**BIDDER PREFERENCE PROGRAM AND APPLICATION**

The 2012 Kansas Legislature enacted a **Bidder Preference Program** which created three bid preferences:

**Bidder Preference #1:**

**10% for a CERTIFIED BUSINESS [as defined in KSA 75-3740d]**

*Bidders claiming this preference must meet statutory guidelines to be a* ***CERTIFIED BUSINESS***

* + *Business Type must match one of those listed in the statute*
  + *Business Activity must be conducted primarily in Kansas*
  + *Business must employ at least 20% of its employees who are individuals with disabilities and reside in Kansas*
  + *Business must contribute at least 75% of the premium cost for individual health insurance coverage for each employee*
  + *Business cannot operate under a certificate issued by the US Secretary of Labor under subsection (c) of 29 U.S.C. § 214 regarding payment of sub-minimum wages*
* For an application to become a ***CERTIFIED BUSINESS***, visit <https://admin.ks.gov/offices/procurement-and-contracts>
* A business must apply for and receive certification BEFORE they can request that a bidding preference be applied to their bid.
* Condition: Preference may not exceed 10% of the evaluation total of lowest competitive bid
* Condition: Contractor must maintain the percentage of employees with disabilities throughout the contract
* Condition: Subcontracting within the contract limited to 25% of the total bid cost
* Condition: Bidding Preferences cannot be combined

**Link for more information:**

**Bidder Preference #2**:

**Dollar for Dollar, up to 10%, for purchases from the State Use Vendor Program**

*The State Use Vendor Program consists of qualified vendors who sell products and services manufactured or processed by persons with visual impairments or other disabilities.*

* For information about State Use Vendors, visit
  + <http://admin.ks.gov/offices/procurement-and-contracts/state-use-program/>
  + [www.ksstateuse.org](http://www.ksstateuse.org)
* Condition: Preference may not exceed 10% of original bid from the bidder claiming the preference
* Condition: Vendor makes qualifying purchases from State Use Vendors made during the previous fiscal year

(July to June)

* Condition: Posting date of the bid will be the basis for determining which fiscal year purchases can be utilized
* Condition: Bidding Preferences cannot be combined

**Link for more information:** [**http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/**](http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/)

**Bidder Preference #3**:

**Dollar for Dollar, up to 10%, for purchases from a CERTIFIED BUSINESS**

*When a CERTIFIED BUSINESS commits to hiring persons with disabilities, this preference helps support that CERTIFIED BUSINESS by encouraging sales to other private sector businesses interested in bidding on Kansas contracts.*

* For a list of CERTIFIED BUSINESSES, visit <http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/>
* Condition: Preference may not exceed 10% of original bid from the bidder claiming the preference
* Condition: Qualifying purchases must have been made during the previous fiscal year (June to July)
* Condition: Posting date of the bid will be the basis for determining which fiscal year purchases can be utilized
* Condition: Bidding Preferences cannot be combined

**Link for more information:** [**http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/**](http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/)

**Bid Event Preference Attachment**

**Kansas Procurement Statutes have been modified to include bidder preferences as described below.**

**Effective for bids that close on or after January 1, 2013**

Legal Name of Person, Firm or Corporation

**10% for CERTIFIED BUSINESSES [as defined in KSA 75-3740d]**

* *Bidders claiming this preference must meet statutory guidelines to be a* ***CERTIFIED BUSINESS***
* For an application to become a ***CERTIFIED BUSINESS***, visit <http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/>
* A bidder must apply for and receive certification BEFORE they can request that a bidding preference be applied to their bid.
* Condition: Preference may not exceed 10% of the evaluation total of lowest competitive bid
* Condition: Contractor must maintain the percentage of employees with disabilities throughout the contract
* Condition: Subcontracting within the contract limited to 25% of the total bid cost

**Link for more information:** [**http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/**](http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/)

***KSA 75-3740d*** *A contract shall be awarded to a* ***certified 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.*

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*\_\_\_\_\_* ***Yes, I am submitting this bid on behalf of a CERTIFIED BUSINESS as defined in KSA 75-3740d and I request consideration of the CERTIFIED BUSINESS bid preference***

*\_\_\_\_\_ Yes, I understand and agree that in order to bid on a State of Kansas Bid Event through Procurements and Contracts, I must have submitted a separate* ***SMART Bidder Application (BA)****, per the instructions contained in the bid event document. (A BA isn’t required for every bid event. Beyond the initial Bidder Application submission, the* ***BA*** *need only be submitted when key business information changes).*

*\_\_\_\_\_ Yes, I understand and agree that as a CERTIFIED BUSINESS that receives a contract on the basis of the preference, I must maintain the percentage of employees with disabilities throughout the contract period;*

*\_\_\_\_\_ Yes, I understand and agree that as a CERTIFIED BUSINESS, I must provide* ***annual*** *reports that show the composition of the workforce remains within the statutory requirements;*

