

SENATE BILL No. 499

By Committee on Ways and Means

3-8

1 AN ACT concerning school districts; relating to the department of
2 administration; procurement of certain items and services; amending
3 K.S.A. 2015 Supp. 72-6760 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) (1) The secretary shall make and enter into
7 agreements on behalf of school districts for the procurement of the
8 following:

- 9 (A) Maintenance, repair and operations;
- 10 (B) information technology equipment, services and software;
- 11 (C) food;
- 12 (D) electricity; and
- 13 (E) fuel.

14 (2) The secretary may work with education service centers or any
15 interlocal cooperation established pursuant to K.S.A. 72-8230, and
16 amendments thereto, to achieve the most cost-efficient contract for school
17 districts.

18 (b) School districts shall procure any items listed in subsection (a)(1)
19 through the department of administration. The superintendent or board of
20 education of a school district shall provide the necessary information
21 required by the secretary to make and enter into any agreements on behalf
22 of such school district.

23 (c) Any contract entered into by the board of education of a school
24 district prior to July 1, 2016, for the procurement of any items listed in
25 subsection (a)(1) still in existence on June 30, 2017, shall expire on July 1,
26 2017.

27 (d) As used in this section:

28 (1) "Education service center" means any entity, whether publicly or
29 privately owned and operated, that provides administrative services for
30 one or more school districts.

31 (2) "School district" means a unified school district organized and
32 operated under the laws of this state.

33 (3) "Secretary" means the secretary of administration or the
34 secretary's designee.

35 Sec. 2. K.S.A. 2015 Supp. 72-6760 is hereby amended to read as
36 follows: 72-6760. (a) Except as provided by this section and K.S.A. 72-

1 6760b, *and amendments thereto*, no expenditure involving an amount
2 greater than \$20,000 for construction, reconstruction or remodeling or for
3 the purchase of materials, goods or wares shall be made by the board of
4 education of any school district except upon sealed proposals, and to the
5 lowest responsible bidder.

6 (b) The provisions of subsection (a) do not apply to expenditures by a
7 board of education for the purchase of:

8 (1) Services;

9 (2) products required to be purchased under the provisions of K.S.A.
10 75-3317 through 75-3322, and amendments thereto;

11 (3) *products required to be purchased through the department of*
12 *administration pursuant to section 1, and amendments thereto;*

13 (4) educational materials directly related to curriculum and secured
14 by copyright;

15 ~~(4)~~ (5) motor fuels required to provide or furnish transportation;

16 ~~(5)~~ (6) food and foodstuffs necessary for the implementation or
17 operation of any child nutrition program;

18 ~~(6)~~ (7) articles or products that are produced, manufactured or
19 provided by inmates under the prison-made goods act of Kansas;

20 ~~(7)~~ (8) natural gas that will be consumed in buildings owned or
21 operated by the school district;

22 ~~(8)~~ (9) materials, goods or wares required for reconstructing,
23 remodeling, repairing or equipping buildings when such purchase has been
24 necessitated by the occurrence of a loss against which the board of
25 education has purchased property or casualty insurance; and

26 ~~(9)~~ (10) materials, goods or wares which are purchased:

27 (A) From vendors who have entered into contracts with the state
28 director of purchases pursuant to state purchasing statutes for purchases by
29 state agencies;

30 (B) under the same pricing provisions established in the state
31 contracts, subject to agreement of the vendor to honor the state contract
32 prices; and

33 (C) under the same pricing provisions established in federal, national
34 or other state contracts facilitated by a federal or local governmental entity
35 or agency, subject to:

36 (i) Agreement of the vendor to honor the contract prices; and

37 (ii) approval by the board of education for expenditures in an amount
38 greater than \$20,000.

39 (c) Whenever the board of education of any school district lets bids
40 for the purchase of materials, goods or wares and bids are submitted by
41 bidders domiciled within the school district and by bidders domiciled
42 outside the school district and the low bid is submitted by a bidder
43 domiciled outside the school district, the school district domiciliary which

1 submitted the lowest bid may be deemed the preferred bidder and awarded
2 the bid if:

3 (1) The quality, suitability and usability of the materials, goods or
4 wares are equal;

5 (2) the amount of the bid of the school district domiciliary is not more
6 than 1% greater than the amount of the low bid; and

7 (3) the school district domiciliary agrees to meet the low bid by filing
8 a written agreement to that effect within 72 hours after receiving
9 notification of being deemed the preferred bidder.

10 (d) The provisions of subsection (c) do not apply to expenditures for
11 construction, reconstruction or remodeling.

12 Sec. 3. K.S.A. 2015 Supp. 72-6760 is hereby repealed.

13 Sec. 4. This act shall take effect and be in force from and after its
14 publication in the statute book.