

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)
2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1353

By: Stipe of the Senate

and

Tyler of the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to state government; amending 74 O.S. 1991, Section 85.42, as amended by Section 2, Chapter 240, O.S.L. 1992 (74 O.S. Supp. 1997, Section 85.42), which relates to sole source contracts; allowing specified entities to enter into sole source contracts or contracts for professional services with certain persons; prohibiting specified entities from engaging in the solicitation or award of certain contract.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 85.42, as amended by Section 2, Chapter 240, O.S.L. 1992 (74 O.S. Supp. 1997, Section 85.42), is amended to read as follows:

Section 85.42 A. Except as otherwise provided for in this section, any agency, whether or not such agency is subject to the Oklahoma Central Purchasing Act, Section 85.1 et seq. of this title, is prohibited from entering into a sole source contract or a contract for professional services with or for the services of any person, who has terminated ~~his~~ employment with or who has been terminated by that agency for one (1) year after the termination date of the employee from the agency. The provisions of this subsection shall not prohibit an agency from hiring or rehiring such person as a state employee.

B. Each contract entered into by any person or firm with the State of Oklahoma shall include an affidavit certifying that no

person who has been involved in any manner in the development of that contract while employed by the State of Oklahoma shall be employed to fulfill any of the services provided for under said contract. This subsection shall not preclude faculty and staff of the institutions within The State Oklahoma System of Higher Education from negotiating and participating in research grants and educational contracts. Nor shall this subsection apply to personnel of the Capital Resources Division of the Oklahoma Department of Commerce who contract to provide services to the Oklahoma Capital Investment Board.

C. As used in this section, person is defined as any state official or employee of a department, board, bureau, commission, agency, trusteeship, authority, council, committee, trust, school district, fair board, court, executive office, advisory group, task force, study group, supported in whole or in part by public funds or entrusted with the expenditure of public funds or administering or operating public property, and all committees, or subcommittees thereof, judges, justices, and state legislators.

D. An agency may enter into a sole source contract or a contract for professional services at any time with a person who is a qualified interpreter for the deaf.

E. The Department of Transportation, Oklahoma Turnpike Authority and the Oklahoma Water Resources Board may enter into a sole source contract or a contract for professional services at any time with a person who has retired from the state with retirement service credit equal to eighty (80) points, as used by the retirement system to determine whether the person has reached a normal retirement date.

F. The Oklahoma Department of Transportation and the Oklahoma Turnpike Authority shall not engage in the solicitation or award of any contract for the construction of roads, bridges, highways or turnpikes that utilizes any method of design/build as defined by the American Consulting Engineers Council. This shall include any contract where the engineering design of the project are included with or as part of the same contract for the construction of said project.

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