

As Amended by House Committee

Session of 2010

HOUSE BILL No. 2559

By Committee on Appropriations

1-27

10 AN ACT concerning school districts; relating to certain expenditures;
11 amending K.S.A. 2009 Supp. 72-6760 and repealing the existing
12 section.

13

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

15 Section 1. K.S.A. 2009 Supp. 72-6760 is hereby amended to read as
16 follows: 72-6760. (a) Except as provided by this section and K.S.A. 72-
17 6760b, *and amendments thereto*, no expenditure involving an amount
18 greater than \$20,000 for construction, reconstruction or remodeling or
19 for the purchase of materials, goods or wares shall be made by the board
20 of education of any school district except upon sealed proposals, and to
21 the lowest responsible bidder.

22 (b) The provisions of subsection (a) ~~do shall~~ not apply to expenditures
23 by a board of education for ~~the purchase of~~:

24 (1) Services;

25 (2) products required to be purchased under the provisions of K.S.A.
26 75-3317 through 75-3322, and amendments thereto;

27 (3) educational materials directly related to curriculum and secured
28 by copyright;

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

30 (5) food and foodstuffs necessary for the implementation or operation
31 of any child nutrition program;

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

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

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

40 ~~—(9) materials, goods or wares which are purchased:~~

41 ~~(8) reconstructing, remodeling, repairing or equipping buildings or~~
42 ~~materials, goods or wares required to reconstruct, remodel, repair or~~
43 ~~equip such buildings when such expenditure has been necessitated by the~~

- 1 *occurrence of a loss against which the board of education has purchased*
2 *property or casualty insurance or by the occurrence of a loss for which*
3 *the district is self-insured; and*
- 4 ~~(9) constructing, reconstructing, remodeling, repairing or equipping~~
5 ~~buildings and any materials, goods or wares:~~
- 6 (A) From vendors who have entered into contracts with the state
7 director of purchases pursuant to state purchasing statutes for purchases
8 by state agencies;
- 9 (B) under the same pricing provisions established in the state con-
10 tracts, subject to agreement of the vendor to honor the state contract
11 prices; and
- 12 (C) under the same pricing provisions established in federal, national
13 or other state contracts facilitated by a federal or local governmental entity
14 or agency, subject to:
- 15 (i) Agreement of the vendor to honor the contract prices; ~~and~~
16 (ii) approval by the board of education for expenditures in an amount
17 greater than \$20,000.
- 18 (10) *software application licenses;*
- 19 ~~(11) constructing, reconstructing, remodeling, repairing or equipping~~
20 ~~buildings or any materials, goods or wares when a request for a compet-~~
21 ~~itive sealed proposal method is used that complies with the requirements~~
22 ~~specified in the American bar association 2000 model procurement code~~
23 ~~that pertain to and apply to competitive sealed proposals; and~~
- 24 ~~(12) constructing, reconstructing, remodeling, repairing or equipping~~
25 ~~of buildings or any materials, goods or wares if the board of education~~
26 ~~determines there is only one source available for such purposes.~~
- 27 (c) Whenever the board of education of any school district lets bids
28 for the purchase of materials, goods or wares and bids are submitted by
29 bidders domiciled within the school district and by bidders domiciled
30 outside the school district and the low bid is submitted by a bidder dom-
31 iciled outside the school district, the school district domiciliary which
32 submitted the lowest bid may be deemed the preferred bidder and
33 awarded the bid if:
- 34 (1) The quality, suitability and usability of the materials, goods or
35 wares are equal;
- 36 (2) the amount of the bid of the school district domiciliary is not more
37 than 1% greater than the amount of the low bid; and
- 38 (3) the school district domiciliary agrees to meet the low bid by filing
39 a written agreement to that effect within 72 hours after receiving notifi-
40 cation of being deemed the preferred bidder.
- 41 (d) The provisions of subsection (c) ~~do~~ shall not apply to expenditures
42 for construction, reconstruction or remodeling.
- 43 Sec. 2. K.S.A. 2009 Supp. 72-6760 is hereby repealed.

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