

1 ENGROSSED SENATE  
2 BILL NO. 1613

By: Stanislawski of the Senate

3 and

4 Bush of the House

5  
6 An Act relating to counties and county officers;  
7 amending 19 O.S. 2011, Section 1501, as last amended  
8 by Section 1, Chapter 321, O.S.L. 2016 (19 O.S. Supp.  
9 2019, Section 1501), which relates to county  
10 purchasing agents; establishing that counties may  
11 lease or lease-purchase road machinery equipment from  
12 the state contract; and providing an effective date.

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

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

17 Section 1501. A. The county purchasing agent:

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

22 2. May make purchases for political subdivisions of this state  
23 within the county if authorized by appropriate action of the  
24 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,  
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- 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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1        C. Notwithstanding any other provision of law, counties may  
2 lease or lease-purchase road machinery equipment from the state  
3 contract.

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

5        Passed the Senate the 3rd day of March, 2020.

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Presiding Officer of the Senate

9        Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

10 2020.

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Presiding Officer of the House  
of Representatives

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