

SHORT TITLE: Professional services contracts; adding statutory reference; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 561

By: Leftwich

AS INTRODUCED

An Act relating to professional services contracts; amending 74 O.S. 1991, Section 85.41, as last amended by Section 1, Chapter 302, O.S.L. 1994 (74 O.S. Supp. 1996, Section 85.41), which relates to the Oklahoma Central Purchasing Act; adding statutory reference; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 85.41, as last amended by Section 1, Chapter 302, O.S.L. 1994 (74 O.S. Supp. 1996, Section 85.41), is amended to read as follows:

Section 85.41 A. Any state agency contracting for professional services, whether or not such services are exempt from the Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of the Oklahoma Statutes, shall comply with the provisions of this section.

B. 1. Each state agency shall be responsible for evaluating the performance of the professional services provided under a professional services contract and for completing a performance evaluation of the services provided under the contract only when the service was unsatisfactory or problems were encountered with the contractor. The evaluations shall be delivered to the State Purchasing Director, who shall retain the evaluations for future reference.

2. Each state agency shall be required to retain at the central office of the agency in a document file, a copy of the contract, a record of the payments made to the service provider, and a copy of the evaluations required pursuant to paragraph 1 of this subsection.

C. If the final product of the contract is a report, a copy shall be filed with the State Librarian and Archivist.

D. A state agency bears full responsibility for the diligent administration, monitoring and auditing of a professional services contract. The State Purchasing Director may require a state agency to report to the State Purchasing Director at any time on the status of any outstanding state contract to which the state agency is a party.

E. A contract entered into by a state agency or by or under the supervision of the State Purchasing Director shall include an audit clause which provides that books, records, documents, accounting procedures, practices or any other items of the service provider relevant to the contract are subject to examination by the state agency, and the State Auditor and Inspector.

F. 1. Any person prior to entering into a professional services contract with a state agency for which the final product is a written proposal or study shall sign a sworn statement certifying, to the best of his knowledge, that he has not previously entered into a contract with the state agency or any other state agency which would result in a substantial duplication of the final product required by the proposed contract.

2. Any person renewing his contract with the state agency shall not be required to sign the sworn statement specified by this subsection.

G. 1. Contracts for professional services shall provide for payment for such services at a uniform rate throughout the duration of the contract if the services to be provided throughout the duration of the contract are similar and consistent.

2. a. No state agency subject to the Oklahoma Central Purchasing Act shall execute a contract for professional services providing for nonuniform payments throughout the duration of the contract without specific authorization and written justification by the Director.
- b. Any state agency not subject to the Oklahoma Central Purchasing Act executing a contract for professional services providing for nonuniform payments throughout the duration of the contract, as a part of the document files required to be maintained pursuant to this section shall provide written justification for such nonuniform payment which justification shall be signed by the administrative head of such agency.

SECTION 2. 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.

46-1-0433

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