

1 ENGROSSED SENATE
2 BILL NO. 1095

By: Stanislawski of the Senate

3 and

4 Gann of the House

5
6 [counties and county officers - purchasing - bidding
7 procedures - effective date]
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 19 O.S. 2011, Section 1501, as
12 last amended by Section 1, Chapter 321, O.S.L. 2016 (19 O.S. Supp.
13 2019, Section 1501), is amended to read as follows:

14 Section 1501. A. The county purchasing agent:

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

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

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

- 1 a. when the purchase does not exceed ~~Fifteen Thousand~~
2 ~~Dollars (\$15,000.00)~~ Fifty Thousand Dollars
3 (\$50,000.00). All purchases made pursuant to this
4 subparagraph shall be by a single purchase order.
5 Splitting purchase orders which would result in paying
6 an amount in excess of the limitations specified in
7 this subparagraph is expressly prohibited. Any person
8 convicted of violating the provisions of this
9 subparagraph shall be guilty of a misdemeanor and such
10 person shall forfeit the person's position or office,
11 b. when the total payments of a rental or lease-purchase
12 agreement do not exceed the current bid limit as
13 established in subparagraph a of this paragraph,
14 c. when articles and items are covered by single-source
15 contracts,
16 d. service or maintenance contracts on equipment or
17 machinery which are entered into at the time of the
18 purchase of the equipment or machinery,
19 e. purchases made pursuant to a blanket purchase order as
20 provided for in Section 310.8 of Title 62 of the
21 Oklahoma Statutes,
22 f. when materials for road or bridge improvements do not
23 exceed Seven Dollars (\$7.00) per yard or per ton,
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- 1 g. purchases of fuel if the county purchasing agent
2 obtains ~~telephone~~ quotes from at least three vendors
3 prior to the purchase and the lowest and best quote is
4 selected. Documentation of these quotes shall be
5 recorded in the permanent records of the clerk,
- 6 h. purchases of tools, apparatus, machinery or equipment
7 from a state agency or a political subdivision of the
8 state as provided for in subsection C of Section 421.1
9 of this title,
- 10 i. purchases of food for prisoners incarcerated in the
11 county jail; provided, in counties having a population
12 in excess of one hundred thousand (100,000) persons,
13 the county purchasing agent shall follow bidding
14 procedures as provided by law unless the county
15 purchasing agent obtains ~~telephone~~ quotes pursuant to
16 the whole total of food items requisitioned prior to
17 the purchase and the lowest and best quote is
18 selected. Documentation of these quotes shall be
19 recorded in the permanent records of the county clerk,
- 20 j. when a county solicits bids for the purchase of
21 processed native materials for road and bridge
22 improvements, the county may accept all bids received,
23 with the lowest and best bid from those accepted to be
24 selected at the time of opening of any construction

1 project. The selection of the bid shall be based upon
2 availability, bid price, plus transportation costs,

3 k. when a vendor has been selected as the lowest and best
4 bidder to furnish a particular item or items to the
5 county during a specified time period and in the event
6 the vendor is unable to perform, the purchasing agent
7 may solicit ~~telephone~~ quotes for the item or items
8 needed from the list of qualified bidders and provide
9 for the purchase of the items at the lowest and best
10 quote available,

11 l. when considering the purchase of an item or items from
12 the state bid list as provided by the Office of
13 Management and Enterprise Services or the General
14 Services Administration, if the same exact item is
15 available from a local vendor at or below the price
16 listed on the state bid list or the General Services
17 Administration list, the item may be obtained from the
18 vendor,

19 m. any item or items bid by the Office of Management and
20 Enterprise Services which may be purchased by the
21 county, provided the vendor is willing to supply the
22 item or items to the county at the bid price,

23 n. when a county obtains proceeds from the sale of its
24 property at a public auction, that county may use

1 those proceeds to acquire items previously identified
2 as needed by the county at the same public auction
3 pursuant to subsection D of Section 1505 of this
4 title,

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

7 (1) the notice to bidders shall list each county
8 which may participate in the purchase of the item
9 or items being bid,

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

13 (3) all vendors on the list of qualified bidders of
14 each participating county who offer the item or
15 items for sale received notice of the bid
16 request, and

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

19 p. counties may participate in a nationwide purchasing
20 program sponsored by the national association
21 representing counties and local cooperative
22 procurement agreements entered into by the counties
23 and other local jurisdictions or any other
24 competitively bid nationwide purchasing program, or

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

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

14 4. Shall not furnish any supplies, materials, equipment, or
15 other articles, except upon receipt of a requisition signed by a
16 county officer. Written requisitions will not be required for
17 blanket purchase orders as provided for in Section 310.8 of Title 62
18 of the Oklahoma Statutes. Each county officer may designate not
19 more than two employees who also shall be authorized to sign
20 requisitions in the absence of the county officer. A written
21 designation of the employees shall be filed with the county clerk
22 and shall be entered in the minutes of the board of county
23 commissioners. The county may designate two individuals who are not
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1 county employees for each of the following entities within the
2 county to act as receiving and requisitioning officers:

3 a. fire protection districts organized and operated
4 pursuant to the provisions of Sections 901.1 through
5 901.29 of this title,

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

8 c. volunteer or full-time fire departments established
9 pursuant to Section 592 of Title 18 of the Oklahoma
10 Statutes, and

11 d. municipal fire departments organized and operated
12 pursuant to the provisions of Sections 29-101 through
13 29-108 and Sections 29-201 through 29-204 of Title 11
14 of the Oklahoma Statutes.

15 A written designation of these individuals shall be filed with
16 the county clerk and shall be entered in the minutes of the board of
17 county commissioners meeting in which the designations are made.

18 Further, entities described in subparagraphs a, b, c and d of this
19 paragraph, choosing to have any nonemployee of the county designated
20 as a receiving and requisitioning officer shall provide evidence of
21 blanket bond coverage or employee dishonesty liability insurance for
22 each such designee;

23 5. Shall make lease or lease-purchase agreements for road
24 machinery and equipment if the county has adequate funds

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

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

15 B. Each department of county government needing repairs to
16 equipment, machinery or vehicles shall make estimates and
17 requisition a purchase order from the county purchasing agent for
18 repairs not in excess of Ten Thousand Dollars (\$10,000.00). Repairs
19 in excess of Ten Thousand Dollars (\$10,000.00) shall be submitted on
20 a blanket purchase order as provided in Section 310.8 of Title 62 of
21 the Oklahoma Statutes.

22 SECTION 2. This act shall become effective November 1, 2020.
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1 Passed the Senate the 11th day of March, 2020.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

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8 _____
9 Presiding Officer of the House
10 of Representatives