SHORT TITLE: State government; excluding contracts let by Oklahoma Tourism and Recreation Department from Oklahoma Central Purchasing Act; effective date.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1028 By: Herbert

AS INTRODUCED

An Act relating to the Oklahoma Central Purchasing Act and the Oklahoma Tourism and Recreation Department; amending 74 O.S. 1991, Section 85.12, as last amended by Section 2, Chapter 28, O.S.L. 1994 (74 O.S. Supp. 1995, Section 85.12), which relates to exclusions from the Oklahoma Central Purchasing Act; excluding certain contracts let by the Oklahoma Tourism and Recreation Department from Oklahoma Central Purchasing Act; requiring approval of Director of Oklahoma Tourism and Recreation Department for certain contracts; requiring promulgation of rules to implement procedures for certain purchases; requiring filing of certain procedures; deleting language repealed by other acts; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 85.12, as last amended by Section 2, Chapter 28, O.S.L. 1994 (74 O.S. Supp. 1995, Section 85.12), is amended to read as follows:

Section 85.12 A. The provisions of this section shall not be construed to affect any law relating to fiscal or accounting procedure except such as may be directly in conflict herewith; and all claims, warrants and bonds shall be examined, inspected and approved as now provided by law.

B. The following acquisitions shall not be included within the purview of the Oklahoma Central Purchasing Act:

1. Food and other products produced by state institutions and agencies;

2. Contracts for construction of new buildings and for the repair, maintenance or modernization of old buildings by state

educational institutions included within The Oklahoma State System of Higher Education;

3. The printing or duplication of publications or forms of whatsoever kind or character by state agencies, which service is performed upon their own equipment, by their own employees;

4. Acquisitions by The Oklahoma State System of Higher Education on any institution or entity comprising the same insofar as such acquisitions relate to textbooks, laboratory supplies, instructional materials and specialized laboratory equipment;

5. Department of Transportation and Transportation Commission contractual services or right-of-way purchases. Contracts awarded pursuant to bids let by the Transportation Commission for the maintenance or construction of streets, roads, highways, bridges, or underpasses, or any other transportation facilities under the control of the Department of Transportation, the acquisitions of equipment or materials accruing to the Department of Transportation required in Federal-Aid contracts, and contracts for public service type announcements initiated by the Department of Transportation. Contractual services as used herein shall not include advertising or public relations services;

6. Utility services where rates therefor are regulated by a state or federal regulatory commission, or by city ordinance or by an Indian Tribal Council for use by the Department of Corrections only;

7. Acquisition of products and services by the University Hospitals and the University Hospitals Authority. The Authority shall develop standards for the acquisition of products and services and may elect to utilize Central Purchasing when appropriate. Such standards shall foster economy, short response time, and shall include appropriate safeguards and written records to assure

appropriate competition and economical and efficient purchasing and shall be approved by the Director of Central Purchasing;

8. Contracts for custom harvesting by the Department of Corrections for the Department or its institutions;

9. Contracts with private prison contractors which are subject to the contracting procedures of Section 561 of Title 57 of the Oklahoma Statutes;

10. Acquisitions of aircraft by agencies authorized by the Legislature to purchase aircraft;

11. Purchases by the Oklahoma Municipal Power Authority;

12. Grand River Dam Authority;

13. Purchases by rural water, sewer, gas or solid waste management districts created pursuant to Section 1324.1 et seq. of Title 82 of the Oklahoma Statutes;

14. Purchases by the Oklahoma Ordnance Works Authority or Midwestern Oklahoma Development Authority, except that the Oklahoma Ordnance Works Authority and the Midwestern Oklahoma Development Authority shall remain subject to the provisions of Section 85.32 of this title;

15. Contracts entered into by the Oklahoma Industrial Finance Authority for the services of an appraiser or for acquisition of insurance when it is determined by its Board of Directors that an emergency exists and for the services of legal counsel when approved by the Attorney General;

