**KANSAS CORRECTIONAL INDUSTRIES (KCI)**

Statute K.S.A. 75-5276 requires that state agencies purchase **goods and services, to include but not limited to: office furniture, paint, and janitorial products,** from Kansas Correctional Industries (KCI). In applying this statute and administering this waiver process, the term office furniture shall mean:

Furniture, at the time product requirement is indicated, that is intended primarily for use in an office environment (including faculty offices, meeting rooms and conference rooms). KCI’s web site and catalogs do not contain all products offered.

**Statute K.S.A. 76-769 Exempts all Universities from Statute K.S.A. 75-5276, therefore a waiver form is not required from these entities.**

**KCI Waiver Request**

To: **Richard O’Donnell** From: Requestor Name:

 KCI Agency Name:

 913-727-3249 x57550 Telephone: Fax:

 Fax# 913-727- 2331 Consulted with:

 *KCI Representative/Contact Person*

Date Submitted: Total Pages:

Purchasing Agent Name: Agent Telephone#

Purchasing Agent Signature: Fax #

Agency’s *purchasing department must submit waiver request to KCI after signature approval. KCI response will be returned to Purchasing Department*

Scope of Waiver Request (the following information is mandatory, missing information will delay your response):

1. Date items needed
2. Quantity
3. Complete Description & Specifications (Not just Brand & Model Number)
4. Quoted Unit Price $
5. Quoted Total Price FOB destination, including Assembly $
6. Picture, Sketch, Design of Product(s)

Please review and respond to this request for waiver to purchase outside of the KCI mandatory State of Kansas Office Furniture Contract. In completing and submitting this waiver request as outlined in the procedure from the back of this form, I believe KCI cannot provide its goods or services:

**Please check appropriate box:**

\_\_\_\_\_ Because specific item not offered and/or no item with similar features,

\_\_\_\_\_ At a comparable price to that provided by the private sector; or

\_\_\_\_\_ In the requested time frame.  **(*Note: no Waiver shall be granted based on timeliness unless KCI was given a reasonable time equal to the period offered to the private sector. Reasonable time to provide the goods or service as required by the size and scope of the project will be considered. In addition, KCI must be allowed Research & Development and Proto-typing time at least equal to the time offered to the private sector for like type services.)***

If requestor has spoken directly with a KCI account representative regarding this request and comparable KCI product AND completed all of the above noted information, KCI will answer this request for waiver normally within five (5) working days of receipt.

***\*\*\*\**FOR KANSAS CORRECTIONAL INDUSTRIES USE ONLY\*\*\*\***

 **Denied** **Approved** **Pending**

**Signature:** **Date:**

**If Approved, Reason:**

\_\_\_\_\_\_ KCI cannot or does not provide in its Goods or Services a comparable or specific item, or the item does not have features like this specific request.

\_\_\_\_\_\_ KCI cannot provide its Goods or Services at a comparable price to that provided by the Private Sector; or

\_\_\_\_\_\_ KCI Cannot Provide its Goods or Services the time frame requested, and the private sector does possess the ability to meet such time frame.

**PROCEDURES:**

Agencies seeking a waiver **from** the statutory requirement to purchase office furniture, paint and janitorial goods from KCI shall:

1. Contact the agency’s KCI sales representative to discuss the agency’s needs and KCI’s ability to furnish the desired products.
2. Complete the waiver request form located at [www.da.ks.gov/purch](http://www.da.ks.gov/purch) attach any supporting materials, and submit it to KCI customer service Current address, email, fax and phone numbers are available on KCI’s web site located at <http://www.kancorind.org>
3. The form must be signed by the agency purchasing director or by the individual delegated purchasing individual.

Upon receipt of a waiver request, KCI shall:

1. Review the request in accordance with the standards set forth herein, and grant or deny the request within five (5) working days or such other period as is agreed upon by KCI and the agency.
2. If the request is denied, KCI will state the basis for the denial including a description of the product it offers that meets the specification(s) and will be available to answer questions about the product or the decision.

If the request is granted, the agency may proceed to purchase the office furniture, office systems, paint, or janitorial products in accordance with the requirements of the Procurement Code and the Procurement Rules. A signed copy of the waiver form must be submitted to the Vendor when placing an order.

If the request is denied, the agency may appeal KCI’s decision to the Secretary of Administration (or delegate), and the Director of Purchases per Statute K.S.A. 75-5277. The appeal shall contain the original request, all supporting material, and KCI’s denial information. At the time the appeal is filed, the agency shall notify KCI of the appeal, and KCI may submit any additional information it considers relevant to support its decision. On request by the Department of Personnel and Administration (DOFA), Division of Purchases, KCI shall provide additional information concerning the pricing of the products relative to any alternative products identified by the agency or institution (including delivery and set-up fees); the quality of its products, materials, and workmanship; differences in terms and conditions (including warranty provisions); means of insuring or mitigating the risk of late delivery (where that is an issue); and other information relevant to the DOFA’s certification that KCI can provide products of comparable quality and price in a timely manner.

The decision of the Secretary of Administration (or delegate) and the Director of Purchases is final.

**STANDARDS:**

To grant a waiver, KCI or the Secretary of Administration and the Director of Purchases must find that:

1. KCI cannot provide its Goods or Services
* At a comparable level of quality; or
* At a comparable price to that provided by the private sector; or
* In a timely manner.

Therefore, the waiver must be based on one or more of the above factors. Neither KCI or the Secretary of Administration and the Director of Purchases shall grant a waiver based on timeliness unless KCI was given a reasonable period to provide the Good or Services, which must be at least equal to the period offered to the private sector.  ***(Reasonable time to provide the goods or service as required by the size and scope of the project will be considered. In addition, KCI must be allowed Research & Development and Proto-typing time at least equal to the time offered to the private sector for like type services.)***

The scope of the waiver shall clearly define the period and the number of times or number of materials that can be purchased from the private sector and no waiver shall be deemed to extend to comparable materials or situations beyond the scope of the waiver.

**DEFINITIONS:**

Statute K.S.A. 75-5276 states: “**Same; purchase of goods and services by public agencies, organizations, and state employees; certain state agency purchases mandated.** (a) All state agencies shall purchase from the secretary all articles or products required by such state agencies that are produced by inmates and no such article or product shall be purchased by any state agency from any other source, unless excepted from the provisions of this section by law or in accordance with [K.S.A. 75-5277](http://kansasstatutes.lesterama.org/Chapter_75/Article_52/75-5277.html), and amendments thereto.”

Therefore, in applying this statute and administering this waiver process, the term office furniture shall mean:

Furniture, at the time the product requirement is communicated, intended primarily for use in an office environment (including faculty offices, meeting rooms and conference rooms). KCI’s web site and catalog do not contain all products offered.