ENGROSSED HOUSE
BILL NO. 2286

BY: CROCKER, HAMILTON (James), MATLOCK, APPLE and RHODES (Dusty)

(STATE GOVERNMENT - AMENDING 74 O.S. 1991, SECTION 89 - SOLE SOURCE CONTRACTS - EMERGENCY)

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 89, is amended to read as follows:

Section 89. A. Pursuant to the provisions of this section, the State Purchasing Director shall exempt from competitive bidding procedures a requisition for a sole source contract.

B. Whenever any state agency requisitions the State Purchasing Director for any particular product or service by sole source contract the chief administrative officer of such agency shall attach to the requisition an affidavit signed by such chief administrative officer, in ~~substantially~~ the following form:

SOLE SOURCE

AFFIDAVIT

AGENCY _____

SERVICE PROVIDER/VENDOR _____

ADDRESS _____

PHONE _____

I hereby affirm that the services or products to be purchased pursuant to the provisions of the attached contract are very

specialized or for which great acquired expertise is needed and to the best of my knowledge

(Name of Service Provider/Vendor)

is the only person or business entity which is singularly and peculiarly qualified to provide such services or products, and if a product is the only brand name which is singularly and peculiarly unique, for the following reasons:

_____

_____

_____

_____

_____

I understand that the signing of this affidavit knowing such information to be false may subject me to punishment for perjury.

_____

(Chief administrative officer)

STATE OF OKLAHOMA

ss.

COUNTY OF OKLAHOMA

Subscribed and sworn to before me this ___ day of _____, 19__.

_____

Notary Public

My Commission expires:

_____

C. Any chief administrative officer of an agency affirming the affidavit required by subsection B of this section who knows such information to be false shall be deemed guilty of perjury and upon conviction shall be punished by fine or by imprisonment or both fine and imprisonment pursuant to law.

D. Upon a determination by the Director of Public Affairs that there are reasonable grounds to believe that a violation of this

section has occurred, the Director shall request the Attorney General to initiate criminal proceedings in district court.

E. The State Purchasing Director shall either approve or deny any requisition for a sole source contract.

F. 1. The chief administrative officer of each state agency subject to the Central Purchasing Act shall submit to the ~~Speaker of the House of Representatives, President Pro Tempore of the Senate and the Chairman of the House and Senate Appropriations Committees~~ Office of Public Affairs a monthly listing of all sole source contracts exceeding Two Thousand Five Hundred Dollars ($2,500.00) executed ~~or disapproved~~ by the state agency in the preceding month. The report shall ~~identify the vendor or service provider, description of service or item, the contract amount and whether the contract was approved or disapproved or modified~~ also contain information regarding requisitions for sole source contracts that were disapproved or modified by the Office of Public Affairs and such other information required by the Office of Public Affairs.

2. The Office of Public Affairs shall electronically provide to the Office of State Finance the information received pursuant to this subsection in machine-readable format and in such form as is required by the Office of State Finance.

G. The chief administrative officer of each agency not subject to the Central Purchasing Act shall submit to the Office of State Finance a monthly listing of all sole source contracts exceeding Two Thousand Five Hundred Dollars ($2,500.00) executed by the agency in the preceding month and such additional information and in such form as is required by the Office of State Finance.

H. 1. By the fifteenth day of each month, or the first working day thereafter, the Office of State Finance shall provide a report from the information received pursuant to this section to:

a. the Speaker of the House of Representatives and the President Pro Tempore of the Senate,

b. the Majority and Minority Leaders of both the House of Representatives and the Senate,

c. the Chairmen and Vice Chairmen of the Appropriations Committees of both the House of Representatives and the Senate,

d. the Chairmen and Vice Chairmen of each subcommittee for the Appropriations Committees in both the House of Representatives and the Senate, and

e. any member of the Legislature requesting such report.

The report shall detail all sole source contracting activity by state agencies from the first day through the last day of the preceding month. The report shall be titled "Monthly Sole Source Contracting Report of Oklahoma State Agencies" and reflect the period covered in the report. The report shall be signed by the Director of State Finance. The report shall be in columnar database and shall include at least the following fields of information: agency number; agency name; name of agency employee having responsibility for the requisition; date of requisition; date of either approval, disapproval, or modification of requisition; amount of requisition; amount approved for requisition; purchase order number; actual business name of vendor; vendor federal employer identification number; principal official or officer of vendor; and purpose and description of requisition. The data in the fields of information specified in this subsection shall be required to be listed even if the agency requisition is disapproved.

2. The Office of State Finance shall maintain electronic historic data or any other said data received pursuant to this section for at least two (2) years.

~~G. The Office of Public Affairs shall send to all members of the House and Senate Appropriations Committees, a copy of each sole source contract approved or rejected by the Office of Public Affairs~~

~~within thirty (30) days of acceptance or rejection of such contract if requested by such member.~~

SECTION 2. This act shall become effective July 1, 1992.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 5th day of March, 1992.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate