

1 **SENATE FLOOR VERSION**

2 February 13, 2020

3 **AS AMENDED**

4 SENATE BILL NO. 1095

By: Stanislawski of the Senate

and

Gann of the House

8 An Act relating to counties and county officers;
9 amending 19 O.S. 2011, Section 1501, as last amended
10 by Section 1, Chapter 321, O.S.L. 2016 (19 O.S. Supp.
11 2019, Section 1501), which relates to purchasing;
12 modifying certain limitation on purchases that may be
13 made without following certain bidding procedures;
14 and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 19 O.S. 2011, Section 1501, as
17 last amended by Section 1, Chapter 321, O.S.L. 2016 (19 O.S. Supp.
18 2019, Section 1501), is amended to read as follows:

19 Section 1501. A. The county purchasing agent:

20 1. Shall, within the amount of the unencumbered balance, make
21 all purchases that are paid from county funds for the various
22 institutions, departments, officers, and employees of the county,
23 except at public auctions and as otherwise provided for by law;

1 2. May make purchases for political subdivisions of this state
2 within the county if authorized by appropriate action of the
3 governing board or body of the political subdivision affected;

4 3. Shall make purchases and rental or lease-purchase agreements
5 only after following the bidding procedures as provided for by law,
6 except:

- 7 a. when the purchase does not exceed ~~Fifteen Thousand~~
8 ~~Dollars (\$15,000.00)~~ Fifty Thousand Dollars
9 (\$50,000.00). All purchases made pursuant to this
10 subparagraph shall be by a single purchase order.
11 Splitting purchase orders which would result in paying
12 an amount in excess of the limitations specified in
13 this subparagraph is expressly prohibited. Any person
14 convicted of violating the provisions of this
15 subparagraph shall be guilty of a misdemeanor and such
16 person shall forfeit the person's position or office,
- 17 b. when the total payments of a rental or lease-purchase
18 agreement do not exceed the current bid limit as
19 established in subparagraph a of this paragraph,
- 20 c. when articles and items are covered by single-source
21 contracts,
- 22 d. service or maintenance contracts on equipment or
23 machinery which are entered into at the time of the
24 purchase of the equipment or machinery,

- 1 e. purchases made pursuant to a blanket purchase order as
2 provided for in Section 310.8 of Title 62 of the
3 Oklahoma Statutes,
- 4 f. when materials for road or bridge improvements do not
5 exceed Seven Dollars (\$7.00) per yard or per ton,
- 6 g. purchases of fuel if the county purchasing agent
7 obtains ~~telephone~~ quotes from at least three vendors
8 prior to the purchase and the lowest and best quote is
9 selected. Documentation of these quotes shall be
10 recorded in the permanent records of the clerk,
- 11 h. purchases of tools, apparatus, machinery or equipment
12 from a state agency or a political subdivision of the
13 state as provided for in subsection C of Section 421.1
14 of this title,
- 15 i. purchases of food for prisoners incarcerated in the
16 county jail; provided, in counties having a population
17 in excess of one hundred thousand (100,000) persons,
18 the county purchasing agent shall follow bidding
19 procedures as provided by law unless the county
20 purchasing agent obtains ~~telephone~~ quotes pursuant to
21 the whole total of food items requisitioned prior to
22 the purchase and the lowest and best quote is
23 selected. Documentation of these quotes shall be
24 recorded in the permanent records of the county clerk,

- 1 j. when a county solicits bids for the purchase of
2 processed native materials for road and bridge
3 improvements, the county may accept all bids received,
4 with the lowest and best bid from those accepted to be
5 selected at the time of opening of any construction
6 project. The selection of the bid shall be based upon
7 availability, bid price, plus transportation costs,
- 8 k. when a vendor has been selected as the lowest and best
9 bidder to furnish a particular item or items to the
10 county during a specified time period and in the event
11 the vendor is unable to perform, the purchasing agent
12 may solicit ~~telephone~~ quotes for the item or items
13 needed from the list of qualified bidders and provide
14 for the purchase of the items at the lowest and best
15 quote available,
- 16 l. when considering the purchase of an item or items from
17 the state bid list as provided by the Office of
18 Management and Enterprise Services or the General
19 Services Administration, if the same exact item is
20 available from a local vendor at or below the price
21 listed on the state bid list or the General Services
22 Administration list, the item may be obtained from the
23 vendor,
- 24

1 m. any item or items bid by the Office of Management and
2 Enterprise Services which may be purchased by the
3 county, provided the vendor is willing to supply the
4 item or items to the county at the bid price,

