

ENGROSSED SENATE
BILL NO. 700

BY: ROZELL and DICKERSON of the
SENATE

and

ROACH of the HOUSE

AN ACT RELATING TO SOLE SOURCE PURCHASE CONTRACTS;
AMENDING 74 O.S. 1991, SECTION 89, WHICH RELATES TO
SOLE SOURCE AFFIDAVITS; REQUIRING AGENCIES TO STATE
ANY EFFORTS MADE TO SOLICIT BIDS FOR CERTAIN
PRODUCTS OR SERVICES ON CERTAIN AFFIDAVIT;
PROHIBITING CERTAIN COURT ORDERS FROM BEING
SUBSTITUTED FOR CERTAIN REQUIRED AFFIDAVITS; AND
PROVIDING AN EFFECTIVE DATE.

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:

The following is a brief description of all efforts, if any, which were made to solicit bids for the services or products to be purchased pursuant to the provisions of the attached contract:

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. The chief administrative officer of each state agency 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 a monthly listing of all sole source contracts executed or disapproved 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.

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.

H. Attachment of a court order requiring certain products or services be obtained, but which does not specify specific vendors or providers shall not be acceptable as a substitute for the affidavit required in subsection B of this section.

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

Passed the Senate the 3d day of March, 1992.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1992.

Speaker of the House of Representatives