

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2286

BY: CROCKER and HAMILTON
(James)

AS INTRODUCED

AN ACT RELATING TO STATE GOVERNMENT; AMENDING 74 O.S.

1991, SECTION 89, WHICH RELATES TO SOLE SOURCE
CONTRACTS; MODIFYING FORM; REQUIRING CERTAIN
REPORTS; PROVIDING CONTENTS; PROVIDING PROCEDURES
AND SPECIFICATIONS; REQUIRING RETRIEVABLE DATA;
MAKING CERTAIN EXEMPTIONS; ADDING CERTAIN AGENCIES
TO REPORTING REQUIREMENTS; PROVIDING AN EFFECTIVE
DATE; AND DECLARING AN 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. By the fifteenth day of each month, or the first working day thereafter, the Office of Public Affairs shall transmit to all members of the House and Senate Appropriations Committees a report detailing 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 indicate that the Office of Public Affairs is issuing the report in compliance with subsection F of Section 89 of Title 74 of the Oklahoma Statutes and the report shall be signed by the Director of the Office of Public Affairs. The report shall be in columnar database and shall include at least the following fields of information: agency number; agency name; 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 Public Affairs shall maintain such reports in such a form so as to be retrievable in any of the fields of information specified by paragraph 1 of this subsection.

G. The chief administrative officer of each state agency not 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 a monthly listing of all sole source contracts exceeding Two Thousand Five Hundred Dollars (\$2,500.00) 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~~ contain the information and shall be submitted as specified by paragraph 1 of subsection F of this section.

~~C. 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.

43-2-7156

KSM