

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2394

By: Seikel

AS INTRODUCED

An Act relating to state government; requiring certain state agencies to purchase supplies, materials and equipment subject to the Central Purchasing Act to buy off statewide contracts; providing exceptions; specifying conditions; prohibiting certain actions; providing for codification; repealing Section 1, Chapter 143, O.S.L. 1993 (74 O.S. Supp. 1995, Section 1824.1), which relates to certain purchases of the Oklahoma Tourism and Recreation Department; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 85.7b of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided by this section, each state agency subject to the Oklahoma Central Purchasing Act shall acquire all supplies, material and equipment to be used, consumed or spent by such agency in the performance of its official functions pursuant to law of a statewide contract if the Department of Central Services

has entered into a statewide contract for such supplies, material or equipment.

B. 1. The Oklahoma Tourism and Recreation Department shall be exempt from the provisions of this section for single purchases of less than Seven Hundred Fifty Dollars (\$750.00) if the following conditions are met:

- a. the Department documents a cost savings to the state resulting from the purchase of the item from a vendor not on the statewide contract,
- b. the exempted purchase is made in the county where the office or division of the Oklahoma Tourism and Recreation Department, as identified in paragraph 2 of this subsection, is located or in an adjacent county, and
- c. the exempted purchase is approved by the Executive Director or his designee prior to the purchase. The Oklahoma Tourism and Recreation Commission may promulgate rules, procedures and forms necessary to adequately document the dollar savings resulting from the application of this section.

2. This exemption shall apply to individual offices, divisions or entities of the Oklahoma Tourism and Recreation Department identified by the annual budget submitted to the Office of State Finance, pursuant to Section 41.7c of Title 62 of the Oklahoma Statutes.

3. Nothing in this subsection shall be construed to authorize bid splitting as prohibited by the Oklahoma Central Purchasing Act.

C. 1. The Oklahoma Department of Human Services shall be exempt from the provisions of this section for single purchases of less than Seven Hundred Fifty Dollars (\$750.00) if the following conditions are met:

- a. the Department documents a cost savings to the state resulting from the purchase of the item from a vendor not on the statewide contract,
- b. the exempted purchase is made in the county where the office or division of the Oklahoma Tourism and Recreation Department, as identified in paragraph 2 of this subsection, is located or in an adjacent county, and
- c. the Department's Purchasing and Finance Divisions may promulgate rules, procedures and forms necessary to adequately document the dollar savings resulting from the application of this section;

2. This exemption shall apply to individual offices, divisions or entities of the Department of Human Services identified by the annual budget submitted to the Office of State Finance, pursuant to Section 41.7c of Title 62 of the Oklahoma Statutes.

3. Nothing in this subsection shall be construed to authorize bid splitting as prohibited by the Oklahoma Central Purchasing Act.

SECTION 2. REPEALER Section 1, Chapter 143, O.S.L. 1993 (74 O.S. Supp. 1995, Section 1824.1), is hereby repealed.

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.

45-2-8158 KSM