16. ~~Contracts entered into by the State Department of Education for the purpose of implementing the provisions of Section 6-156 of Title 70 of the Oklahoma Statutes;~~

~~17.~~ Expenditure of monies appropriated to the State Board of Education for the purpose of Local, State-supported Programs and State-supported Programs except monies appropriated for the

Administrative and Support Functions of the State Department of Education;

~~18.~~ 17. Contracts entered into by the State Department of Vocational and Technical Education for the development, revision or updating of vocational curriculum materials;

~~19.~~ 18. Contracts entered into by the Oklahoma Center for the Advancement of Science and Technology for professional services;

~~20.~~ 19. Contracts entered into by the Oklahoma Department of Commerce pursuant to the provisions of ~~Section 5009.1 et seq. of this title and~~ Section 5066.4 of this title;

~~21.~~ 20. Purchases made by the Oklahoma Historical Society from monies used to administer the White Hair Memorial;

~~22.~~ 21. Purchases of products available to an agency through a General Services Administration contract or other federal contract if the item is on current state contract and the terms of such contract are more favorable to the agency than the terms of a state contract for the same products as determined by the State Purchasing Director;

~~23.~~ 22. Contracts for managed health care services entered into by the state entity designated by law or the Department of Human Services, as specified in paragraph 1 of subsection A of Section 3 of the Oklahoma Medicaid Healthcare Options Act;

~~24.~~ 23. Purchases of products by the Forestry Service of the State Department of Agriculture as authorized by the federal General Services Administration through a General Services Administration contract or other federal contract if the item is not on current state contract or the terms of such federal contract are more favorable to the agency than the terms of a state contract for the same products;

24. Contracts awarded pursuant to bids let by the Oklahoma Tourism and Recreation Department for the construction of public improvements and for the repair, maintenance or modernization of old structures and improvements at properties owned or operated by the Oklahoma Tourism and Recreation Department. All contracts in excess of Twenty-five Thousand Dollars ($25,000.00) shall be approved by the Oklahoma Tourism and Recreation Commission. The acquisition of equipment or materials by the Oklahoma Tourism and Recreation Department for the construction, maintenance or modernization of public improvements where the cost of the equipment and materials per project does not exceed Twenty-five Thousand Dollars ($25,000.00) and the labor for constructing, maintaining or modernizing the public improvements is performed by Department employees upon properties owned or operated by the Department. The Oklahoma Tourism and Recreation Commission shall promulgate rules to establish procedures for purchasing pursuant to the provisions of this paragraph and shall file the procedures with the Department of Central Services and the Office of State Finance;

25. Purchases amounting to less than that requiring competitive bid pursuant to Section 85.7 of this title. The Director of Central Services shall promulgate rules related to such purchases in excess of Seven Hundred Fifty Dollars ($750.00) and not exceeding Two Thousand Five Hundred Dollars ($2,500.00) to ensure competitiveness and fairness in such purchases; and

26. Purchases or acquisitions of clothing for clients of the Department of Human Services and purchases and acquisitions of food for group homes operated by the Department of Human Services.

C. Notwithstanding the exclusions provided herein, any agency or common schools of Oklahoma, any municipality of the state, any rural fire protection district and county officers may, unless the

contract with the state specifies otherwise, avail themselves of the provisions of the Oklahoma Central Purchasing contracts and the services of the Purchasing Director. Provided further, however, that any subdivision of government and any rural fire protection district of the state may designate the office of Oklahoma Central Purchasing as its agent for the purchase or procurement of any item or service contracted or available to the state.

D. Further, notwithstanding the exclusions provided herein, the purchasing policies and procedures of the Oklahoma Ordnance Works Authority, the University Hospitals Authority and the Midwestern Oklahoma Development Authority shall be subject to approval by the Director of the Department of Central Services, and said Director shall make periodic audits of the purchasing policies and procedures of the Oklahoma Ordnance Works Authority, the University Hospitals Authority and the Midwestern Oklahoma Development Authority to ensure that said purchasing policies and procedures, as approved, are being followed.

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

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