



GATES SHIELDS

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KANSAS | MISSOURI

November 18, 2025

Via Hand Delivery

Debby Potter
State Board of Education
District 10
Garden Plain, KS 67050

Re: **Cover Letter to Debby Potter**

Dear Board Member Potter:

I am writing to provide you with written notice and a summary of several topics which cause me concern, as legal counsel to the Kansas State Board of Education. Enclosed herewith are several separate letters, some with attachments, that address the separate issues of concern.

I hope that you will consider the points raised in these several letters and reconsider your approach in the future. I am available to meet with you before or after any Board meeting, or during a break, while in Topeka.

After delivery of these letters to you in person, I do plan to share each of the letters with the entire Board.

Please understand that it is my sincere intention to work with you in a collaborative and cooperative manner. If you have any questions, please do not hesitate to let me know.

Very truly yours,

Mark A. Ferguson

MarkFerguson@GatesShields.com

Enclosure



KANSAS | MISSOURI

November 18, 2025

Via Hand Delivery

Debby Potter
State Board of Education
District 10
Garden Plain, KS 67050

Re: Direct Contact with KSD Parents

Dear Board Member Potter:

I am writing to provide you with written notice and a brief summary of my concerns regarding direct contact with KSD Parents.

To recap the circumstances involved, over the past several monthly meetings, you have made specific references and comments about direct communications with KSD parents. Most recently, it has come to my attention that you have solicited feedback from KSD parents regarding suggestions for presenting legislative priorities to the Kansas Legislature for 2026. Enclosed is a copy of the email response from one parent.

I am in no way suggesting that you do not have the right to communicate directly with KSD Parents. However, doing so is problematic in a number of ways. Please consider the following:

- The Board appointed a KSD Task Force. You were not appointed as part of this Task Force. Your direct contact with KSD parents undermines the work of the three (3) other State Board members who have invested significant time attending meetings, building relationships and listening to presentations. The work of the Task Force is complete, but the report and recommendations have not yet been presented to the Board.
- Your direct communication with KSD parents undermines the direction and authority of Luanne Barron, Superintendent of KSD. Superintendent Barron is the head of the Agency. Any legislative recommendations should be initiated through Superintendent Barron, with her coordination and consent. This is not the role of an individual board member.

- KSD is in charge of its own budget, budget requests and establishes its own legislative priorities. In cooperation with and with the approval of the Board, the Board's legislative liaison may provide assistance and guidance. Board Member Michelle Dombrosky is the appointed Liaison to KSD and has been for many years. Her role is to be present and do all she can to communicate to KSD anything the Board desires and bring back information from the meetings to the Board and Commissioner Watson.
- KSD may cooperate and collaborate with the State Board of Education and/or the Kansas Department of Education, through the Commissioner. However, KSD is an independent state Agency. While there is a role and relationship between the State Board and the Kansas School for the Deaf (KSD), the advocacy with the legislature and the establishment of the legislative priorities of the KSD is not for you to solicit and determine individually. This starts with the Agency, and is assisted by others, as described herein.
- The KSD Negotiation team has spent a significant amount of time educating the KNEA negotiations team on several of these key issues and points. These memos have been previously shared with the entire Board. Given that you seem to have some confusion about the specific lines of reporting and authority, I am enclosing a couple of these memos for your further review.
- Many of the items in the email and the verbal report you presented to the Board during the November meeting have already been addressed, either in the Budget request already submitted by KSD to the legislature, being considered by the KSD Task Force and/or being negotiated in the formal professional negotiations between the appointed KSD Negotiation Team and the KNEA negotiation team. Communicating directly with the KSD parents and suggesting that you have the authority or ability to deliver these legislative priorities not only undermines these other clear lines of authority but potentially jeopardizes these developing and ongoing projects.
- Your direct communications with KSD parents create false hope and raises expectations. Going around the normal protocols and creating this direct individual dialogue is confusing to parents, teachers and the general public. In light of the above and foregoing, the fact that you are seeking your own lines of communication with KSD parents is misleading because it suggests that you have more authority and/or direction to act on behalf of the Board, than is true. If you make promises or create expectations that you can deliver on certain legislative priorities, this is counterproductive and creates negativity within the organization and discontent with KSD stakeholders.
- Your individualized and personal work, particularly in light of the specific activities described above, is disrespectful to the work of these groups and is an affront to the entire State Board.
- During the October monthly meeting of the State Board of Education, Superintendent Luanne Barron made a presentation to the Board. On October 15, 2025, Superintendent Barron made a formal presentation regarding the legislative Budget request and authorization process.

October 15, 2025:

<https://www.youtube.com/watch?v=AVqJFbDhSFc>

Presentation by Superintendent Barron starts at 1:33:19

These are only a few ways in which your direct contact with KSD parents creates problems and raises concerns. I hope that you will review these points and reconsider your approach in the future.

I would also like to reiterate herein, that I am available to meet with you before or after any Board meeting, or during a break, while in Topeka.

Please understand that it is my sincere intention to work with you in a collaborative and cooperative manner. If you have any questions, please do not hesitate to let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "MA Ferguson", with a long horizontal flourish extending to the right.

Mark A. Ferguson

MarkFerguson@GatesShields.com

Enclosure

From: js knewtson <jsknewton@gmail.com>
Sent: Wednesday, November 12, 2025 1:28 PM
To: Debby Potter <debby.potter@ksde.gov>
Cc: Michelle Dombrosky <Michelle.Dombrosky@ksde.gov>
Subject: KSD legislative focus

12 Nov 2025

Thank you, Debbie, for reaching out to parents with children attending Kansas School for the Deaf to hear if we have suggestions for the Board of Education to approach the Legislature in the next legislative session.

After chatting with a few other parents here is a summary of our thoughts:

Suggestions for Kansas Board of Education to represent Kansas School for the Deaf in presenting legislative priorities to the Kansas Legislature for 2026

Funding for Kansas School for the Deaf resource teachers

Continued funding of \$300 000 for reading resource teachers (as in the current legislative budget), with an additional \$100 000 funding, is necessary so that Kansas School for the Deaf elementary and secondary school can have resource teachers to give student instruction, in addition to the classroom instruction, for reading and mathematics.

Resource teachers were not funded prior to the past budget.

Without additional funding KSD cannot provide resources outlined in the Kansas Every Child Can Read Act.

