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SHORT TITLE: State government; modifying Committee on Purchases of Products and Services of the Severely Handicapped; emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 622

By: Dickerson

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 1991, Sections 3001, as amended by Section 1, Chapter 110, O.S.L. 1994, 3003, 3004, Section 2, Chapter 175, O.S.L. 1993, 3006, 3007, 3008, 3009 and 3010 (74 O.S. Supp. 1994, Sections 3001 and 3004.1), which relate to the Committee on Purchases of Products and Services of the Severely Handicapped; renaming the Committee; increasing membership; stating term and qualifications of certain members; modifying office to be selected from membership; modifying definitions; clarifying language; prohibiting state from purchasing certain products; requiring the Office of State Finance to deduct certain funds; prohibiting state agencies from circumventing certain law; prohibiting construing act; modifying certain rules; modifying time frame within which the Committee shall file certain report; modifying language; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 3001, as amended by Section 1, Chapter 110, O.S.L. 1994 (74 O.S. Supp. 1994, Section 3001), is amended to read as follows:

Section 3001. A. There is hereby re-created, to continue until July 1, 2000, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of this title, in the Department of Central Services a committee to be known as the ~~"Committee on Purchases of Products and Services of the Severely Handicapped"~~ which shall serve as successor to the ~~Committee on Purchases of Blind-made Products and Services created by Section 103 of Title 7 of the Oklahoma Statutes~~ "State Use Committee". The Committee shall consist of ~~five (5)~~ seven (7) members and one ~~ex-officio~~ nonvoting member as follows:

1. A private citizen conversant with the ~~problems incident to the employment of the severely handicapped~~ employment needs of people with severe disabilities who shall be appointed by and serve at the pleasure of the Governor to act as an advocate for the employment needs to people with severe disabilities;

2. A private citizen conversant with the employment needs of people with severe disabilities who shall be appointed by the President Pro Tempore of the Senate to act as an advocate for the employment needs of people with severe disabilities;

3. A private citizen conversant with the employment needs of people with severe disabilities who shall be appointed by the Speaker of the House of Representatives to act as an advocate for the employment needs of people with severe disabilities;

4. The State Purchasing Director or designee;

~~3.~~ 5. The Director of Visual Services, or ~~his~~ designee;

~~4.~~ 6. The past president of Oklahoma Community-Based Providers or designee to serve for a one-year period, who may be reappointed by the succeeding president;

~~5. A private citizen who is handicapped~~ 7. An individual or a parent or guardian of an individual with severe disabilities who participates in vocational programming through a sheltered

environment facility and is eligible to contract with this state through the Committee, to be selected by the Committee; and

~~6.—A 8.~~ As a nonvoting member, a person employed by the Department of Central Services as not less than a qualified buyer in the purchasing division, appointed by the State Purchasing Director and designated as a "Buyer of Products and Services of the Severely Handicapped" to serve as an ex officio nonvoting member of the Committee specifically to solicit, develop, and negotiate contracts with agencies and individuals and who is certified by the Committee.

B. The Committee shall elect from among its membership a Chair and a ~~Secretary~~ Vice Chair who shall both serve for a period of one year.

C. The four private citizens on the Committee shall serve for a period of ~~three (3)~~ two (2) years and may be reappointed by the appointing authority. Any private citizen appointed pursuant to this section to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of the term.

D. The long-term benefits derived for people with severe disabilities and for this state through their employment pursuant to the State Employees Disability Program Act, Section 1331 et seq. of this title, shall be the basis of all decisions made by the Committee members.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 3003, is amended to read as follows:

Section 3003. As used in this act:

1. "Blind person" means a person having a visual acuity not to exceed 20/200 in the better eye, with correcting lenses, or visual acuity greater than 20/200 but with limitation in the field of vision such that the widest diameter of visual field subtends an angle no greater than twenty (20) degrees;

2. "Committee" means the ~~Committee on Purchases of Products and Services of the Severely Handicapped~~ State Use Committee;

3. "Qualified nonprofit agency for the severely handicapped" means a nonprofit agency which is certified as a sheltered workshop by the wage and hour division of the Department of Labor and employing severely ~~handicapped~~ disabled persons who constitute at least seventy-five percent (75%) of the personnel engaged in direct production of products or services offered by the agency for procurement by this state; and

4. "Severely ~~handicapped~~ disabled person" means an individual ~~under~~ with a physical or mental disability constituting a substantial handicap to employment and preventing the person from engaging in normal competitive employment and includes any blind person.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 3004, is amended to read as follows:

Section 3004. The Committee shall designate by regulation a schedule, hereinafter referred to as the procurement schedule, of the products directly manufactured, produced, processed or assembled or services directly performed, offered or provided by any severely ~~handicapped~~ disabled person or qualified nonprofit agency for the severely ~~handicapped~~ disabled, as defined by this act, which the Committee determines are suitable for procurement by the state. No state agency shall purchase products or services purporting to be made by severely disabled persons in workshops which are not certified by the Committee or by severely disabled individuals who are not certified by the Committee. Contracts will be retained from year to year as long as the contracts are maintained with good quantity and are at the fair market price.

