

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1613

By: Stanislawski

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5
6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2011, Section 1501, as last amended
9 by Section 1, Chapter 321, O.S.L. 2016 (19 O.S. Supp.
10 2019, Section 1501), which relates to county
11 purchasing agents; establishing that counties may
12 lease or lease-purchase road machinery equipment from
13 the state contract; and providing an effective date.

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

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

18 Section 1501. A. The county purchasing agent:

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

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

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

- 4 a. when the purchase does not exceed Fifteen Thousand
5 Dollars (\$15,000.00). All purchases made pursuant to
6 this subparagraph shall be by a single purchase order.
7 Splitting purchase orders which would result in paying
8 an amount in excess of the limitations specified in
9 this subparagraph is expressly prohibited. Any person
10 convicted of violating the provisions of this
11 subparagraph shall be guilty of a misdemeanor and such
12 person shall forfeit the person's position or office,
13 b. when the total payments of a rental or lease-purchase
14 agreement do not exceed the current bid limit as
15 established in subparagraph a of this paragraph,
16 c. when articles and items are covered by single-source
17 contracts,
18 d. service or maintenance contracts on equipment or
19 machinery which are entered into at the time of the
20 purchase of the equipment or machinery,
21 e. purchases made pursuant to a blanket purchase order as
22 provided for in Section 310.8 of Title 62 of the
23 Oklahoma Statutes,

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

1 with the lowest and best bid from those accepted to be
2 selected at the time of opening of any construction
3 project. The selection of the bid shall be based upon
4 availability, bid price, plus transportation costs,

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

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

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

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

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

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

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

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

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

21 p. counties may participate in a nationwide purchasing
22 program sponsored by the national association
23 representing counties and local cooperative
24 procurement agreements entered into by the counties

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

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

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

1 commissioners. The county may designate two individuals who are not
2 county employees for each of the following entities within the
3 county to act as receiving and requisitioning officers:

- 4 a. fire protection districts organized and operated
5 pursuant to the provisions of Sections 901.1 through
6 901.29 of this title,
- 7 b. fire protection services established pursuant to the
8 provisions of Section 351 of this title,
- 9 c. volunteer or full-time fire departments established
10 pursuant to Section 592 of Title 18 of the Oklahoma
11 Statutes, and
- 12 d. municipal fire departments organized and operated
13 pursuant to the provisions of Sections 29-101 through
14 29-108 and Sections 29-201 through 29-204 of Title 11
15 of the Oklahoma Statutes.

16 A written designation of these individuals shall be filed with
17 the county clerk and shall be entered in the minutes of the board of
18 county commissioners meeting in which the designations are made.
19 Further, entities described in subparagraphs a, b, c and d of this
20 paragraph, choosing to have any nonemployee of the county designated
21 as a receiving and requisitioning officer shall provide evidence of
22 blanket bond coverage or employee dishonesty liability insurance for
23 each such designee;

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

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

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

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C. Notwithstanding any other provision of law, counties may lease or lease-purchase road machinery equipment from the state contract.

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

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