Pay differential for American Sign Language fluency for KSD teachers

Kansas School for the Deaf teachers are by necessity required to be fluent in American Sign Language (ASL). The pool of qualified teachers is small. Teachers conversant in ASL take additional classes to reach fluency in their subject taught. A pay differential, or some type of bonus, might encourage interested education students to pursue ASL fluency to enlarge the pool of qualified teachers. It also serves as a reward for the amazing teachers who teach KSD classes where every child has an IEP, students in the same class have a three to four "grade level" difference in reading abilities by middle school, and you spend as much time introducing vocabulary as you do teaching subject matter.

The accreditation team also recommended:

"The CEASD Accreditation Team recommends the Kansas School for the Deaf leadership, in conjunction with the Commissioner of Education and State Board of Education, identify the long-

range personnel requirements needed to accomplish KSD's mission of serving D/HH children, students and families at KSD in Olathe and throughout the state, and request additional positions and associated funding commensurate with the plan."



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November 18, 2025

Via Hand Delivery

Debby Potter
State Board of Education
District 10
Garden Plain, KS 67050

Re: Comments on November 13th

Dear Board Member Potter:

I am writing to provide you with written notice and a brief summary of my concerns regarding bizarre statements by you to me at the meeting on November 13, 2025.

To recap the circumstances involved, over the past several monthly meetings, we have engaged in a civil debate and discussion regarding the role and authority of the State Board. More specifically, you repeatedly make blanket statements that "the State Board is not doing what it is supposed to do" in many respects. This generic accusation has been levied about Board policy, KOMA/KORA, and advice given by legal counsel to the Board. You have made additional about your own individual interpretation of the Kansas Constitutional authority of the State Board vis-a-vis local school boards. I have a low threshold for unsubstantiated allegations. As a result, I frequently ask you to support your accusations.

Our most recent discussion escalated into a debate on November 13, 2025. This particular conversation resumed following the break, immediately prior to going into executive session. When you referred to the specific example raised by Board Member Jim Porter in response to a suggestion requesting action during open public comment, I complimented you for providing a specific example. You seemed frustrated and voiced your reaction that my compliment was "like I was patting you on the head and saying nice doggie." I took exception to this and let you know that I said nothing at all remotely like this. I was simply trying to acknowledge that your prior statement that the Board fails to take action was finally backfilled with the specific example that Board Member Porter raised during the meeting. You could not take the compliment at face value and suggested that I was being derogatory. I am sorry you misinterpreted my genuine compliment, as something that was not intended.

This reaction and verbal response by you related to my compliment being like patting a dog on the head are more bizarre than offensive.

The responsive statements by you suggest that there was something that I said which was derogatory or demeaning. I do not believe that I said anything that would suggest such a reaction. Instead, we were continuing to discuss your various unsubstantiated conclusory allegations. The reference to Mr. Porter's request was a specific example of Board taking action. This was a concrete example and in alignment with something you were advocating and my statement simply recognized this.

Having now had the opportunity to listen to you, observe your behavior and scrutinize your comments during the past eleven (11) months of meetings, it is clear to me that you like to create conflict and suggest violations, without providing support for the conclusory allegations. I am in no way suggesting that you do not have the right to express your own individual opinions. However, when the opinion alleges that a violation of law, rule, regulation or policy has occurred, without any support, then I am duty-bound to follow up and inquire.

Please rest assured that I am not looking for conflict here; I do, however, have a low tolerance for naked accusations. When we discuss and debate issues, I expect that there will be both common ground and disagreement. If my comments include compliments and statements of agreement, they are not intended to be patronizing. No compliments from me should be construed as "like a pat on the head, suggesting 'nice doggie.'"

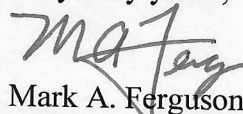
I am documenting this portion of the conversation because there is a definite pattern of our conversations going "sideways." I attribute this to the fact that you are long on allegations of wrongdoing and short on specifics. You regularly make statements which suggest that there are errors, mistakes and inaccuracies in what people tell you. You generally and repeatedly make allegations of violations of rules, procedures and the law, without specifics.

I am not trying to waste your or my time, but the repeated references to violations without specifics are not something that I can sit by and idly ignore. So, I regularly ask you to substantiate and support your statement. I shall continue to do so. Despite your bizarre response and characterization of my compliment, you are on written notice that I plan to continue to hold you accountable for your unsubstantiated accusations.

I would also like to reiterate herein, that I am available to meet with you before or after any Board meeting, or during a break, while in Topeka.

Please understand that it is my sincere intention to work with you in a collaborative and cooperative manner. If you have any questions, please do not hesitate to let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark A. Ferguson", with a long horizontal line extending to the right.

Mark A. Ferguson

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Via Hand Delivery

Debby Potter
State Board of Education
District 10
Garden Plain, KS 67050

Re: **Attorney General Opinion**

Dear Board Member Potter:

I am writing to provide you with written notice and a brief summary of my concerns regarding prior statements by you about a request for an Attorney General Opinion.

To recap the circumstances involved, over the past couple of monthly meetings, you have made vague references to a request that you made, directly to or through an unnamed legislator, for an Attorney General (AG) Opinion about your perceived interpretation of the role and scope of authority of the Kansas State Board of Education. When I asked for specifics, you were evasive, either avoiding the question or claiming not to remember the specific details. At the most recent board meeting, you verbally confirmed that you did request an AG opinion through a legislator.

There are specific protocols for requesting an AG opinion. Enclosed herewith please find a copy of the Attorney General's Statement of Policy Relating to The Furnishing of Written Opinions. <https://www.ag.ks.gov/reports-resources/ag-opinions>

I do not believe that requesting an AG Opinion, in private, through an unidentified legislator without sharing the details with the Board is the correct approach. It is my opinion that if such a request for an AG Opinion has, in fact, been made, the details should be disclosed to the entire Board.

The Attorney General's Office researches and prepares legal opinions in response to requests from elected officials or government agencies seeking interpretation and advice on state laws. There are numerous reasons which could make your individual request problematic for the State Board



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Debby Potter
State Board of Education
District 10
Garden Plain, KS 67050

Re: **Direct Contact with Vendor – Hyatt Contract**

Dear Board Member Potter:

I am writing to provide you with written notice and a brief summary of concerns regarding direct contact with a potential vendor and boundaries of investigation into contract details.

To recap the circumstances involved, you raised concerns about an item on the agenda last week, specifically referring to the proposed contract with a vendor. You mentioned that you made direct contact with the proposed vendor and inquired about specific pricing and other details.

