

Proposed Amendments to SB 444
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1 shall include electronic bids, electronic bulletin boards and electronic mail
2 when such items are utilized in accordance with procedures prescribed by
3 the director of purchases.

4 Sec. 2. K.S.A. 2011 Supp. 75-3740 is hereby amended to read as
5 follows: 75-3740. (a) Except as provided by subsection (b) and K.S.A. 75-
6 3740b, and amendments thereto, all contracts and purchases made by or
7 under the supervision of the director of purchases or any state agency for
8 which competitive bids are required shall be awarded to the lowest
9 responsible bidder, taking into consideration conformity with the
10 specifications, terms of delivery, and other conditions imposed in the call
11 for bids.

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

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

21 (1)(A) A responsible bidder purchases from a qualified vendor goods
22 or services on the list certified by the director of purchases pursuant to
23 K.S.A. 75-3317 et seq., and amendments thereto, the dollar amount of such
24 purchases made during the previous ~~calendar~~ year shall be deducted from
25 the original bid received from such bidder for the purpose of determining
26 the lowest responsible bid, except that such deduction shall not exceed
27 10% of the original bid received from such bidder; or

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

34 (4) (2) the dollar amount of the bid received from the lowest
35 responsible bidder from within the state is identical to the dollar amount of
36 the bid received from the lowest responsible bidder from without the state,
37 the contract shall be awarded to the bidder from within the state; and

38 (2) (3) in the case of bids for paper products specified in K.S.A. 75-
39 3740b, and amendments thereto, the dollar amounts of the bids received
40 from two or more lowest responsible bidders are identical, the contract
41 shall be awarded to the bidder whose bid is for those paper products
42 containing the highest percentage of recycled materials.
43 (4) (d) Any or all bids may be rejected, and a bid shall be rejected if it

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1 if a wholly owned subsidiary of a foreign corporation, that:

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

3 production in Kansas;

4 (B) employs at least 20% full-time employees in Kansas that are

5 individuals with disabilities;

6 (C) offers to contribute at least 70% of the premium cost for

7 individual health insurance coverage for each employee. The level of such

8 coverage shall be at least equal to the level of benefits offered by the state

9 employee benefit program established by K.S.A. 75-6501 et seq. and

10 amendments thereto. The department of administration shall require a

11 certification of these facts as a condition to the certified business being

12 awarded a contract pursuant to subsection (b); and

13 (D) does not employ individuals under a certificate issued by the

14 United States secretary of labor under subsection (c) of 29 U.S.C. § 214;

15 (2) "full-time" means employment of persons residing in this state

16 and working at least 40 hours per week in this state which has a minimum

17 six-month duration during any twelve-month period;

18 (3) "individuals with disabilities" or "individual with a disability"

19 means any individual certified by the department of social and

20 rehabilitation services as having a physical or mental impairment which

21 constitutes a substantial barrier to employment and:

22 (A) is receiving services, has received services or is eligible to

23 receive services under a home and community-based services program, as

24 defined by this section;

25 (B) is employed by a charitable organization domiciled in the state of

26 Kansas and exempt from federal income taxation pursuant to section

27 501(c)(3) of the federal internal revenue code of 1986, as amended; or

28 (C) is an individual with a severe and persistent mental illness, as

29 determined by a clinical or functional assessment approved by the

30 secretary of social and rehabilitation services;

31 (4) "physical or mental impairment" means:

32 (3) (A) Any physiological disorder or condition, cosmetic disfigurement

33 or anatomical loss substantially affecting one or more of the following

34 body systems: Neurological; musculoskeletal; special sense organs;

35 respiratory; including speech organs; cardiovascular; reproductive;

36 digestive; genitourinary; hemic and lymphatic; skin; or endocrine; or

37 (B) any mental or psychological disorder, such as intellectual

38 disability, organic brain syndrome, mental illness, and specific learning

39 disabilities. The term "physical or mental impairment" includes, but is not

40 limited to, such diseases and conditions as orthopedic, visual speech and

41 hearing impairment, cerebral palsy, epilepsy, muscular dystrophy, multiple

42 sclerosis and intellectual disability; and

43 (4) As used in this section and in K.S.A. 75-3741, and amendments

employs at least 20% of its employees who are individuals with disabilities and reside in Kansas

75%⁰

Strike "full-time" definition

(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 as having a physical or mental impairment which 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 severe and persistent mental illness, as determined by a clinical or functional assessment approved by the Kansas department for aging and disability services;

1 the term "(4) "project architect" shall have the meaning ascribed thereto in
2 K.S.A. 75-1251, and amendments thereto.

