

## 2012 Kansas Statutes

**72-6760b. Reverse auctioning electronic procurement process; guidelines and procedures; definitions.** (a) The state board of education shall allow every school district to participate in a reverse auctioning electronic procurement process and on-line bidding process. The state board of education shall develop guidelines and procedures for those school districts choosing to use these procurement processes.

(b) The school board of any school district desiring to utilize on-line bidding or reverse auctioning must first conduct a public hearing to determine whether or not the administration of that school district will utilize such procedures for purchasing services, materials, goods or wares.

(c) Whenever the board of education of any school district is required to accept bids prior to the expenditure of money to purchase materials, goods or wares or whenever the board chooses to request the submission of bids prior to the expenditure of money to purchase materials, goods or wares, the board may conduct a reverse auctioning electronic procurement process for the purchase of such, materials, goods or wares.

(d) Whenever the board of education of any school district is required to accept bids prior to the expenditure of money to purchase services, materials, goods or wares or whenever the board chooses to request the submission of bids prior to the expenditure of money to purchase services, materials, goods or wares, the board may conduct an on-line bidding process for the purchase of such services, materials, goods or wares.

(e) If a school district utilizes a reverse auctioning electronic process or an on-line bidding process authorized by this section, the provisions of any law requiring procedures for sealed bidding and the opening of bids shall not apply to such purchases.

(f) Reverse auctioning shall not be used for the acquisition of any services for construction projects or for the acquisition of any other services.

(g) On or before January 15, 2003, and January 15, 2004, the board of education of a school district which utilizes a reverse auctioning electronic process or an on-line bidding process authorized by this section, shall submit a written report to the state board of education. The report shall include a comparison of the final pricing offered, the percentage in the increase or decrease or the number of bidders participating in the bidding, the number of bidders outside the state of Kansas, the number of bid protests and any other information deemed appropriate by the state board of education.

(h) As used in this section:

(1) "Reverse auctioning" means a procurement process of where bidders are invited to bid on specific materials, goods or wares through real-time electronic bidding, with the award being made to the lowest responsible and responsive bidder; during the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for the bid opening; and

(2) "on-line bidding" means a procurement process in which a school district electronically receives bids for services, materials, goods or wares in a competitive bidding event.

(g) The provisions of this section shall expire on June 30, 2004.

**History:** L. 2002, ch. 183, § 3; July 1.