

SENATE BILL No. 415

By Committee on Assessment and Taxation

2-10

1 AN ACT concerning motor vehicles; relating to competitive bidding;
2 amending K.S.A. 2011 Supp. 75-3740 and repealing the existing
3 section.
4

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

6 Section 1. K.S.A. 2011 Supp. 75-3740 is hereby amended to read as
7 follows: 75-3740. (a) Except as provided by K.S.A. 75-3740b, *and*
8 *amendments thereto, and subsection (g)*, all contracts and purchases made
9 by or under the supervision of the director of purchases or any state agency
10 for which competitive bids are required shall be awarded to the lowest
11 responsible bidder, taking into consideration conformity with the
12 specifications, terms of delivery, and other conditions imposed in the call
13 for bids.

14 (b) The director of purchases shall have power to decide as to the
15 lowest responsible bidder for all purchases, but if:

16 (1) The dollar amount of the bid received from the lowest responsible
17 bidder from within the state is identical to the dollar amount of the bid
18 received from the lowest responsible bidder from without the state, the
19 contract shall be awarded to the bidder from within the state; and

20 (2) in the case of bids for paper products specified in K.S.A. 75-
21 3740b, *and amendments thereto*, the dollar amounts of the bids received
22 from two or more lowest responsible bidders are identical, the contract
23 shall be awarded to the bidder whose bid is for those paper products
24 containing the highest percentage of recycled materials.

25 (c) Any or all bids may be rejected, and a bid shall be rejected if it
26 contains any material alteration or erasure made after the bid is opened.
27 The director of purchases may reject the bid of any bidder who is in
28 arrears on taxes due the state, who is not properly registered to collect and
29 remit taxes due the state or who has failed to perform satisfactorily on a
30 previous contract with the state. The secretary of revenue is hereby
31 authorized to exchange such information with the director of purchases as
32 is necessary to effectuate the preceding sentence notwithstanding any other
33 provision of law prohibiting disclosure of the contents of taxpayer records
34 or information. Prior to determining the lowest responsible bidder on
35 contracts for construction of buildings or for major repairs or
36 improvements to buildings for state agencies, the director of purchases

1 shall consider: (1) The criteria and information developed by the secretary
2 of administration, with the advice of the state building advisory
3 commission to rate contractors on the basis of their performance under
4 similar contracts with the state, local governmental entities and private
5 entities, in addition to other criteria and information available; and (2) the
6 recommendations of the project architect, or, if there is no project
7 architect, the recommendations of the secretary of administration or the
8 agency architect for the project as provided in K.S.A. 75-1254, and
9 amendments thereto. In any case where competitive bids are required and
10 where all bids are rejected, new bids shall be called for as in the first
11 instance, unless otherwise expressly provided by law or the state agency
12 elects not to proceed with the procurement.

13 (d) Before the awarding of any contract for construction of a building
14 or the making of repairs or improvements upon any building for a state
15 agency, the director of purchases shall receive written approval from the
16 state agency for which the building construction project has been
17 approved, that the bids generally conform with the plans and specifications
18 prepared by the project architect, by the secretary of administration or by
19 the agency architect for the project, as the case may be, so as to avoid error
20 and mistake on the part of the contractors. In all cases where material
21 described in a contract can be obtained from any state institution, the
22 director of purchases shall exclude the same from the contract.

23 (e) All bids with the names of the bidders and the amounts thereof,
24 together with all documents pertaining to the award of a contract, shall be
25 made a part of a file or record and retained by the director of purchases for
26 five years, unless reproduced as provided in K.S.A. 75-3737, and
27 amendments thereto, and shall be open to public inspection at all
28 reasonable times.

29 (f) As used in this section and in K.S.A. 75-3741, and amendments
30 thereto, "project architect" shall have the meaning ascribed thereto in
31 K.S.A. 75-1251, and amendments thereto.

32 (g) *When a state agency is receiving bids to purchase passenger*
33 *motor vehicles, such agency shall follow the procedures prescribed in*
34 *subsection (b)(1), except in the case where one of the responsible bidders*
35 *offers motor vehicles which are assembled in Kansas. In such a case, 10%*
36 *of the bid of the responsible bidder which offers motor vehicles assembled*
37 *in Kansas shall be subtracted from the bid amount, and that amount shall*
38 *be used to determine the lowest bid pursuant to subsection (b)(1). This*
39 *section shall only apply to bids which match the exact motor vehicle*
40 *specifications of the agency purchasing passenger motor vehicles.*

41 Sec. 2. K.S.A. 2011 Supp. 75-3740 is hereby repealed.

42 Sec. 3. This act shall take effect and be in force from and after its
43 publication in the statute book.