As Amended by House Committee
Session of 2016

HOUSE BILL No. 2729
By Committee on Appropriations

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

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

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

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

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

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

(A) The department of administration does not have such items or services on its procurement list;
(B) such items or services may be procured locally in an amount within 1% 3% of total procurement cost of the amount the department is able to procure the same items or services;
(C) such items or services may be procured through an education service center;
(D) such board of education determines in writing that such items have a material quality difference that would negatively impact student performance or outcomes as long as the secretary agrees with such determination in writing; or
(E) prior to July 1, 2018, a contract for the procurement of such items or services in existence on July 1, 2016 2017, is still in existence. On July 1, 2018, any such contract still in existence shall expire and thereafter such contracts shall not be extended or renewed. After the expiration of such contract, the board of education shall procure such items or services through the department of administration, except as otherwise...
provided in the section.

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

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

(d) As used in this section:

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

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

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

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

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

(1) Services;

(2) Services, but not to include contracted construction management services;

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

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

(5) educational materials directly related to curriculum and secured by copyright;

(6) motor fuels required to provide or furnish transportation;

(7) food and foodstuffs necessary for the implementation or operation of any child nutrition program;

(8) articles or products that are produced, manufactured or provided by inmates under the prison-made goods act of Kansas;

(9) natural gas that will be consumed in buildings owned or operated by the school district;

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

(9) (10) materials, goods or wares which are purchased:
(A) From vendors who have entered into contracts with the state
director of purchases pursuant to state purchasing statutes for purchases by
state agencies;
(B) under the same pricing provisions established in the state
contracts, subject to agreement of the vendor to honor the state contract
prices; and
(C) under the same pricing provisions established in federal, national
or other state contracts facilitated by a federal or local governmental entity
or agency, subject to:
   (i) Agreement of the vendor to honor the contract prices; and
   (ii) approval by the board of education for expenditures in an amount
greater than $20,000.
(c) Whenever the board of education of any school district lets bids
for the purchase of materials, goods or wares and bids are submitted by
bidders domiciled within the school district and by bidders domiciled
outside the school district and the low bid is submitted by a bidder
domiciled outside the school district, the school district domiciliary which
submitted the lowest bid may be deemed the preferred bidder and awarded
the bid if:
   (1) The quality, suitability and usability of the materials, goods or
wares are equal;
   (2) the amount of the bid of the school district domiciliary is not more
than 1% greater than the amount of the low bid; and
   (3) the school district domiciliary agrees to meet the low bid by filing
a written agreement to that effect within 72 hours after receiving
notification of being deemed the preferred bidder.
(d) The provisions of subsection (c) do not apply to expenditures for
construction, reconstruction or remodeling.
Sec. 3. K.S.A. 2015 Supp. 72-6760 is hereby repealed.
Sec. 4. This act shall take effect and be in force from and after July 1,
2017, and its publication in the statute book.