

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2510

By: Perry and Ferguson

AS INTRODUCED

An Act relating to the Oklahoma Central Purchasing Act; amending 74 O.S. 1991, Section 85.2, as last amended by Section 2, Chapter 329, O.S.L. 1994 (74 O.S. Supp. 1995, Section 85.2), which relates to definitions; modifying definition; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 85.2, as last amended by Section 2, Chapter 329, O.S.L. 1994 (74 O.S. Supp. 1995, Section 85.2), is amended to read as follows:

Section 85.2 As used in the Oklahoma Central Purchasing Act, unless the context otherwise requires:

1. ~~"State agency"~~ "Agency" or "state agency" includes any office, officer, bureau, board, counsel, court, commission, institution, unit, division, body or house of the executive or judicial branches of the state government, whether elected or appointed, excluding only political subdivisions of the state;
2. "Business entity" includes individuals, partnerships, business trusts, cooperatives, associates, corporations or any other

firm, group or concern which functions as a separate entity for business purposes;

3. "Acquisition" includes all types of purchases and rentals, whether bought or leased by contract or otherwise, and includes every means by which a state agency obtains for its use any materials, supplies, service or equipment covered by this act, except those specifically excluded in this act;

4. "Materials" or "supplies" includes all property except real property acquired by a state agency for its use or consumption, except equipment;

5. "Equipment" means all personal property acquired by a state agency for its use which is in the nature of a tool, device or machine and shall be deemed to include all personal property used or consumed by a state agency and not included within the category of materials and supplies;

6. "Local governmental entity" means any unit of local government including, but not limited to, any school district, county, or municipality of this state;

7. "Item" or "product" means some quantity or kind of such supplies, materials and equipment;

8. "Services" or "contractual services" includes any type of personal or professional service, employment or undertaking, including such services as utilities, pest control, maintenance and repairs, except the employment of regular officers and employees by a state agency or such extra seasonal help as is authorized by law and is regularly used;

9. "Purchasing director" includes any employee or agent of the State Purchasing Director, acting within the scope of his authority;

10. "Sole source contract" means a contract specified by the provisions of Section 89 of this title;

11. "Professional services" means services which are predominantly mental or intellectual in character, rather than

physical or manual and which do not involve the supplying of products. Professional services include those services requiring special, usually advanced education and skill;

12. "Nonprofessional services" means services which are predominantly physical or manual in character and may involve the supplying of products;

13. "Political subdivision" means local governmental entities and such other entities specified as political subdivisions pursuant to the Governmental Tort Claims Act;

14. "Open market contract" means a contract for the one-time acquisition of a particular item over Two Thousand Five Hundred Dollars (\$2,500.00); and

15. "Statewide contract" means a contract for the purchase of items used or needed on a continual or regular basis by state agencies.

SECTION 2. This act shall become effective November 1, 1996.

45-2-8853

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