SECTION 4. AMENDATORY Section 2, Chapter 175, O.S.L. 1993 (74 O.S. Supp. 1994, Section 3004.1), is amended to read as follows:

Section 3004.1 One percent (1%) of any contract for products or services of the severely ~~handicapped~~ disabled shall be withheld by the Office of State Finance as paid and deposited in the Purchases of Products and Services of the Severely Handicapped Revolving Fund, as created in Section ~~3 of this act~~ 3004.2 of this title, for the salary and other administrative costs of the buyer in the Purchasing Division of the Department of Central Services responsible for such contracts.

SECTION 5. AMENDATORY 74 O.S. 1991, Section 3006, is amended to read as follows:

Section 3006. The Committee may designate a central nonprofit agency to facilitate the distribution of orders of the state for products or services on the procurement schedule among qualified nonprofit agencies for ~~the severely handicapped~~ people with severe disabilities.

SECTION 6. AMENDATORY 74 O.S. 1991, Section 3007, is amended to read as follows:

Section 3007. A. Whenever the State of Oklahoma or any of its agencies intends to procure any product or service included in the procurement schedule, that entity shall secure the product or service from a ~~severely handicapped person or a~~ qualified nonprofit agency ~~for the severely handicapped~~ providing employment to people with severe disabilities at the fair market price determined by the Committee if the product or service is available within the period required by the entity.

B. An agency of this state shall not evade the intent and meaning of this section by slight variations from standards adopted by the ~~Office of Public Affairs~~ Committee or circumvent the fair market value of commodities or services by soliciting prices from other vendors or other state agencies after the Committee has approved the price.

SECTION 7. AMENDATORY 74 O.S. 1991, Section 3008, is amended to read as follows:

Section 3008. Nothing in Sections 3001 et seq. of this title pursuant to purchases of products and services ~~of the severely handicapped~~ from people with severe disabilities shall be construed to prohibit any department or agency of the ~~State of Oklahoma~~ state from manufacturing or supplying its own products or services for its own use. Procurements made pursuant to this act shall not be subject to the competitive bid requirements of the Oklahoma Central Purchasing Act, Section 85.1 et seq. of this title.

SECTION 8. AMENDATORY 74 O.S. 1991, Section 3009, is amended to read as follows:

Section 3009. A. ~~The Committee on Purchases of Products and Services of the Severely Handicapped~~ State Use Committee shall prescribe rules and ~~regulations~~ to carry out the purposes of the provisions of Sections 3001 through 3009 of this title.

B. The rules shall include requirements for:

1. Publishing a ~~list of~~ catalog listing goods and services and jobs that workshops can ~~do for~~ provide the state, annually;

2. Conducting a minimum of six ~~(6)~~ meetings per year, in compliance with the Oklahoma Open Meeting Law Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes;

3. Making available to contractors the minutes of all meetings;

4. Notifying contractors at least ten (10) days prior to meeting dates. Meetings shall be called by the Committee ~~Chairman~~ Chair; and

5. Establishing guidelines by which a vendor may file a grievance.

C. The Committee shall report any violations of the intent of the laws to the Attorney General's office within thirty (30) days of their determination of such violations.

D. The Committee shall file an Annual Report within ~~thirty (30)~~ sixty (60) days after the close of the legislative year with the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Governor.

SECTION 9. AMENDATORY 74 O.S. 1991, Section 3010, is amended to read as follows:

Section 3010. Any municipality or county agency of this state is authorized to purchase products and services from any qualified nonprofit agency ~~for the severely handicapped~~ providing employment to persons with severe disabilities which is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor. Procurements made pursuant to the provisions of this section shall not be subject to competitive bid requirements. To participate, a qualified nonprofit agency for the severely ~~handicapped~~ disabled must be able to meet the needs and specifications for the products or services required by the purchasing body at a fair market price.

SECTION 10. 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.

45-1-0206

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