*\_\_\_\_\_ Yes, I understand and agree that as a CERTIFIED BUSINESS that receives a contract on the basis of the preference, I shall not subcontract goods and services in an aggregate\* amount of more than 25% of the total bid cost;*

* + *Definition of “aggregate” – a CERTIFIED BUSINESS may subcontract with multiple entities, as long as the subcontracted work related to the contract doesn’t exceed 25% of the total bid cost.*

*\_\_\_\_\_ Yes, I understand and agree that as a CERTIFIED BUSINESS, I must provide* ***annual*** *reports that describe the CERTIFIED BUSINESS health insurance program for the workforce and that the program remains within the statutory requirements (KSA 75-3740d);*

*\_\_\_\_\_ Yes, I agree and understand that my status of as a CERTIFIED BUSINESS* ***must be renewed each year****, and that failure to maintain such status may result in the State of Kansas executing the “Terminated for Cause” language within any resulting contract;*

*\_\_\_\_\_ Yes, I agree, that based on KSA 75-3740d,once I have received CERTIFIED BUSINESS Status that I will work with Potential Bidders to confirm their sales for entities who wish to claim a preference based upon purchases of goods and/or services from a* ***Certified Business. (See Bidder Preference #3)****.*

**Bid Event Preference Attachment**

**Kansas Procurement Statutes have been modified to include bidder preferences as described below.**

**Effective for bids that close on or after January 1, 2013**

Legal Name of Person, Firm or Corporation

**Bidder Preference #2: Dollar for Dollar, up to 10%, for purchases from State Use Vendor**

* **Condition: Preference may not exceed 10% of original bid from the bidder claiming the preference**
* **Condition: Purchases made during the previous fiscal year**
* **Condition: Previous fiscal year timing will be based upon the bid closing date**
* **Link for more information:** [**http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/**](http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/)

*KSA 75-3740.* The director of purchases shall have power to decide as to the lowest responsible bidder for all purchases, but if:

*KSA 75-3740d 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*

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*\_\_\_\_\_* ***Yes, I am submitting this bid response with a request for consideration of the STATE USE VENDOR PURCHASES bid preference and have included information about those purchases with the submission of a response to the bid event.***

*\_\_\_\_\_ Yes, I understand that I will work with State Use Vendors to provide signed copy of this form from the state use vendor in order to confirm the amount of goods and/or services purchased from a* ***State Use Vendor.***

*\_\_\_\_\_ Yes, I understand and agree that the fiscal year determination for a preference based on past State Use Purchases will be determined as of the Posting date/finish date of the Bid Event.*

*\_\_\_\_\_ Yes, I understand and agree that in order to bid on a State of Kansas bid event through Procurements and Contracts, I must have submitted a separate bidder application, per the instructions contained in the bid event document. (This isn’t required for every bid event…beyond the initial submission, the bidder application need only be submitted when key business information changes).*

***A completed Certificate of Purchase is required to be submitted with each bid. The Certificate of Purchase is located at*** [***http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/***](http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/)

**Bid Event Preference Attachment**

**Kansas Procurement Statutes have been modified to include bidder preferences as described below.**

**Effective for bids that close on or after January 1, 2013**

Legal Name of Person, Firm or Corporation

**Bidder Preference #3: Dollar for Dollar, up to 10%, for purchases from a CERTIFIED BUSINESS**

* **Condition: Preference may not exceed 10% of original bid from the bidder claiming the preference**
* **Condition: Purchases made during the previous fiscal year**
* **Condition: Previous fiscal year timing will be based upon the bid closing date**
* **Link for more information:** [**http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/**](http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/)

*KSA 75-3740.* The director of purchases shall have power to decide as to the lowest responsible bidder for all purchases, but if:

*Per KSA 75-3740d, 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;*

***Initial Here***

*\_\_\_\_\_* ***Yes, I am submitting this bid response with a request for consideration of the CERTIFIED BUSINESS PURCHASES bid preference, and have included information about those purchases with the submission of a response to the bid event.***

*\_\_\_\_\_ Yes, I understand that I will work with the Certified Business to provide signed copy of this form from the Certified Business in order to confirm the amount of goods and/or services purchased from a* ***CERTIFIED BUSINESS.***

*\_\_\_\_\_ Yes, I understand and agree that the fiscal year determination for a preference based on past Certified Business Purchases will be determined as of the Posting date/finish date of the Bid Event.*

*\_\_\_\_\_ Yes, I understand and agree that in order to bid on a State of Kansas bid event through Procurements and Contracts, I must have submitted a separate bidder application, per the instructions contained in the bid event document. (This isn’t required for every bid event…beyond the initial submission, the bidder application need only be submitted when key business information changes)*

***A completed Certificate of Purchase is required to be submitted with each bid. The Certificate of Purchase is located at***

[***http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/***](http://admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program/)