

## HOUSE BILL No. 2139

By Committee on Education

Requested by Representative Schreiber

1-29

1 AN ACT concerning school districts; relating to contracts for certain goods  
2 and services; increasing the minimum expenditure amount for  
3 contracted goods and services without requiring sealed bids; increasing  
4 the minimum expenditure amount for contracts for goods or services  
5 that may be executed by the superintendent on behalf of the school  
6 district; amending K.S.A. 72-1131 and 72-1151 and repealing the  
7 existing sections.  
8

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

10 Section 1. K.S.A. 72-1131 is hereby amended to read as follows: 72-  
11 1131. Each unified school district shall be designated by the name and  
12 style of "unified school district no. \_\_\_\_\_ (the number designated by the  
13 state board of education), \_\_\_\_\_ county (naming the home county  
14 of the unified school district), state of Kansas," and by such name may sue  
15 and be sued, execute contracts and hold such real and personal property as  
16 it may acquire. Every unified school district shall possess the usual powers  
17 of a corporation for public purposes. The board of education of every  
18 unified school district may delegate to the superintendent of schools the  
19 power to execute contracts on behalf of the district for the purchase of  
20 goods and services if the value of such goods or services is ~~-\$20,000-~~  
21 *\$50,000* or less.

22 Sec. 2. K.S.A. 72-1151 is hereby amended to read as follows: 72-  
23 1151. (a) Except as *otherwise* provided ~~by this section and K.S.A. 72-~~  
24 ~~6760b~~, no expenditure involving an amount greater than ~~-\$20,000~~ *\$50,000*  
25 for construction, reconstruction or remodeling or for the purchase of  
26 materials, goods or wares shall be made by the board of education of any  
27 school district except upon sealed proposals; and to the lowest responsible  
28 bidder.

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

- 31 (1) Services;
- 32 (2) products required to be purchased under the provisions of K.S.A.  
33 75-3317 through 75-3322, and amendments thereto;
- 34 (3) educational materials directly related to curriculum and secured  
35 by copyright;

- 1 (4) motor fuels required to provide or furnish transportation;
- 2 (5) food and foodstuffs necessary for the implementation or operation  
3 of any child nutrition program;
- 4 (6) articles or products that are produced, manufactured or provided  
5 by inmates under the prison-made goods act of Kansas;
- 6 (7) natural gas that will be consumed in buildings owned or operated  
7 by the school district;
- 8 (8) materials, goods or wares required for reconstructing, remodeling,  
9 repairing or equipping buildings when such purchase has been necessitated  
10 by the occurrence of a loss against which the board of education has  
11 purchased property or casualty insurance; and
- 12 (9) materials, goods or wares ~~which~~ *that* are purchased:
- 13 (A) From vendors who have entered into contracts with the state  
14 director of purchases pursuant to state purchasing statutes for purchases by  
15 state agencies;
- 16 (B) under the same pricing provisions established in the state  
17 contracts, subject to agreement of the vendor to honor the state contract  
18 prices; and
- 19 (C) under the same pricing provisions established in federal, national  
20 or other state contracts facilitated by a federal or local governmental entity  
21 or agency, subject to:
- 22 (i) Agreement of the vendor to honor the contract prices; and
- 23 (ii) approval by the board of education for expenditures in an amount  
24 greater than ~~\$20,000~~ *\$50,000*.
- 25 (c) Whenever the board of education of any school district lets bids  
26 for the purchase of materials, goods or wares and bids are submitted by  
27 bidders domiciled within the school district and by bidders domiciled  
28 outside the school district and the low bid is submitted by a bidder  
29 domiciled outside the school district, the school district domiciliary ~~which~~  
30 *that* submitted the lowest bid may be deemed the preferred bidder and  
31 awarded the bid if:
- 32 (1) The quality, suitability and usability of the materials, goods or  
33 wares are equal;
- 34 (2) the amount of the bid of the school district domiciliary is not more  
35 than 1% greater than the amount of the low bid; and
- 36 (3) the school district domiciliary agrees to meet the low bid by filing  
37 a written agreement to that effect within 72 hours after receiving  
38 notification of being deemed the preferred bidder.
- 39 (d) The provisions of subsection (c) do not apply to expenditures for  
40 construction, reconstruction or remodeling.
- 41 Sec. 3. K.S.A. 72-1131 and 72-1151 are hereby repealed.
- 42 Sec. 4. This act shall take effect and be in force from and after its  
43 publication in the statute book.