5 n. when a county obtains proceeds from the sale of its
6 property at a public auction, that county may use
7 those proceeds to acquire items previously identified
8 as needed by the county at the same public auction
9 pursuant to subsection D of Section 1505 of this
10 title,

11 o. when an item or items have been competitively bid by a
12 county, or on behalf of a group of counties, provided:

13 (1) the notice to bidders shall list each county
14 which may participate in the purchase of the item
15 or items being bid,

16 (2) the notice of bid is advertised, as provided by
17 law, in each of the counties which may
18 participate in the purchase of the item or items,

19 (3) all vendors on the list of qualified bidders of
20 each participating county who offer the item or
21 items for sale received notice of the bid
22 request, and

23 (4) the vendor awarded the bid is willing and able to
24 provide the item or items at the bid price,

1 p. counties may participate in a nationwide purchasing
2 program sponsored by the national association
3 representing counties and local cooperative
4 procurement agreements entered into by the counties
5 and other local jurisdictions or any other
6 competitively bid nationwide purchasing program, or

7 q. when the Governor declares an emergency in a county,
8 the district attorney of that county shall have the
9 authority to temporarily waive competitive bidding
10 procedures for purchases that may expedite a response
11 to the emergency situation. This temporary waiver
12 shall be in addition to any powers exercised pursuant
13 to Section 683.11 of Title 63 of the Oklahoma
14 Statutes.

15 The purchases shall be paid by attaching properly itemized
16 invoices, as described in Section 1505 of this title, to a purchase
17 order which has been prepared by the county purchasing agent and
18 submitting both to the county clerk for filing, encumbering, and
19 consideration for payment by the board of county commissioners;

20 4. Shall not furnish any supplies, materials, equipment, or
21 other articles, except upon receipt of a requisition signed by a
22 county officer. Written requisitions will not be required for
23 blanket purchase orders as provided for in Section 310.8 of Title 62
24 of the Oklahoma Statutes. Each county officer may designate not

1 more than two employees who also shall be authorized to sign
2 requisitions in the absence of the county officer. A written
3 designation of the employees shall be filed with the county clerk
4 and shall be entered in the minutes of the board of county
5 commissioners. The county may designate two individuals who are not
6 county employees for each of the following entities within the
7 county to act as receiving and requisitioning officers:

8 a. fire protection districts organized and operated
9 pursuant to the provisions of Sections 901.1 through
10 901.29 of this title,

11 b. fire protection services established pursuant to the
12 provisions of Section 351 of this title,

13 c. volunteer or full-time fire departments established
14 pursuant to Section 592 of Title 18 of the Oklahoma
15 Statutes, and

16 d. municipal fire departments organized and operated
17 pursuant to the provisions of Sections 29-101 through
18 29-108 and Sections 29-201 through 29-204 of Title 11
19 of the Oklahoma Statutes.

20 A written designation of these individuals shall be filed with
21 the county clerk and shall be entered in the minutes of the board of
22 county commissioners meeting in which the designations are made.
23 Further, entities described in subparagraphs a, b, c and d of this
24 paragraph, choosing to have any nonemployee of the county designated

1 as a receiving and requisitioning officer shall provide evidence of
2 blanket bond coverage or employee dishonesty liability insurance for
3 each such designee;

4 5. Shall make lease or lease-purchase agreements for road
5 machinery and equipment if the county has adequate funds
6 appropriated during any fiscal year for such purpose and only after
7 following the bidding procedures as provided for in Section 1505 of
8 this title. The term of any lease or lease-purchase agreement
9 authorized pursuant to this paragraph may be for any period up to
10 one (1) year; provided, the term shall not extend beyond the end of
11 any fiscal year, with an option to renew such agreement subject to
12 the requirement that adequate funds are appropriated during the
13 fiscal year by the county for such purpose. The State Auditor and
14 Inspector's office shall be notified by the county of the terms and
15 conditions of a lease or lease-purchase agreement authorized
16 pursuant to this paragraph before any such agreement is made by the
17 county purchasing agent; and

18 6. Shall perform such other duties as may be delegated by the
19 appointing authority or as may be provided for by law.

20 B. Each department of county government needing repairs to
21 equipment, machinery or vehicles shall make estimates and
22 requisition a purchase order from the county purchasing agent for
23 repairs not in excess of Ten Thousand Dollars (\$10,000.00). Repairs
24 in excess of Ten Thousand Dollars (\$10,000.00) shall be submitted on

1 a blanket purchase order as provided in Section 310.8 of Title 62 of
2 the Oklahoma Statutes.

3 SECTION 2. This act shall become effective November 1, 2020.

4 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
5 February 13, 2020 - DO PASS AS AMENDED
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24