

CHAPTER 188

SENATE BILL No. 118

AN ACT concerning state procurement; relating to state purchase of products from certain qualified vendors; definitions; amending K.S.A. 75-3317, 75-3319, 75-3321 and 75-3322 and K.S.A. 2004 Supp. 75-3320 and repealing the existing sections.

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

Section 1. K.S.A. 75-3317 is hereby amended to read as follows: 75-3317. As used in K.S.A. 75-3317 through 75-3322, and amendments thereto, unless the context requires otherwise:

(a) "Director of purchases" means the director of purchases of the department of administration;

(b) ~~"Kansas industries for the blind division and rehabilitation services" means workshops and home industry projects for blind or other handicapped persons which are located in Kansas and which are supported, operated or supervised by the division of services for the blind or rehabilitation services of the department of social and rehabilitation services~~ "qualified vendor" means a not-for-profit entity incorporated in the state of Kansas that:

(1) Primarily employs the blind or disabled;

(2) is operated in the interest of and for the benefit of the blind or persons with other severe disabilities, or both;

(3) the net income of such entity shall not, in whole or any part, financially benefit any shareholder or other individual; and

(4) such qualified vendor's primary purpose shall be to provide employment for persons who are blind or have other severe disabilities;

(c) "state agency" means any state office or officer, department, board, commission, institution, bureau or any agency, division or any unit within an office, department, board, commission or other state authority;

(d) ~~"rehabilitation facility" means any community mental health center or community facility for the mentally retarded operating under K.S.A. 19-4001 et seq. and amendments thereto or nonprofit corporation contracting with a mental retardation governing board to provide services under K.S.A. 19-4001 et seq. and amendments thereto, which has registered with the secretary of social and rehabilitation services for the purposes of K.S.A. 75-3317 through 75-3322, and amendments thereto, and shall also mean the Kansas foundation for the blind, Wichita, Kansas, center industries, inc., Wichita, Kansas, and, upon registration hereunder, any workshop or other facility for blind or other handicapped persons which is located in Kansas and which is certified to the United States department of labor and licensed by the secretary of social and rehabilitation services as a sheltered workshop under K.S.A. 75-3307b and amendments thereto.~~ "Unified school district" means any unified school district, board of education or any purchasing cooperative formed by one or more unified school districts.

Sec. 2. K.S.A. 75-3319 is hereby amended to read as follows: 75-3319. (a) The director of purchases shall ~~determine fair market~~ *approve* prices of products manufactured; ~~or processed, and offered for sale and~~ of services offered under K.S.A. 75-3317 through 75-3322, and amendments thereto, by ~~the Kansas industries for the blind division and rehabilitation services and by each rehabilitation facility~~ *qualified vendors*. All of the products and services shall be standard conforming. Those products and services offered for purchase by or for a state agency shall meet specifications required by the director of purchases. Those products offered for purchase by or for a unified school district shall meet specifications required by the board of education of the unified school district. The director of purchases shall revise the prices determined under this section from time to time in accordance with changing market conditions.

(b) ~~Each rehabilitation facility~~ *qualified vendor* shall cooperate with and shall provide the director of purchases ~~and the secretary of social and rehabilitation services~~ with all information necessary for the administration of K.S.A. 75-3317 through 75-3322, and amendments thereto.

(c) The provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto, shall apply only to products manufactured or processed in Kansas or services provided in Kansas ~~by blind or other handicapped persons~~ *by a qualified vendor*.

(d) The provisions of K.S.A. 75-3317 through 75-3322, and amend-

ments thereto, shall not be construed to require a unified school district to purchase services offered by ~~blind or other handicapped persons~~ *qualified vendors* under this act.

Sec. 3. K.S.A. 2004 Supp. 75-3320 is hereby amended to read as follows: 75-3320. (a) ~~The secretary of social and rehabilitation services~~ *qualified vendors* shall furnish to the ~~department of administration~~ *director of purchases*, and to each person or officer authorized to purchase materials, services and supplies for any state agency or unified school district, a list of products manufactured, or processed and offered for sale and of services offered under K.S.A. 75-3317 through 75-3322, and amendments thereto, by ~~the Kansas industries for the blind division and rehabilitation services and by rehabilitation facilities~~ *qualified vendors*.

(b) ~~The list of products and services shall be certified by the director of purchases. The secretary of social and rehabilitation services shall list of products and services shall be certified by the director of purchases, who may amend such list from time to time in accordance with the recommendations of the director of purchases.~~

~~(c) The secretary of social and rehabilitation services may charge a reasonable publication fee to those rehabilitation facilities which advertise their products or services on such lists. The secretary of social and rehabilitation services shall remit all moneys received pursuant to this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the social welfare fund. Each qualified vendor shall submit to, the director of purchases, state agencies and unified school districts a list of the products manufactured or processed and of services offered under K.S.A. 75-3317 through 75-3322, and amendments thereto.~~

(c) *Each qualified vendor shall publish or cause to be published, a catalog of approved products manufactured or processed and of services offered under K.S.A. 75-3317 through 75-3322, and amendments thereto, by each such vendor.*

(d) *It shall be the responsibility of the qualified vendors to provide appropriate notice to state agencies and unified school districts of the addition or deletion of any product or service provided by a qualified vendor after the publication of the catalog, provided the additional product or service has been approved by the director of purchases.*

Sec. 4. K.S.A. 75-3321 is hereby amended to read as follows: 75-3321. The director of purchases and any person or officer authorized to purchase materials ~~and~~ *and* supplies ~~and services~~ for any state agency or unified school district ~~or to purchase services for any state agency~~ shall purchase, except as otherwise provided in this section, the products and services on the list certified by the director of purchases from ~~the Kansas industries for the blind division and rehabilitation services or from a rehabilitation facility~~ *qualified vendors*, when those products are to be procured by or for the state or unified school district or when those services are to be procured by or for the state. Services offered for purchase are not required to be purchased by a unified school district.

Sec. 5. K.S.A. 75-3322 is hereby amended to read as follows: 75-3322. Whenever the ~~Kansas industries for the blind division and rehabilitation services and rehabilitation facilities~~ *qualified vendors* are unable to supply the products or services needed or are unable to meet delivery requirements on any order or requisition, a written waiver shall immediately be forwarded to the director of purchases *by the state agency procurement officer* or purchasing officer of the unified school district ~~by the secretary of social and rehabilitation services or the secretary's designee. If approved by the director of purchases and that such~~ waiver shall relieve and exempt the state or unified school district purchasing authority from the mandatory provisions of K.S.A. 75-3317 to 75-3322, inclusive, and amendments thereto, in the case of the specific order, request or requisition.

Sec. 6. K.S.A. 75-3317, 75-3319, 75-3321 and 75-3322 and K.S.A. 2004 Supp. 75-3320 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