These are several problems and concerns with how you handled this situation:

- Contacting a potential vendor about specific pricing and other details is not within the policy making role of a state board member. The are staff members employed by the Agency, who investigate and carry out the day-to-day activities of the agency. If you have questions regarding a specific contract, terms or other details, you should first advise the Commissioner, and those questions and concerns will then be relayed to the appropriate department or person.
- If the question is not resolved, in advance, then you should notify board leadership of your continuing concern. This way the technical aspects of the bid, proposal and contract can be addressed, in advance, without delaying and/or derailing the meeting.
- There are multiple reasons for doing this in advance: There are employees within the agency who are aware of the specific facts and circumstances of the item being bid. In this instance, there was a specific technical rationale to support the recommendation. Had you checked in advance, this could have been explained to you. Further, getting your question answered, in advance, would have avoided the necessity of the staff

returning to the meeting to answer your questions. This was also a difficult situation because the staff person responsible was not present on the day of the question, and Dr. Nugent did not have the details that could have assisted with responding to the questions (that should have been raised and addressed in advance of the meeting).

- There are pricing and bidding concerns that are implicated by your calling the vendor directly. For instance, the individual investigation by you, could advise the potential bidder of the exclusivity of the project, causing an increase in price or other terms.
- Other erroneous assumptions have been made by you during other action items presented to the Board. Your prior personal and business experiences do not translate to the business of the Agency. For example, when a 3-year contract pricing is shortened to a 1-year contract, you should not automatically assume that the pricing will be the same for only a 1-year deal. Similarly, you should not assume that the pricing will be the same in year 2 or 3. This is simply an erroneous assumption. These specifics should be left to the agency employees who have the role of reviewing the details and making the recommendations for approval to the Board.
- There are many statutes, regulations and policies that govern the competitive bidding process. A few of these are described in the attached document; See also, the separate Office of Procurement and Contracts chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ksde.gov/Portals/0/School%20Finance/guidelines_manuals/competv%20bid%20guide.pdf
<https://admin.ks.gov/offices/procurement-contracts>
- The State Board is a policy making body. It is not responsible for negotiating the terms of specific contracts. These duties and responsibilities are on employees of the Agency.

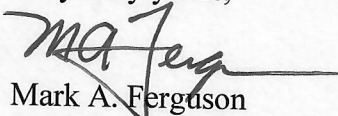
I hope that you will review these points and reconsider your approach in the future. I am enclosing excerpts from the Board policy manual for your review.

The best way to accomplish positive change in a collaborative environment is to raise questions and concerns, in advance. (See Policy 1010). When it comes to operational matters, the Board establishes policy but is expected to leave the implementation to the Commissioner. (See Policy 2001).

I would also like to reiterate herein, that I am available to meet with you before or after any Board meeting, or during a break, while in Topeka.

Please understand that it is my sincere intention to work with you in a collaborative and cooperative manner. If you have any questions, please do not hesitate to let me know.

Very truly yours,



Mark A. Ferguson

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Enclosure

POLICY: OPERATION OF THE STATE BOARD OF EDUCATION**Policy Type: Governance Process****(1) Meetings****A. Regular Meetings**

The State Board shall hold a regular meeting each month as provided by law. No later than January each year, the Board shall adopt by resolution specifying (1) the hour of commencement, (2) the day of the week, (3) the week of the month, and (4) locations for meetings for the entire year. (K.S.A. 72-249) This shall include meetings to be held on the campus of each state school governed by the Board.

B. Other Meetings

The State Board may provide by resolution for (1) additional regular meetings; (2) special meetings; or (3) recessed or adjourned meetings. (K.S.A. 72-249)

Special meetings may be called by the chair or upon the request of four Board members submitted to the chair.

Telephone, remote or virtual conference meetings may be called by the chair or at the request of four Board members.

C. Notification of Meetings

Notice of regular meetings shall be sent at least seven days in advance to members of the State Board and others who have requested notification.

When the regular meeting date, time or place is changed by resolution, or when additional regular meetings, special meetings, recessed or adjourned meetings are called, the secretary to the Board shall notify members of the Board and others who have requested notification, at least five days before such meetings.

However, when the chair deems the need for an emergency meeting, the chair may call a meeting. In such event, reasonable notice shall be given to those parties named herein.

A party receiving notice of any conference shall be advised that this will be an open meeting, and the discussion and action will be livestreamed by the Kansas State Department of Education and location for access provided.

If State Board meetings are canceled due to extenuating circumstances the State Board chair or the chair's designee shall notify other members of the State Board, the news media and others who have requested such notification.

D. All official business of the State Board shall be transacted as provided by state law.

E. Agenda

(1) Construction

(a) A State Board meeting agenda shall be prepared by the chair of the State Board, the vice chair of the State Board and Commissioner.

(b) Any member of the State Board may request that an item related to State Board goals be placed on the agenda by submitting a request to the chair in advance of the agenda preparation. Any such item shall be considered for the State Board agenda.

(c) In addition, a member of the State Board may request that any matter be placed on a future agenda of the State Board at a regular meeting. The request shall be discussed at a meeting of the State Board.

If consensus cannot be reached, the request shall be approved or disapproved by a vote of the State Board.

(2) Advance Delivery

The agenda for each meeting, along with complete supporting informational material and recommendations, shall be available to each member of the State Board at least seven days before such meeting.

(3) Distribution

The agenda of each meeting shall be distributed in advance to persons to appear before the State Board and others who have requested notification of meetings.

One copy of the agenda shall be available on the day of the meeting for persons attending the State Board meeting.

F. Meeting Conduct

(1) Order of Business

The order of business of all meetings may be as follows:

- (a) Call to Order
- (b) Roll Call
- (c) Moment of Silence
- (d) Pledge of Allegiance
- (e) Approval of Agenda
- (f) Approval of Minutes of the Previous Meeting
- (g) Citizens' Open Forum - (See Policy No. 1012)
- (h) Agenda Items
- (i) Consent Agenda
- (j) Recess until Day 2
- (k) Call to Order
- (l) Roll Call
- (m) Approval of Agenda
- (n) Agenda Items
- (o) Adjournment

(2) Procedure

Official action by the State Board shall be by motion duly made and seconded. Allowable motions include the principle or initial motion on a matter; a motion to amend an initial motion; a substitute motion to an initial motion; a motion to table a matter; and a motion to remove a matter from the table. Other action regarding any matter may be taken upon an affirmative vote of six members of the Board.

