

**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 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, 2018, a contract for the procurement of such items  
29 or services in existence on July 1, 2016, is still in existence. On July 1,  
30 2018, 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. 2015 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. 2015 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.