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

7 (i) The secretary of administration and the secretary of social and
8 rehabilitation services, jointly, shall adopt rules and regulations as
9 necessary to effectuate the purpose of this section.

10 (j) On and after January 1, 2014, at the beginning of each regular
11 session of the legislature, the secretary of administration and the secretary
12 of social and rehabilitation services shall submit to the social services
13 budget committee of the house of representatives and the appropriate
14 subcommittee of the committee on ways and means of the senate, a written
15 report on:

16 (1) The number of certified businesses certified by the department of
17 administration during the previous calendar year;

18 (2) The number of certified businesses awarded contracts pursuant to
19 subsection (b) during the previous calendar year;

20 (4) (3) the number of individuals with disabilities removed from or
21 reinstated to home and community based services or other Medicaid
22 program services during the previous calendar year as a result of full-time
23 employment with a certified business; and

24 (4) services resulting from the removal of individuals with disabilities
25 from home and community based services or other Medicaid program
26 services during the previous calendar year as a result of full-time
27 employment with a certified business.

28 (k) On or before January 1, 2014, and every six months thereafter, a
29 certified business awarded a contract pursuant to subsection (b) during
30 the previous year shall submit a report to the director of purchases that
31 includes, but is not limited to:

32 (1) The number of contracts awarded under subsection (b) to the
33 certified business during the previous six months;

34 (2) the number of full-time individuals employed by the certified
35 business during the previous six months;

36 (3) the number of full-time individuals with disabilities employed by
37 the certified business during the previous six months; and

38 (4) such other matters relating to certified businesses as the secretary
39 of administration deems appropriate.

40 New Sec. 3. (a) As used in this section:

41 (1) "Certified business" shall have the meaning ascribed thereto in
42 K.S.A. 75-3740, and amendments thereto;

43 (2) "full-time" shall have the meaning ascribed thereto in K.S.A. 75-

for aging and disability services

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

or not reinstated to
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(5) the number of individuals employed by each certified
business during the previous fiscal year; and
(6) the number of individuals with disabilities employed by
each certified business during the previous fiscal year.

Removal of references to "full-time"

1 ~~3740, and amendments thereto;~~
2 "home and community based services programs" shall have the
3 meaning ascribed thereto in K.S.A. 39-7,100, and amendments thereto;
4 (4) "individuals with disabilities" or "individual with a disability"
5 shall have the meaning ascribed thereto in K.S.A. 75-3740, and
6 amendments thereto;
7 (5) "medicaid program" means the Kansas program of medical
8 assistance for which federal or state moneys, or any combination thereof,
9 are expended ~~as administered by the department of social and~~
10 ~~rehabilitation services, or its fiscal agent, or any successor federal or state,~~
11 or both, health insurance program or waiver granted thereunder;
12 (6) "physical or mental impairment" shall have the meaning ascribed
13 thereto in K.S.A. 75-3740, and amendments thereto; and
14 (7) "secretary" means the secretary ~~of social and rehabilitation~~
15 ~~services or the secretary's designee.~~
16 (b) There is a rebuttable presumption that an individual with a
17 disability shall be eligible for reinstatement to the level of home and
18 community based services or other medicaid program services such person
19 was entitled to on the day preceding the day such person stopped receiving
20 home and community based services or other medicaid program services
21 if:
22 (1) Such individual had received home and community based services
23 or other medicaid program services pursuant to an application filed with
24 the department ~~of social and rehabilitation services, and entitlement to~~
25 receive or receipt of home and community based services or other
26 medicaid program services terminated due to ~~full-time~~ employment for a
27 certified business, not medical recovery or any other reason; and
28 (2) the individual with a disability is currently under a physical or
29 mental impairment that was the basis for the finding of disability that gave
30 rise to the entitlement for the services specified in subsection (b)(1). Upon
31 reinstatement to the medicaid program to receive home and community
32 based services or other medicaid program services, such individual shall
33 receive services and not wait to receive services under such program.
34 (c) The secretary may adopt rules and regulations as necessary to
35 effectuate the purpose of this section.
36 Sec. 4. K.S.A. 2011 Supp. 75-3739 and 75-3740 are hereby repealed.
37 Sec. 5. This act shall take effect and be in force from and after
38 January 1, 2013, and its publication in the statute book.

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Renumber paragraphs accordingly

Removal of reference to "full-time"