

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1039

By: Steidley, Maddox (Jim)
and Williams of the
House

and

Dickerson of the Senate

A Joint Resolution disapproving certain rules of the Committee on the Purchase of Products and Services of the Severely Handicapped; directing distribution; and declaring an emergency.

WHEREAS, on March 2, 1993, the Committee on the Purchase of Products and Services of the Severely Handicapped submitted to the Legislature permanent Rule 304:10-1-4 and Rule 304:10-1-6(a) relating to the fair market price of products and services; and

WHEREAS, Rule 304:10-1-4 and Rule 304:10-1-6(a) do not reflect the intent of the Oklahoma Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

SECTION 1. Rule 304:10-1-4 relating to the fair market price of products and services is hereby disapproved by the Oklahoma State Legislature. The language of Rule 304:10-1-4 which is disapproved by this resolution reads as follows:

"(a) Whenever the State of Oklahoma or any of its agencies submits a requisition to the Purchasing Division for any product or service which is offered by a qualified severely handicapped person or nonprofit agency for the severely handicapped, and which is included in the Procurement Schedule, the Buyer of Products and Services of the Severely Handicapped shall:

(1) review the bid specifications to ensure that they are consistent with the intent and meaning of the Act; and,

(2) review the bid specifications to ensure that they require all bidders to meet the same conditions which qualified nonprofit agencies for the severely handicapped are required by law, rule or regulation to meet in producing the product or service; and,

(3) solicit bids from eligible vendors; and,

(4) evaluate qualifying bids; and,

(5) determine the lowest and best bid which complies with the bid specifications.

(b) Fair market price for the product or services shall be 110% of the lowest and best compliant bid price.

(c) Qualified severely handicapped persons or nonprofit agencies for the severely handicapped will be offered the contract to provide the product or service at the fair market price and in compliance with the specifications. If no qualified person or agency accepts the contract, it shall be awarded in accordance with 580:15-1-5."

SECTION 2. Rule 304:10-1-6(a) permitting the continuation of certain contracts at the fair market price established under 304:10-1-4 is hereby disapproved by the Oklahoma State Legislature. The

language of Rule 304:10-1-6(a) which is disapproved by this resolution reads as follows:

"(a) If a qualified nonprofit agency for the severely handicapped or a severely handicapped person currently holds a contract, it shall be entitled to continue to service the contract at the fair market price established under 304:10-1-4."

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Committee on the Purchase of Products and Services of the Severely Handicapped and the editor of "The Oklahoma Register".

SECTION 4. 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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 26th day of May, 1993.

Speaker of the House of
Representatives

Passed the Senate the 26th day of May, 1993.

President of the Senate