

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 1293

By: Settle of the House

and

Hobson of the Senate

COMMITTEE SUBSTITUTE

[Oklahoma Central Purchasing Act - amending 74 O.S.,
Sections 85.22 and 85.23 - sworn statements -

effective date]

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 85.22, is amended to read as follows:

Section 85.22 A notarized sworn statement shall be attached to any ~~competitive~~ bid submitted to the State of Oklahoma for goods or services whether or not the bid is subject to the Oklahoma Central Purchasing Act, which shall be in substantially the following form:

STATE OF OKLAHOMA)

) ss

COUNTY OF)

_____, of lawful age, being first duly sworn, on oath

says:

1. ~~(s)he~~ the undersigned affiant is the duly authorized agent of _____, the bidder submitting the ~~competitive~~ bid which is attached to this statement, for the purpose of certifying the facts pertaining to the existence of collusion among bidders and between bidders and state officials or employees, as well as facts

pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting of any contract pursuant to the bid to which this statement is attached;

2. ~~(s)he~~ the undersigned affiant is fully aware of the facts and circumstances surrounding the making of the bid to which this statement is attached and has been personally and directly involved in the proceedings leading to the submission of such bid; ~~and~~

3. neither the bidder nor anyone subject to the bidder's direction or control has been a party:

- a. to any ~~collusion~~ agreement among bidders in restraint of freedom of competition ~~by agreement to bid at a fixed price or to refrain,~~ including but not limited to an agreement relating to the price, quality, quantity, or nature of the item to be bid, or refraining from bidding, or as to any other terms of the prospective contract or bid,
- b. to any ~~collusion~~ agreement with any state official or employee ~~as to~~ or others representing or acting on behalf of the state or on behalf of any state official or employee, in restraint of freedom of competition or otherwise, including any agreement relating to the price, quality, quantity, ~~quality or price in the~~ prospective contract or the nature of the item to be bid, or to refrain from bidding, or as to any ~~other~~ terms of ~~such~~ the prospective contract or bid, nor
- c. ~~in~~ to any ~~discussions~~ discussion between a bidder or bidders or among bidders and any state official or employee or others representing or acting on behalf of the state or on behalf of a state official or employee, concerning the exchange of money or other

thing of value for special consideration in ~~the~~
letting of a the contract;

4. to the best of the affiant's knowledge, neither the bidder nor anyone subject to the direction or control of the bidder has received any information the bidder was not entitled to receive.

Subscribed and sworn to before me this _____ day of _____, 19__.

Notary Public (or Clerk or Judge)

SECTION 2. AMENDATORY 74 O.S. 1991, Section 85.23, is amended to read as follows:

Section 85.23 A notarized sworn statement shall be attached to each contract for goods and services awarded by the state, which shall be in substantially the following form:

STATE OF OKLAHOMA)

) ss

COUNTY OF)

_____, of lawful age, being first duly sworn, on oath says:

1. ~~(s)he~~ the undersigned affiant is the duly authorized agent of _____, the ~~contractor under~~ vendor who is a party to the contract which is attached to this statement, for the purpose of certifying the facts pertaining to the existence of collusion among vendors, between vendors and state officials or employees, as well as facts pertaining to the giving of things of value to government personnel in order to procure said contract;

2. ~~(s)he~~ the undersigned affiant is fully aware of the facts and circumstances surrounding the making of the contract to which this statement is attached and has been personally and directly involved in the proceedings leading to the ~~procurement of said contract; and~~

3. neither the ~~contractor~~ vendor nor anyone subject to the ~~contractor's~~ vendor's direction or control has:

- a. paid, given or donated or agreed to pay, give or donate to any officer or employee of the State of Oklahoma any money or other thing of value, either directly or indirectly, in ~~procuring~~ the letting of the contract to which this statement is attached,
- b. been a party to any agreement among vendors in restraint of freedom of competition, including but not limited to an agreement relating to the price, quality, quantity or the nature of the item or service to be sold or provided, or refraining from offering such items or services, or as to any terms in the prospective contract or bid,
- c. been a party to any agreement with any state official or employee or others representing or acting on behalf of the state or on behalf of any state officer or employee, in restraint of freedom of competition or otherwise, including any agreement relating to the price, quality, quantity or the nature of the item or service to be sold or provided, or to refrain from offering such items or services, or as to any terms in the prospective contract or bid, or
- d. been a party to any discussion among vendors and/or among one or more vendors and any state officer or employee or others representing or acting on behalf of the state or on behalf of a state officer or employee, concerning the exchange of money or other thing of value for special consideration in the letting of the contract; and

4. to the best of the affiant's knowledge, neither the vendor nor anyone subject to the direction or control of the vendor has received any information the vendor was not entitled to receive.

(Name/Title)

Subscribed and sworn to before me this ____ day of _____,
19__.

Notary Public (or Clerk or Judge)

SECTION 3. This act shall become effective November 1, 1999.

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