Continued

It shall be the practice of the Board to take action only on those items that are noted on the agenda as action items. However, the Board, upon motion duly made and seconded, and upon an affirmative vote of seven members of the Board, may take action on any matter on the Board's agenda, whether such matter is designated as an action item, receive item, discussion item or information item.

Routine, procedural or noncontroversial action items may be placed on the consent agenda. For items that require clarification, or for which a Board member has a question, that clarification should be requested well before the Board meeting. An item should not be pulled from the consent agenda just to have a question answered. That sort of information gathering should happen before the meeting.

If there is an item about which a Board member disagrees, or believes the item requires discussion, then a request is made at the beginning of the Board meeting during the Approval of the Agenda to pull that item from the consent agenda.

G. Records and Minutes

- (1) The secretary to the State Board shall take minutes at each Board meeting, shall record the actions of the State Board, and shall officially certify the minutes of each meeting. (K.S.A. 72-250)
- (2) On any motion before the State Board, a recorded vote shall be taken and made a part of the public record. (K.S.A. 72-251) The name of any member voting against a motion, or present not voting, shall be recorded in the minutes. Additions and/or corrections may be made to the minutes by a majority vote of the State Board.

H. Voting

- (1) Voting is done by a visible show of hands for each motion made and seconded.
- (2) State Statute requires six (6) affirmative votes to pass a motion regardless of the number of Board members present for the meeting. (KSA 72-251)
- (3) The Board votes with a yes, no, present not voting, or recusal. A "present not voting" will be recorded in the minutes.
- (4) A "recusal" from voting is based upon a direct interest in a question, not based upon disagreement with or opposition to the question presented.
- (5) The Board member who has a direct interest in the question, shall state the reasons for the request and shall leave the room when the vote is taken.

Adopted: August 9, 1989

Amended: March 10, 1998; September 14, 1999; October 12, 1999; May 10, 2000;
September 9, 2003; July 11, 2005; November 14, 2007; November 10, 2009;
October 17, 2002; March 11, 2014; August 8, 2017; March 11, 2020; October 11,
2022, October 9, 2024

POLICY: DELEGATION TO THE COMMISSIONER**Policy Type: Board-Staff Linkage**

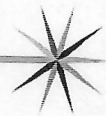
The responsibility of the Board is to establish policies, leaving implementation to the Commissioner. Board policies relating to the work of the staff on behalf of the State Board direct the Commissioner to achieve certain results or limit the Commissioner to act within acceptable boundaries. All Board authority delegated to staff is delegated through the Commissioner, so that all authority and accountability of staff can be phrased--insofar as the Board is concerned--as authority and accountability of the Commissioner.

1. The Commissioner is authorized to make all decisions, take all actions and develop all activities which are consistent with the Board's policies. The Board, by amending its policies, may expand or constrict the areas of the Commissioner's delegated authority. However, the Board will respect the Commissioner's choices so long as the delegation continues. This does not prevent the Board from obtaining information about activities in the delegated areas.
2. The Commissioner serves the State Board. Therefore, no Board member, officer or committee shall exercise authority over the Commissioner. Board members should make requests to the Commissioner through the Board Chair.
3. The Commissioner shall not perform, allow or cause to be performed any act which is unlawful, insufficient to meet commonly accepted business and professional ethics or the "prudent person" test or is contrary to explicit Board constraints on executive authority. The Commissioner may refuse requests requiring material resources.
4. The Commissioner may employ persons in agency positions subject to confirmation by the State Board.
5. Assistant commissioners (deputy commissioners) will be appointed by the State Board as required by K.S.A. 72-373.

Adopted: August 9, 1989

Amended: March 10, 1998; March 11, 2014; April 17, 2018; March 11, 2020; October 11, 2022

Competitive Bidding Guidelines



CONSTRUCTION, RECONSTRUCTION, REMODELING MATERIALS, GOODS, WARES

K.S.A. Supp. 72-1151 (statute on page 2) requires that no expenditure involving an amount greater than \$20,000 for construction, reconstruction or remodeling or for the purchase of materials, goods or wares shall be made by the board of education of any school district except upon sealed proposals, and to the lowest responsible bidder.

For example:

- ✦ *Does a school district have to bid used equipment such as a used vehicle?* Yes, if the price of the used vehicle exceeds \$20,000, the board must bid. Specifications would be drawn up on the used vehicle and the bid could be sent to car dealers who would bid on that vehicle. Bid specifications can be determined by the board.
- ✦ *Does a school district have to bid for computer equipment?* The local board can set specifications, but if the purchase of computers is over \$20,000, it must be bid.

State Procurement Contracts

School districts can use State of Kansas contracts which are listed as available to political subdivisions for purchases as an alternative to going through the competitive bidding process. Information on all state procurement contracts can be viewed online at the following website: Kansas Department of Administration – Office Procurement and Contracts
<https://admin.ks.gov/offices/procurement-and-contracts>

To view awarded statewide contracts, go to the Contract Search page:
<http://da.ks.gov/purch/Contracts/>

For general questions regarding state contracts: purchweb@da.ks.gov – main number (785) 296-2376 or Todd Herman, Director of Procurement and Contracts todd.herman@ks.gov

Questions on specific state contracts should be directed to the Procurement Officer listed on the contract documents located through the Contract Search page.
Office of Procurement and Contracts - 900 SW Jackson St., Room 451, Topeka 66612-1212

Buy equipment, repair and remodel buildings out of Capital Outlay

School districts have the authority under K.S.A. 72-53,113 to purchase equipment, repair buildings, and maintain property and equipment out of capital outlay. The common definition of "repair" is to bring the building back to its original condition.

Remodeling of buildings must be paid out of capital outlay, not out of general or supplemental general fund.

Sale and use of school property

K.S.A. 72-3216 (d) permits a school district to sell property no longer needed. The method of sale is left to the local board of education and could be sold by sealed bid, auction, or any method they deem to be in the best interest of the school district.

The local board also has the authority to allow school property to be used for community purposes. Below is the statute which covers school district bidding.

K.S.A. 72-1151

School district expenditures over \$20,000; requirements relating to bids and bidders; exemptions.

