

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2729

By Committee on Appropriations

3-10

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) Except as provided in subsection (b)(1), the
7 secretary shall make and enter into agreements on behalf of a board of
8 education of a school district for the **contractual** procurement of the
9 following:

- 10 (A) Information technology equipment, services and software;
11 (B) food; and
12 (C) fuel.

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

17 (b) (1) The board of education of a school district shall procure any
18 items and services listed in subsection (a)(1) through the department of
19 administration unless:

20 (A) **The department of administration does not have such items
21 or services on its procurement list;**

22 (B) such items or services may be procured ~~locally~~ in an amount
23 within ~~1%~~ **3%** of total procurement cost of the amount the department is
24 able to procure the same items or services;

25 ~~(B)~~ (C) such items or services may be procured through an education
26 service center;

27 ~~(C)~~ (D) such board of education determines in writing that such items
28 have a material quality difference ~~that would negatively impact student~~
29 ~~performance or outcomes as long as the secretary agrees with such~~
30 ~~determination in writing;~~ or

31 ~~(D)~~ (E) prior to July 1, 2018, a contract for the procurement of such
32 items or services in existence on July 1, ~~2016~~ **2017**, is still in existence. ~~On~~
33 ~~July 1, 2018, any such contract still in existence shall expire and thereafter~~
34 **Such contracts shall not be extended or renewed. After the expiration**
35 **of such contract**, the board of education shall procure such items or
36 services through the department of administration, except as otherwise

1 provided in the section.

2 (2) The superintendent or board of education of a school district shall
3 provide the necessary information required by the secretary to make and
4 enter into any agreements on behalf of such school district.

5 (c) **The board of education of each school district shall annually**
6 **report to the department of administration on any items or services**
7 **procured by such school district pursuant to subsection (b)(1)(A)**
8 **through (E).**

9 (d) As used in this section:

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

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

15 (3) "Secretary" means the secretary of administration or the
16 secretary's designee.

17 Sec. 2. K.S.A. 2015 Supp. 72-6760 is hereby amended to read as
18 follows: 72-6760. (a) Except as provided by this section and K.S.A. 72-
19 6760b, no expenditure involving an amount greater than \$20,000 for
20 construction, reconstruction or remodeling or for the purchase of materials,
21 goods or wares shall be made by the board of education of any school
22 district except upon sealed proposals, and to the lowest responsible bidder.

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

25 (1) ~~Services;~~

26 ~~(2)~~ **Services, but not to include contracted construction**
27 **management services;**

28 **(2)** products required to be purchased under the provisions of K.S.A.
29 75-3317 through 75-3322, and amendments thereto;

30 ~~(3)~~ ~~(2)~~ **(3)** *products required to be purchased through the department*
31 *of administration pursuant to section 1, and amendments thereto;*

32 ~~(3)~~ **(4)** educational materials directly related to curriculum and
33 secured by copyright;

34 ~~(4)~~ **(5)** motor fuels required to provide or furnish transportation;

35 ~~(5)~~ **(6)** food and foodstuffs necessary for the implementation or
36 operation of any child nutrition program;

37 ~~(6)~~ **(7)** articles or products that are produced, manufactured or
38 provided by inmates under the prison-made goods act of Kansas;

39 ~~(7)~~ **(8)** natural gas that will be consumed in buildings owned or
40 operated by the school district;

41 ~~(8)~~ **(9)** materials, goods or wares required for reconstructing,
42 remodeling, repairing or equipping buildings when such purchase has been
43 necessitated by the occurrence of a loss against which the board of

1 education has purchased property or casualty insurance; and

2 ~~(9)~~ **(10)** materials, goods or wares which are purchased:

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

6 (B) under the same pricing provisions established in the state
7 contracts, subject to agreement of the vendor to honor the state contract
8 prices; and

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

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

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

15 (c) Whenever the board of education of any school district lets bids
16 for the purchase of materials, goods or wares and bids are submitted by
17 bidders domiciled within the school district and by bidders domiciled
18 outside the school district and the low bid is submitted by a bidder
19 domiciled outside the school district, the school district domiciliary which
20 submitted the lowest bid may be deemed the preferred bidder and awarded
21 the bid if:

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

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

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

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

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

32 Sec. 4. This act shall take effect and be in force from and after **July 1,**
33 **2017, and** its publication in the statute book.