

HOUSE BILL No. 2413

By Representatives Cook, McLeland and Vickrey

2-7

AN ACT concerning governmental purchasing; providing a mechanism for the submittal of on-line bids.

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

Section 1. The purpose of this act is:

(a) To provide increased economy in government procurement activities and to maximize to the fullest extent practicable the purchasing values of funds while ensuring that procurements are the most advantageous to public agencies;

(b) to foster effective broad-based competition for public procurement within the free enterprise system;

(c) to modernize the law governing procurement in this state and permit the continued development of explicit and thoroughly considered procurement policies and practices;

(d) to ensure the fair and equitable treatment of all persons who deal with the procurement system through a transparent bidding process which will promote increased public confidence in the procedures followed in public procurement; and

(e) to provide an ongoing source of funding for new and innovative electronic procurement practices that would otherwise not be possible due to existing funding practices and guidelines.

Sec. 2. (a) "Information technology" means data processing, telecommunications, and office systems technologies and services.

(b) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web.

(c) "On-line bidding" means a procurement process in which public agencies receive vendors' bids for goods, services, construction or information services electronically over the internet in a real-time, competitive bidding event.

Sec. 3. (a) When the secretary of administration or another state agency purchasing agent determines that electronic, on-line bidding is more advantageous than other procurement methods, a purchasing agent may use on-line bidding to obtain bids electronically for the purchase of goods and services.

1 (b) The solicitation must designate an opening date and time. The
2 closing date and time may be fixed or remain open, depending on the
3 structure of the item being bid on-line. Information regarding the closing
4 date and time must also be included in the solicitation. At the opening
5 date and time, public agencies must begin accepting on-line electronic
6 bids, and must continue accepting bids until the bid is officially closed.
7 All bids must be posted electronically and updated on a real-time basis.
8 Bidders may be required to register before the opening date and time
9 and, as part of that registration, to agree to any terms, conditions or other
10 requirements of the solicitation. Purchasing agents may choose to pre-
11 qualify bidders and allow only prequalified bidders to bid on-line.

12 (c) The provisions of K.S.A. 75-3739 *et seq.*, and amendments
13 thereto, regarding procedures for sealed bidding and the opening of bids
14 shall not apply to bids submitted under this section. All bids submitted
15 pursuant to this section shall be deemed open records.

16 Sec. 4. Municipalities are hereby authorized to adopt similar proce-
17 dures for the acceptance of on-line bids for goods and services.

18 Sec. 5. This act shall take effect and be in force from and after its
19 publication in the statute book.

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43