

PA TYPE	DESCRIPTION
STX	Statutorily Exempt
75-3739(a)(4)	(4) when any statute authorizes another procedure or provides an exemption from the provisions of this section;
PA FORM	* For true STX transactions, agencies do NOT need to fill out a Prior Authorization Form
Background and Standards	KSA 75-3738 establishes the powers and duties of the director of purchases, which includes the "...Purchase, rent or otherwise provide for the furnishing of supplies, materials, equipment or contractual services for all state agencies..."
THIS IS A SIGNIFICANT CHANGE IN PRACTICE	KSA 75-3739(a) states that "...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..."
	Over the years, some statutory exemptions to procurement guidelines have been created by the KS Legislature
	* To be eligible for this PA-Type, exemptions must not be vague; statutory language must have specific references to an exemption from procurement and/or statutes which govern procurement
	* Some budget provisos carry the weight of statute; when a statute or proviso directs the agency to pay a specific vendor or entity, or to take specific contract action, these instructions must be attached to the SMART requisition.
	* Some "Enabling Statutes" (base laws that establish state agencies) include language allows the agency head to enter into contracts, but unless there is a specific statement exempting transactions from procurement processes, the expectation is that the procurement will be competitively bid subject to KSA 75-3739
	* Agencies are cautioned that a statutory exemption from Central Procurement may not exempt the procurement from a formal bid process or from conducting the procurement in a fair and transparent manner. Please read the entire statute for any latent instructions.
Expectations	* Agency must include the statutory citation and enough information in the " <i>Requester's Justification</i> " field of the SMART PR to assist the central procurement review of the PA request.
	If the statutory language is lengthy, citing the exact section / sub-section of the KSA or attaching a copy of the specific language exempting the procurement from competition could help expedite the review process.
	* Central Procurement staff will review the statutory citation information contained in the PA Request to confirm validity of the exemption
Example	75-5310a. Service contracts for preparation of expert testimony; exempt from competitive bidding. The secretary of social and rehabilitation services is hereby authorized to contract for the services of persons to assist in the preparation of expert testimony for litigation and to act as expert witnesses in litigation. <u>Any such contracts shall be exempt from the competitive bid requirements of K.S.A. 75-3739, and amendments thereto.</u>