a handful of school districts in Kentucky who continue to use the Bid Law option for procurement (KRS 424.260), instead of adopting the Kentucky Model Procurement Code ("the KMPC"), which is codified for local agencies in KRS 45A.345 to 45A.460.

It is my understanding that the majority of our Kentucky school districts have adopted the KMPC, because of the many advantages of doing so.

For example, Bid Law requires that all purchases and contracts valued at more than \$40,000, with a limited number of exceptions, are posted in the local newspaper for competitive bids. Contracts are primarily awarded by the lowest price. Bid Law is often referred to as the "Low Bid" approach and there is minimal guidance provided outside the short one-page statute.

By contrast, the KMPC offers significantly more guidance, flexibility, and defensibility for school districts. It is often referred to as the "Best Value" approach. By changing to the KMPC, the District does not lose any benefits from the procurement methods that have historically been used; the KMPC simply provides for uniform practices and procedures against which the district's conduct can be objectively measured.

This is also important, because courts in Kentucky have historically granted deference to public entities in making procurement decisions under the KMPC, because there is a strong "presumption of correctness" in supporting decision-making under the KMPC. In other words, a procurement-related decision by a public entity can only be overturned if the procurement was obtained by fraud, or the procurement record does not reasonably support the decision.

I am confident that adopting the KMPC is a wise decision that will benefit the students, teachers, staff, and administration. Your consideration is greatly appreciated.

Sincerely,

Misty Middleton, Superintendent

Jennifer Hoover, Director of Finance

Approved by:

Dan Swope, Chairperson
Bellevue Independent Board of Education