- (a) Except as provided by this section and K.S.A. 72-6760b, no expenditure involving an amount greater than \$20,000 for construction, reconstruction or remodeling or for the purchase of materials, goods or wares shall be made by the board of education of any school district except upon sealed proposals, and to the lowest responsible bidder.
- (b) The provisions of subsection (a) do not apply to expenditures by a board of education for the purchase of:
 - (1) Services;
 - (2) products required to be purchased under the provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto;
 - (3) educational materials directly related to curriculum and secured by copyright;
 - (4) motor fuels required to provide or furnish transportation;
 - (5) food and foodstuffs necessary for the implementation or operation of any child nutrition program;
 - (6) articles or products that are produced, manufactured or provided by inmates under the prison-made goods act of Kansas;
 - (7) natural gas that will be consumed in buildings owned or operated by the school district;
 - (8) materials, goods or wares required for reconstructing, remodeling, repairing or equipping buildings when such purchase has been necessitated by the occurrence of a loss against which the board of education has purchased property or casualty insurance; and
 - (9) materials, goods or wares which are purchased:
 - (A) from vendors who have entered into contracts with the state director of purchases pursuant to state purchasing statutes for purchases by state agencies;
 - (B) under the same pricing provisions established in the state contracts, subject to agreement of the vendor to honor the state contract prices; and
 - (C) under the same pricing provisions established in federal, national or other state contracts facilitated by a federal or local governmental entity or agency, subject to:
 - (i) agreement of the vendor to honor the contract prices; and
 - (ii) approval by the board of education for expenditures in an amount greater than \$20,000.
- (c) Whenever the board of education of any school district lets bids for the purchase of materials, goods or wares and bids are submitted by bidders domiciled within the school districts and by

bidders domiciled outside the school district, the school district, the school district domiciliary which submitted the lowest bid may be deemed the preferred bidder and awarded the bid if:

- (1) the quality, suitability and usability of the materials, goods or wares are equal;
 - (2) the amount of the bid of the school district domiciliary is not more than 1% greater than the amount of the low bid; and
 - (3) the school district domiciliary agrees to meet the low bid by filing a written agreement to that effect within 72 hours after receiving notification of being deemed the preferred bidder.
- (d) The provisions of subsection (c) do not apply to expenditures for construction, reconstruction, or remodeling.

Source or Prior Law: 72-6760.

K.S.A. 72-6760b. History: L. 2002, ch. 183, § 3; Expired, June 30, 2004.

➤ *Materials, Goods and Wares includes:*

1. Supplies (includes all expendable items such as uniforms, custodial materials, teaching materials, and all other consumable materials).
2. Equipment (an article that is nonexpendable and if damaged, or some parts lost or worn, would be more feasible to repair than replace).
3. Tangible personal property.

➤ *Construction*

1. Something tangible being built or erected such as remodeling, reconstruction, additions to, repair, and alterations of school facilities.
2. Installation of irrigation systems or landscaping of school grounds.

BID PROCESS: Recommendations for the Board of Education

1. Recommend boards of education consider fixing a lower dollar amount as a minimum when competitive bids are required. **State law requires a minimum of \$20,000.** Some boards may desire to go to a lower dollar amount.
2. Write clear and concise bid specifications.
3. Send specifications to several vendors.
4. Allow adequate time for the bidders to submit sealed bids.
5. Set a time for bid opening.
6. Open bids publicly.
7. Involve at least two school personnel in the bid opening.
8. Avoid negotiation of bid specifications after bids have been accepted.
9. Correct and request new bids if bid specifications are inadequately written.
10. Return bids unopened and re-bid the project if an error is discovered in the bid specifications prior to bid opening.
11. Any bids that are submitted beyond the due date should be returned unopened for noncompliance with the bid specifications.
12. The bid specifications should provide for inclusion within the bid of the company name, address, telephone number, name of contact person, as well as the bid itself.
13. Include a specific date, time, and location for the submittal of bids and specific date, time, and location for opening such bids in the bid specifications.

14. Document and retain records to ensure bidding procedures are followed. Documentation should be on file in the school district office if any bids are rejected because the bidder is considered "not responsible".
15. All bidders should receive a bid summary with a letter of acceptance or rejection on the board of education's decision.
16. Review K.S.A. 44-1030 and include that law (discrimination) in all contracts.

Preferential Bidding

1. Accept the lowest responsible bidder as required by law.
(Review the exceptions in K.S.A. 72-1151 as shown on page 1 of these guidelines.)
2. Do not grant preferential bids to local contractors or businesses unless the district is in compliance with K.S.A. 72-1151.

Construction

K.S.A. 60-1111 requires that for construction, reconstruction, and remodeling projects which exceed \$100,000, ensure all construction contractors provide a payment bond to the State of Kansas (also referred to as a public works bond, a surety bond, a statutory bond, or a labor and materials bond). The amount of the bond should be at least equal to the cost of the project. Contractors should file a payment bond with Clerk of District Court in the county where the project is to be constructed and furnish the school district with copies of the bond bearing written approval of Clerk of the District Court.

Recommendations for Construction Projects:

1. In the process of accepting bids on construction projects, make sure it is clear who will provide the builder's risk insurance and in what amount.
2. Ensure the amendments or addendums to original bid specifications be submitted in writing by the school district and acknowledged by each bidder.
3. Include a five percent bid bond in all construction contract bids.
4. Include a statement which requires contractors to comply with all local, state, and federal laws, ordinances, and regulations, in all bids. For example, see K.S.A. 44-1030.

Miscellaneous

1. Ensure that all out-of-state bidders comply with preferential bid law.
"K.S.A. 75-3740a. State and Local Government Contracts; Bidders Domiciled in Other States. To the extent permitted by federal law and regulations, whenever the State of Kansas or any agency, department, bureau or division thereof or any municipality of the state including, but not limited to, county, school district, improvement district or other public body lets bids for contracts for the erection, construction, alteration or repair of any public building or structure or any addition thereto or for any public work or improvement or for any purchases of any goods, merchandise, materials, supplies, or equipment of any kind, the contractor domiciled outside the State of Kansas, to be successful, shall submit a bid the same percent less than the lowest bid submitted by a responsible Kansas contractor as would be required of such Kansas domiciled contractor to succeed over the bidding contractor domiciled outside Kansas on a like contract let in such contractor's domiciliary state."

2. Purchase orders should not be split to get under the \$20,000 limit for the purpose of circumventing the bidding law.
3. The School Bond Guide should be carefully reviewed prior to any major construction projects which require a vote of the patrons. This guide, provided by KSDE, examines statutes and laws applicable to the construction of school buildings. Samples of forms are also included.



