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MEMORANDUM

To: Chairman Waymaster and members of the Legislative Budget Committee

From: Jill A. Wolters, First Assistant Revisor

Date: December 14, 2023

Subject: Professional Services Sunshine Act, Legal Services, K.S.A. 75-37,135

The Professional Services Sunshine Act, K.S.A. 75-37,130 through 75-37,135, was enacted in 2000 and covers professional services performed under contract with a state agency. Professional services include certified public accountants, attorneys and consultants. This memo will address attorneys/legal services.

Legislative Budget Committee (LBC) is receiving notice of the request for proposal (RFP) pursuant to K.S.A. 75-37,135(a). Prior to entering a contract for legal services where the amount of the fees paid to an attorney or firm of attorneys reasonably may exceed \$1,000,000, the director of purchases shall submit the proposed RFP to LBC. Within 30 days after submission of the RFP, LBC may hold a public hearing on the proposed RFP and shall issue a report to the director of purchases. The report shall include any proposed changes to the proposed RFP suggested by LBC. The director of purchases shall review the report and adopt a final RFP as deemed appropriate in view of the report and shall file the final RFP with LBC. If the proposed RFP does not contain the changes proposed by LBC, the director of purchases shall submit with the final RFP a letter stating the reasons why such proposed changes were not adopted. The director of purchases shall not release the final RFP until at least 10 days after the date of submission of the final RFP to LBC. If LBC makes no suggested changes to the proposed RFP or fails to report any suggested changes within 60 days of the submission of the proposed RFP to LBC, the director of purchases may release the RFP.

Further pursuant to K.S.A. 75-37,135(b), the awarded contract for such legal services is to be submitted to LBC, and within 30 days of submission, LBC may hold a public hearing and shall issue a report noting concerns, if any.

LBC was notified via email dated November 17, 2023, to Chairman Waymaster, that the Office of the Attorney General was issuing an RFP for legal services for drug manufacturer investigation/litigation, and that the fees for such investigation/litigation may reasonably exceed \$1,000,000. Pursuant to K.S.A. 75-37,135(a), LBC has 30 days in which they may hold a hearing.