

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 822

BY: MILES-LaGRANGE

AS INTRODUCED

AN ACT RELATING TO CONTRACTS WITH STATE ENTITIES;  
AMENDING 74 O.S. 1991, SECTION 85.45c, WHICH  
RELATES TO MINORITY BUSINESS BID-PREFERENCE  
PROGRAM; ADDING STATUTORY REFERENCES; REMOVING  
EXEMPTION FOR DEPARTMENT OF TRANSPORTATION; MAKING  
MINORITY BUSINESS BID-PREFERENCE PROGRAM APPLICABLE  
TO CERTAIN AGENCIES AND CONTRACTS EXEMPT FROM THE  
OKLAHOMA CENTRAL PURCHASING ACT AND THE PUBLIC  
COMPETITIVE BIDDING ACT; MAKING EXCEPTION FOR  
CERTAIN PURCHASES AND CONTRACTS; REQUIRING CERTAIN  
CONTRACTS BE REPORTED TO STATE PURCHASING DIRECTOR  
FOR CERTIFICATION; REQUIRING PROMULGATION OF RULES;  
AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 85.45c, is amended to read as follows:

Section 85.45c A. For competitive bids submitted to the state pursuant to the Oklahoma Central Purchasing Act, Section 85.1 et seq. of this title, or pursuant to the Public Competitive Bidding

Act of 1974, Section 101 et seq. of Title 61 of the Oklahoma Statutes, by certified minority businesses, the State Purchasing Director shall prepare and implement a bid-preference program. The program shall require that a percentage be added to the price of the lowest bid and if the certified minority business enterprise submits a bid that falls between the lowest bid plus the percentage, it shall receive the contract.

Provided however, in no instance shall the minority business enterprise be entitled to both a minority bid preference under this act and the preference for state-produced goods pursuant to Section 85.32 of this title.

B. The minority business enterprise preference program shall be implemented on the following schedule:

1. For the 1988-1989 fiscal year, the State Purchasing Director shall certify the percent of funds expended on state contracts which have been awarded to minority business enterprises certified pursuant to Section 7 85.45e of this ~~act~~ title. If the State Purchasing Director certifies that a minimum of ten percent (10%) of the funds expended on state contracts were expended on contracts awarded to minority business enterprises certified pursuant to Section 7 of this act then the minority percentage bid preference shall be zero. If the percentage of such funds expended on minority business enterprises is less than ten percent (10%) then a five percent (5%) bid preference shall go into effect; and

2. For each following fiscal year, the State Purchasing Director shall certify the percent of funds expended on state contracts which have been awarded to minority business enterprises. When the State Purchasing Director certifies that a minimum of ten percent (10%) of the funds expended on state contracts are expended on contracts awarded to minority business enterprises then the percentage bid preference shall remain at that preference level for a period of one (1) year. After that one-year period, unless the

minority bid preference level is zero, the State Purchasing Director shall reduce by one percent (1%) each year the bid preference level unless the required percent of funds expended on state contracts awarded to minority business enterprises decreases below the ten percent (10%) minimum. At that time, the State Purchasing Director shall increase the percentage bid preference one percent (1%) each year to a maximum of five percent (5%) to attain the minimum ten percent (10%) goal of the program. Each year the State Purchasing Director may increase or decrease the bid percentage level in compliance with this section to maintain the minimum ten percent (10%) goal of the program.

C. The minority business enterprise preference program shall apply to any competitive bid for commodities or services let by a state agency, as such term is defined in Section 85.2 of this title, including, but not limited to, The Oklahoma State System of Higher Education, whether or not the state agency, or its contracts for commodities or services, is subject to the provisions of the Oklahoma Central Purchasing Act or the Public Competitive Bidding Act. Provided, the purchases and contracts of the Department of Transportation is exempted to which a federal minority bid-preference program is applied are exempt from the provisions of the Minority Business Enterprise Assistance Act. State contracts awarded pursuant to this subsection shall be reported to the State Purchasing Director for certification pursuant to the provisions of subsection B of this section. The Office of Public Affairs shall promulgate rules necessary for the implementation of the provisions of this subsection.

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

43-2-1529

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