To review or print the School Bond Guide, go to the KSDE School Finance website:

<https://www.ksde.gov/Agency/Fiscal-and-Administrative-Services/School-Finance/Guidelines-and-Manuals>

4. Require sealed bids and do not allow telephone quotes. K.S.A. 72-1151
5. Ensure that the board of education reserves the right to reject any or all bids. In some cases, school district may not have sufficient funds to fund the project or may desire to delay the project.
6. Purchasing cooperatives should be reviewed to see if the district can get better prices because of volume purchasing. The school can have the cooperative bid on their behalf, but must ensure the cooperative has followed the bid statute.

Project Exemption Certificate

In order for schools to be exempt from the Kansas sales tax for sales purchased by a contractor, a project exemption certificate must be obtained from the Director of Policy and Research, Kansas Department of Revenue. *This would include any size project to construct, equip, reconstruct, maintain, repair, enlarge, furnish or remodel facilities.*

An application for a project exemption certificate can be downloaded from www.ksrevenue.org. In the search box, type PR-76 (the form number). The completed application may be mailed to: Kansas Dept. of Revenue, Tax Policy Group, 915 SW Harrison St., Topeka KS 66612-1588; or faxed to (785) 296-7928. Telephone: (785) 296-3041

The effective date of the project exemption certificate is the date the application is received by the Department of Revenue. Only sales made on or after this date will be honored as tax exempt by the state. *This certificate is only good for the named project.*

If you have questions, please contact:

Dale Brungardt, Director
School Finance
(785) 296-3872

Dale.brungardt@ksde.gov

Kansas State Department of Education
Landon State Office Building
900 SW Jackson St, Ste 356
Topeka, KS 66612-1212

T:guidelines&manuals/competv bid guide

The Kansas State Department of Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies: KSDE General Counsel, Office of General Counsel, KSDE, Landon State Office Building, 900 SW Jackson, Suite 102, Topeka, KS 66612, (785) 296-3201.

2025 Kansas Annual Business Summit



Thank you for your attendance at the
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The PowerPoint presentations for the
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Contracts. Additionally, OPC offers on-site extensive training (2-4 hours) which provide a holistic overview of the procurement process. If your agency is interested in any training, please e-mail kelly.johnson@ks.gov.

OPC Announcements

No news currently available.

OPC Events [View All](#)

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75-3739. Competitive bids, exceptions; bidding procedures; reports of purchases without bids, waivers of bid solicitation publication and delegations of purchasing authority; highway contracts exemption; state agency contracts exemption; prior approval of real property leases. In the manner as provided in this act and rules and regulations established thereunder:

(a) All contracts for construction and repairs and all purchases of and contracts for supplies, materials, equipment and contractual services to be acquired for state agencies shall be based on competitive bids, except that competitive bids need not be required in the following instances:

(1) For contractual services, supplies, materials or equipment when, in the judgment of the director of purchases, no competition exists;

(2) when, in the judgment of the director of purchases, chemicals and other material or equipment for use in laboratories or experimental studies by state agencies are best purchased without competition, or where rates are fixed by law or ordinance;

(3) when, in the judgment of the director of purchases, an agency emergency requires immediate delivery of supplies, materials or equipment, or immediate performance of services;

(4) when any statute authorizes another procedure or provides an exemption from the provisions of this section;

(5) when compatibility with existing contractual services, supplies, materials or equipment is the overriding consideration;

(6) when a used item becomes available and is subject to immediate sale;

(7) when, in the judgment of the director of purchases and the head of the acquiring state agency, not seeking competitive bids is in the best interest of the state; or

(8) when a public-private partnership between the secretary of corrections and a private entity exists for any public-private project to develop, finance, construct or renovate a building at a correctional institution, provided state funds do not exceed 25% of the total cost. The provisions of this paragraph shall not apply to the procurement process established in K.S.A. 75-5801 et seq., and amendments thereto, regarding engineering services. As used in this paragraph, "public-private partnership," "private entity" and "public-private project" mean the same as defined in K.S.A. 2025 Supp. 75-52,167, and amendments thereto.

When the director of purchases approves a purchase of or contract for supplies, materials, equipment, or contractual services in any instance specified in this subsection, the director may delegate authority to make the purchase or enter the contract under conditions and procedures prescribed by the director. Except for purchases or contracts entered into without a competitive bid under subsection (a)(3), (a)(4), (a)(6) or subsection (h), no purchase or contract entered into without a competitive bid for an amount in excess of \$100,000 shall be entered into by the head of any state agency or approved by the director of purchases unless the director of purchases first posts an on-line notice of the proposed purchase or contract at least seven days before the purchase or contract is awarded. The director of purchases shall provide notice thereof to members of the legislature at the beginning of each calendar year that such information will be posted and the director of the division of purchases shall provide the uniform resource locator (URL) and the number of times such information shall be available. In the event a written protest of the awarding of such a contract occurs during the seven-day notice period, the director of purchases shall request from the protestor the contact information, including name and mailing address, of the person or entity that has expressed an interest in supplying the goods or services and provide a copy of the specification to the person or entity that has expressed an interest in supplying the goods or services and verify that such person or entity is interested and capable of supplying such goods or services.

Upon satisfaction of the director of purchases regarding the validity of the protest and the existence of competition, the director of purchases shall proceed with a competitive procurement. A competitive procurement shall not be required when, in the judgment of the director of purchases, the validity of the protest cannot be determined or competition for such goods or services cannot be verified by the director of purchases.

The director of purchases shall prepare a detailed report at least once in each calendar quarter of all contracts over \$5,000 entered into without competitive bids under subsection (a)(1), (2), (3), (5), (6), (7) or (8). The director shall submit the report to the legislative coordinating council, the chairperson of the committee on ways and means of the senate and the chairperson of the committee on appropriations of the house of representatives.

(b) (1) If the amount of the purchase is estimated to exceed \$50,000, sealed bids shall be solicited by notice published once in the Kansas register not less than 10 days before the date stated in the notice for the opening of the bids. The director of purchases may waive this publication of notice requirement when the director determines that a more timely procurement is in the best interest of the state. The director of purchases also may designate a trade journal for the publication. The director of purchases also shall solicit such bids by sending notices by mail to prospective bidders and by posting the notice on a public bulletin board for at least 10 business days before the date

stated in the notice for the opening of the bids unless otherwise provided by law. All bids shall be sealed when received and shall be opened in public at the hour stated in the notice.

(2) The director of purchases shall prepare a detailed report at least once in each calendar quarter of all instances in which the director waived publication of the notice of bid solicitations in the Kansas register as provided in this subsection. The director shall submit the report to the legislative coordinating council, the chairperson of the committee on ways and means of the senate and the chairperson of the committee on appropriations of the house of representatives.

