

HOUSE BILL No. 2543

By Committee on Appropriations

2-22

AN ACT relating to purchasing procedures for certain municipalities; amending K.S.A. 19-260b and 19-2881 and K.S.A. 2000 Supp. 72-6760 and repealing the existing sections.

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

Section 1. K.S.A. 19-260b is hereby amended to read as follows: 19-260b. (a) The county purchasing officer, by and in conjunction with the board of county commissioners, shall purchase all supplies and equipment and approve all contracts, service and supply agreements and all other transactions that necessitate expenditure of county funds for the county and for each and every office and department thereof, shall keep a true and accurate account of all purchases so made, and shall make a report upon request by the board of county commissioners to the board of all purchases made and entered into and the office or department for which made. Each and every officeholder and department head and each and every employee thereof in the county and the judge or judges of the district court in the county shall be required to make requisition for all purchases of supplies and equipment contracts, service and supply agreements and other transactions that necessitate the expenditure of county funds pertaining to their respective offices and departments through the office of the county purchasing officer in the form and manner prescribed by the board of county commissioners in conjunction with the county purchasing officer, except that the board of county commissioners may authorize such officeholders, department heads or employees to make emergency purchases or small purchases of less than ~~\$2,000~~ \$20,000 on the open market. The county purchasing officer shall purchase all supplies and equipment and negotiate all contracts, service and supply agreements and other transactions that necessitate the expenditure of any county funds in the amount of ~~\$2,000~~ \$20,000 or more on the basis of competitive bids, except that competitive bids need not be required for contractual services where no competition exists. Bids shall be based on at least three competitive bids when reasonably possible. All such contracts and purchases made under the provisions of this act, for which competitive bids are required, shall be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery,

1 and other conditions imposed in the call for bids. The county purchasing
2 officer shall have the power to decide as to the lowest responsible bidder
3 for such purchases, and the county purchasing officer may reject any or
4 all bids.

5 (b) The county purchasing officer is hereby authorized to maintain a
6 stock room and stationery supply store of expendable items for immediate
7 requisition as needed.

8 Sec. 2. K.S.A. 19-2881 is hereby amended to read as follows: 19-
9 2881. (a) Before the board of any park district created under K.S.A. 19-
10 2859 to 19-2880, inclusive, and amendments thereto, shall let any contract
11 for any improvement which is estimated to exceed ~~\$10,000~~ \$20,000, the
12 board shall cause accurate detailed plans and specifications therefor, to-
13 gether with a detailed estimate, of the cost of same, to be made and filed
14 in the office of the secretary of such board. Before letting such contract,
15 the board shall advertise for bids to do such work in accordance with such
16 plans and specifications for at least one week in a newspaper of general
17 circulation in such district. Except as provided by subsection (b), the
18 purchase of materials, contracts for purchase or sale, lease contracts and
19 other contractual services which are estimated to exceed ~~\$10,000~~ \$20,000,
20 shall be made upon competitive bids. All bids shall be made in writing
21 and signed by the bidder, and presented by the bidder, or the bidder's
22 agent or attorney, to the board, at a meeting thereof, and all bids shall
23 be considered and accepted or rejected immediately after their submis-
24 sion. The board may reject any bids and shall not accept a bid in excess
25 of the estimated cost of the work, and a contract let at a price in excess
26 of the estimated cost of the work shall be void.

27 (b) The district may enter into agreements with any public agency
28 for the purchase of materials, contracts for purchase or sale, lease con-
29 tracts and other contractual services through such governmental units
30 using the bidding procedure of such public agency. When used in this
31 section, "public agency" means any state or a political or taxing subdivi-
32 sion thereof.

33 Sec. 3. K.S.A. 2000 Supp. 72-6760 is hereby amended to read as
34 follows: 72-6760. (a) No expenditure involving an amount greater than
35 ~~\$10,000~~ \$20,000 for construction, reconstruction or remodeling or for the
36 purchase of materials, goods or wares shall be made by the board of
37 education of any school district except upon sealed proposals, and to the
38 lowest responsible bidder.

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

- 41 (1) Services;
- 42 (2) products required to be purchased under the provisions of K.S.A.
43 75-3317 through 75-3322, and amendments thereto;

1 (3) educational materials directly related to curriculum and secured
2 by copyright;

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

4 (5) perishable foods and foodstuffs required for operation of a school
5 lunch program;

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

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

10 (8) materials, goods or wares required for reconstructing, remodel-
11 ing, repairing or equipping buildings when such purchase has been ne-
12 cessitated by the occurrence of a loss against which the board of education
13 has purchased property or casualty insurance; and

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

15 (A) From vendors who have entered into contracts with the state
16 director of purchases pursuant to state purchasing statutes for purchases
17 by state agencies; and

18 (B) under the same pricing provisions established in the state con-
19 tracts, subject to agreement of the vendor to honor the state contract
20 prices.

21 (c) Whenever the board of education of any school district lets bids
22 for the purchase of materials, goods or wares and bids are submitted by
23 bidders domiciled within the school district and by bidders domiciled
24 outside the school district and the low bid is submitted by a bidder dom-
25 iced outside the school district, the school district domiciliary which
26 submitted the lowest bid may be deemed the preferred bidder and
27 awarded the bid if:

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

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

32 (3) the school district domiciliary agrees to meet the low bid by filing
33 a written agreement to that effect within 72 hours after receiving notifi-
34 cation of being deemed the preferred bidder.

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

37 Sec. 4. K.S.A. 19-260b and 19-2881 and K.S.A. 2000 Supp. 72-6760
38 are hereby repealed.

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

41
42
43