

HOUSE BILL No. 2143

By Committee on K-12 Education Budget

1-24

1 AN ACT concerning school districts; relating to the department of
2 administration; procurement of certain items and services; amending
3 K.S.A. 2016 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 procurement of the following:

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

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

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

19 (A) Such items or services may be procured locally in an amount
20 within 1% of total procurement cost of the amount the department is able
21 to procure the same items or services;

22 (B) such items or services may be procured through an education
23 service center;

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

28 (D) prior to July 1, 2019, a contract for the procurement of such items
29 or services in existence on July 1, 2017, is still in existence. On July 1,
30 2019, any such contract still in existence shall expire and thereafter the
31 board of education shall procure such items or services through the
32 department of administration, except as otherwise provided in the section.

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

36 (c) As used in this section:

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

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

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

8 Sec. 2. K.S.A. 2016 Supp. 72-6760 is hereby amended to read as
9 follows: 72-6760. (a) Except as provided by this section and K.S.A. 72-
10 6760b, no expenditure involving an amount greater than \$20,000 for
11 construction, reconstruction or remodeling or for the purchase of materials,
12 goods or wares shall be made by the board of education of any school
13 district except upon sealed proposals, and to the lowest responsible bidder.

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

16 (1) ~~Services;~~

17 ~~(2) products required to be purchased under the provisions of K.S.A.~~
18 ~~75-3317 through 75-3322, and amendments thereto;~~

19 ~~(3) (2) products required to be purchased through the department of~~
20 ~~administration pursuant to section 1, and amendments thereto;~~

21 (3) educational materials directly related to curriculum and secured
22 by copyright;

23 (4) motor fuels required to provide or furnish transportation;

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

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

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

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

34 (9) materials, goods or wares which are purchased:

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

38 (B) under the same pricing provisions established in the state
39 contracts, subject to agreement of the vendor to honor the state contract
40 prices; and

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

1 (i) Agreement of the vendor to honor the contract prices; and
2 (ii) approval by the board of education for expenditures in an amount
3 greater than \$20,000.

4 (c) Whenever the board of education of any school district lets bids
5 for the purchase of materials, goods or wares and bids are submitted by
6 bidders domiciled within the school district and by bidders domiciled
7 outside the school district and the low bid is submitted by a bidder
8 domiciled outside the school district, the school district domiciliary which
9 submitted the lowest bid may be deemed the preferred bidder and awarded
10 the bid if:

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

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

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

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

20 Sec. 3. K.S.A. 2016 Supp. 72-6760 is hereby repealed.

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