(c) All purchases estimated to exceed approximately \$25,000 but not more than \$50,000, shall be made after receipt of sealed bids following at least three days' notice posted on a public bulletin board.

(d) All purchases estimated to be more than \$5,000, but less than \$25,000, may be made after the receipt of three or more bid solicitations by telephone, telephone facsimile or sealed bid, following at least three days' notice posted on a public bulletin board. Such bids shall be recorded as provided in subsection (f) of K.S.A. 75-3740, and amendments thereto. Any purchase that is estimated to be less than \$5,000 may be purchased under conditions and procedures prescribed by the director of purchases. Purchases made in compliance with such conditions and procedures shall be exempt from other provisions of this section.

(e) With the approval of the secretary of administration, the director of purchases may delegate authority to any state agency to make purchases of less than \$25,000 under certain prescribed conditions and procedures. The director of purchases shall prepare a report at least once in each calendar quarter of all current and existing delegations of authority to state agencies as provided in this subsection. The director shall submit the report to the legislative coordinating council, the chairperson of the committee on ways and means of the senate and the chairperson of the committee on appropriations of the house of representatives.

(f) Subject to the provisions of subsection (e), contracts and purchases shall be based on specifications approved by the director of purchases. When deemed applicable and feasible by the director of purchases, such specifications shall include either energy efficiency standards or appropriate life cycle cost formulas, or both, for all supplies, materials, equipment and contractual services to be purchased by the state. The director of purchases may reject a contract or purchase on the basis that a product is manufactured or assembled outside the United States. No such specifications shall be fixed in a manner to effectively exclude any responsible bidder offering comparable supplies, materials, equipment or contractual services.

(g) Notwithstanding anything herein to the contrary, all contracts with independent construction concerns for the construction, improvement, reconstruction and maintenance of the state highway system and the acquisition of rights-of-way for state highway purposes shall be advertised and let as now or hereafter provided by law.

(h) The director of purchases may authorize state agencies to contract for services and materials with other state agencies, or with federal agencies, political subdivisions of Kansas, agencies of other states or subdivisions thereof, or private nonprofit educational institutions, without competitive bids.

(i) The director of purchases may participate in, sponsor, conduct, or administer a cooperative purchasing agreement or consortium for purchases of supplies, materials, equipment, and contractual services with federal agencies or agencies of other states or local units of government. Cooperative purchasing agreements entered into under this subsection shall not be subject to K.S.A. 75-3739 through 75-3740a, and amendments thereto.

(j) The director of purchases may delegate authority to any state agency to make purchases under certain prescribed conditions and procedures when the acquisition is funded, in whole or in part, from a grant. Except as otherwise provided in subsection (k), purchases made in compliance with such conditions and procedures shall be exempt from other provisions of this section. As used in this subsection the term "grant" means a disbursement made from federal or private funds, or a combination of these sources, to a state agency. Nothing in this subsection shall allow federal grant moneys to be handled differently from any other moneys of the state unless the requirements of the applicable federal grant specifically require such federal moneys to be handled differently.

(k) The director of purchases shall prepare a detailed report at least once each calendar quarter of all contracts over \$5,000 for services, supplies, materials or equipment entered into pursuant to subsection (h), (i) or (j) and submit it to the legislative coordinating council, the chairperson of the committee on ways and means of the senate and the chairperson of the committee on appropriations of the house of representatives.

(l) Except as otherwise specifically provided by law, no state agency shall enter into any lease of real property without the prior approval of the secretary of administration. A state agency shall submit to the secretary of administration such information relating to any proposed lease of real property as the secretary may require. The secretary of administration shall either approve, modify and approve or reject any such proposed lease.

(m) The director of purchases shall require all bidders on state contracts to disclose all substantial interests held by the bidder in the state.

(n) As used in article 37 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, and other statutory provisions concerning state procurement, "sealed bids," "bulletin boards" and "mail" shall include electronic bids, electronic bulletin boards and electronic mail when such items are utilized in accordance with procedures prescribed by the director of purchases.

History: L. 1953, ch. 375, § 39; L. 1968, ch. 311, § 2; L. 1975, ch. 450, § 1; L. 1978, ch. 357, § 1; L. 1979, ch. 289, § 5; L. 1980, ch. 279, § 1; L. 1981, ch. 324, § 25; L. 1984, ch. 325, § 1; L. 1987, ch. 341, § 5; L. 1987, ch. 196, § 19; L. 1987, ch. 342, § 1; L. 1987, ch. 343, § 1; L. 1987, ch. 343, § 2; L. 1996, ch. 201, § 8; L. 1998, ch. 182, § 27; L. 2003, ch. 114, § 6; L. 2012, ch. 163, § 6; L. 2021, ch. 86, § 6; July 1.

75-3740. Competitive bids; bid preferences to certain businesses; reports to legislature; rules and regulations; building contracts; bid records; definitions. (a) Except as provided by K.S.A. 75-3740b, and amendments thereto, and subsections (b) and (k), all contracts and purchases made by or under the supervision of the director of purchases or any state agency for which competitive bids are required shall be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids.

(b) A contract shall be awarded to a certified business or disabled veteran business which is also a responsible bidder, whose total bid cost is not more than 10% higher than the lowest competitive bid. Such contract shall contain a promise by the certified business that the percentage of employees that are individuals with disabilities will be maintained throughout the contract term and a condition that the certified business shall not subcontract for goods or services in an aggregate amount of more than 25% of the total bid cost.

