

224.30-125 Certification of products -- Purchase or lease for state government -- Periodic testing -- Procedure when level exceeds that on which certification is based.

- (1) The secretary may certify any product:
 - (a) Which has been certified by the administrator of the United States Environmental Protection Agency pursuant to Section 15 of the Noise Control Act of 1972 as a low-noise-emission product or which the secretary determines emits noise in amounts significantly below the levels specified in noise emission standards issued pursuant to federal law or KRS 224.30-100 to 224.30-190,
 - (b) Which he determines is suitable for use as a substitute for a type of product at that time in use by agencies of the state government.
- (2) Certification under this section shall be effective for a period of one (1) year from the date of issuance.
- (3) Products certified pursuant to subsection (1) of this section may be acquired by purchase or lease by the state government for use by the state government in lieu of other products if the Finance and Administration Cabinet determines that such certified products have procurement costs which are no more than 125 percent of the retail price of the least expensive type of product for which they are certified substitutes. In making purchasing selections between competing eligible certified products, the procuring agency shall give priority to any class or model which does not require extensive periodic maintenance to retain its low noise qualities or which does not involve operating costs significantly in excess of those products for which it is a certified substitute. The term "retail price" means the maximum statutory price applicable to any type of product; or in any case where there is no applicable maximum statutory price, the most recent procurement price paid for any type of product.
- (4) The secretary shall, from time to time as he deems appropriate, test the emissions of noise from certified products purchased by the state government. If at any time he finds that the noise emission levels exceed the levels on which certification was based, the secretary shall give the supplier of such product written notice of this finding and give the supplier an opportunity to make necessary repairs, adjustments or replacements. If no such repairs, adjustments, or replacements are made within a period to be set by the secretary, he may order the supplier to show cause why the product involved should be eligible for recertification.
- (5) The secretary shall promulgate the procedures required to implement this section.

Effective: June 21, 1974

History: Created 1974 Ky. Acts ch. 74, Art. II, sec. 9(3), effective June 21, 1974; ch. 74, Art. III, secs. 1 and 13, effective June 21, 1974; and ch. 99, sec. 7, effective June 21, 1974.

Formerly codified as KRS 224.735.