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

(1) (A) A responsible bidder purchases from a qualified vendor goods or services on the list certified by the director of purchases pursuant to K.S.A. 75-3317 et seq., and amendments thereto, the dollar amount of such purchases made during the previous fiscal year shall be deducted from the original bid received from such bidder for the purpose of determining the lowest responsible bid, except that such deduction shall not exceed 10% of the original bid received from such bidder; or

(B) a responsible bidder purchases from a certified business the dollar amount of such purchases made during the previous fiscal year shall be deducted from the original bid received from such bidder for the purpose of determining the lowest responsible bid, except that such deduction shall not exceed 10% of the original bid received from such bidder;

(2) the dollar amount of the bid received from the lowest responsible bidder from within the state is identical to the dollar amount of the bid received from the lowest responsible bidder from without the state, the contract shall be awarded to the bidder from within the state; and

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

(d) (1) Any or all bids may be rejected, and a bid shall be rejected if it contains any material alteration or erasure made after the bid is opened. The director of purchases may reject the bid of any bidder who is in arrears on taxes due the state, who is not properly registered to collect and remit taxes due the state or who has failed to perform satisfactorily on a previous contract with the state. The secretary of revenue is hereby authorized to exchange such information with the director of purchases as is necessary to effectuate the preceding sentence notwithstanding any other provision of law prohibiting disclosure of the contents of taxpayer records or information. Prior to determining the lowest responsible bidder on contracts for construction of buildings or for major repairs or improvements to buildings for state agencies, the director of purchases shall consider the:

(A) Criteria and information developed by the secretary of administration, with the advice of the state building advisory commission to rate contractors on the basis of their performance under similar contracts with the state, local governmental entities and private entities, in addition to other criteria and information available; and

(B) recommendations of the project architect, or, if there is no project architect, the recommendations of the secretary of administration or the agency architect for the project as provided in K.S.A. 75-1254, and amendments thereto.

(2) In any case where competitive bids are required and where all bids are rejected, new bids shall be called for as in the first instance, unless otherwise expressly provided by law or the state agency elects not to proceed with the procurement.

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

(f) All bids with the names of the bidders and the amounts thereof, together with all documents pertaining to the award of a contract, shall be made a part of a file or record and retained by the director of purchases for five years,

unless reproduced as provided in K.S.A. 75-3737, and amendments thereto, and shall be open to public inspection at all reasonable times.

(g) As used in this section:

(1) "Certified business" means any business certified as provided by subsection (l) by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that:

(A) Does business primarily in Kansas or substantially all of its production in Kansas;

(B) employs at least 10% of its employees who are individuals with disabilities and reside in Kansas;

(C) offers to contribute at least 75% of the premium cost for individual health insurance coverage for each employee. The department of administration shall require a certification of these facts as a condition to the certified business being awarded a contract pursuant to subsection (b); and

(D) does not employ individuals under a certificate issued by the United States secretary of labor under 29 U.S.C. § 214(c);

(2) "individuals with disabilities" or "individual with a disability" means any individual who:

(A) Is certified by the Kansas department for aging and disability services or by the Kansas department for children and families which administers the rehabilitation services program as having a physical or mental impairment that constitutes a substantial barrier to employment;

(B) works a minimum number of hours per week for a certified business necessary to qualify for health insurance coverage offered pursuant to subsection (g)(1); and

(C) (i) is receiving services, has received services or is eligible to receive services under a home and community based services program, as defined by K.S.A. 39-7,100, and amendments thereto;

(ii) is employed by a charitable organization domiciled in the state of Kansas and exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended; or

(iii) is an individual with a disability pursuant to the disability standards established by the social security administration as determined by the Kansas disability determination services under the Kansas department for children and families;

(3) "physical or mental impairment" means:

(A) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss substantially affecting one or more of the following body systems:

(i) Neurological;

(ii) musculoskeletal;

(iii) special sense organs;

(iv) respiratory, including speech organs;

(v) cardiovascular;

(vi) reproductive;

(vii) digestive;

(viii) genitourinary;

(ix) hemic and lymphatic;

(x) skin; or

(xi) endocrine; or

(B) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, mental illness and specific learning disabilities. "Physical or mental impairment" includes, but is not limited to, orthopedic, visual, language and hearing disorders, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis and intellectual disability;

(4) "project architect" means the same as defined in K.S.A. 75-1251, and amendments thereto;

(5) "disabled veteran" means a person who:

(A) Served in the active military, naval, air or space service, including those groups and individuals listed under 38 C.F.R. § 3.7, and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions;

(B) received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and

(C) has a service-connected evaluation percentage equal to or greater than 10% pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.; and

(6) "disabled veteran business" means a business certified annually by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly

owned subsidiary of a foreign corporation, and is verified by the Kansas office of veterans services that:

(A) Not less than 51% of such business is owned by one or more disabled veterans or, in the case of a publicly owned business, not less than 51% of the stock is owned by one or more disabled veterans;

(B) the management and daily business operations of such business are controlled by one or more disabled veterans; and

(C) such business maintains the requirements of subparagraphs (A) and (B) during the entire contract term.

(h) Any state agency authorized by the director of purchases to make purchases pursuant to K.S.A. 75-3739(e), and amendments thereto, shall consider any unsolicited proposal for goods or services under this section.

(i) The secretary of administration and the secretary for aging and disability services, jointly, shall adopt rules and regulations as necessary to effectuate the purpose of this section.

(j) At the beginning of each regular session of the legislature, the secretary of administration and the secretary for aging and disability services shall submit to the social services budget committee of the house of representatives and the appropriate subcommittee of the committee on ways and means of the senate, a written report on the number of:

(1) Certified businesses certified by the department of administration during the previous fiscal year;

(2) certified businesses awarded contracts pursuant to subsection (b) during the previous fiscal year;

(3) contracts awarded pursuant to subsection (b) to each certified business during the previous fiscal year;

(4) individuals with disabilities removed from, reinstated to or not reinstated to home and community based services or other medicaid program services during the previous fiscal year as a result of employment with a certified business;

(5) individuals employed by each certified business during the previous fiscal year; and

(6) individuals with disabilities employed by each certified business during the previous fiscal year.

(k) When a state agency is receiving bids to purchase passenger motor vehicles, such agency shall follow the procedures prescribed in subsection (c)(2), except in the case where one of the responsible bidders offers motor vehicles that are assembled in Kansas. In such a case, 3% of the bid of the responsible bidder that offers motor vehicles assembled in Kansas shall be subtracted from the bid amount, and that amount shall be used to determine the lowest bid pursuant to subsection (c)(2). This subsection shall only apply to bids that match the exact motor vehicle specifications of the agency purchasing passenger motor vehicles.

(l) The secretary of administration shall certify that a business meets the requirements for a certified business as defined in subsection (g), and shall recertify such business as having met such requirements every three years thereafter.

History: L. 1953, ch. 375, § 40; L. 1978, ch. 337, § 12; L. 1986, ch. 328, § 1; L. 1990, ch. 319, § 14; L. 2003, ch. 114, § 4; L. 2012, ch. 153, § 6; L. 2013, ch. 133, § 28; L. 2014, ch. 129, § 6; L. 2017, ch. 65, § 1; L. 2022, ch. 75, § 12; L. 2024, ch. 84, § 47; L. 2024, ch. 104, § 8; L. 2025, ch. 97, § 13; July 1.