STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1252 By: Wilson

COMMITTEE SUBSTITUTE

An Act relating to purchasing procedures of governmental entities; requiring all purchases made by the state and political subdivisions of the state to be made from vendors which hold an Oklahoma sales or use tax permit; amending 19 O.S. 1991, Section 1501, as last amended by Section 1, Chapter 210, O.S.L. 2000 (19 O.S. Supp. 2000, Section 1501), which relates to duties of the county purchasing agent; adding restriction concerning purchases; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 90.8 of Title 74, unless there is created a duplication in numbering, reads as follows:

All agencies, boards, commissions, offices, institutions, or other political subdivisions of the state, and all individuals making purchases on behalf of those governmental bodies shall purchase items, products, materials, supplies, services, and equipment by purchase, lease-purchase, lease with option to purchase, or rental from suppliers or vendors in Oklahoma or from those with valid Oklahoma sales or use tax permits issued by the Oklahoma Tax Commission.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 22-136 of Title 11, unless there is created a duplication in numbering, reads as follows:

Any municipal governing body or any individual making purchases on behalf of the governing body shall purchase items, products,

materials, supplies, services, and equipment by purchase, lease-purchase, lease with option to purchase, or rental from suppliers or vendors in Oklahoma or from those with valid Oklahoma sales or use tax permits issued by the Oklahoma Tax Commission.

SECTION 3. AMENDATORY 19 O.S. 1991, Section 1501, as last amended by Section 1, Chapter 210, O.S.L. 2000 (19 O.S. Supp. 2000, Section 1501), is amended to read as follows:

Section 1501. A. The county purchasing agent:

1. Shall, within the amount of the unencumbered balance, make all purchases that are paid from county funds for the various institutions, departments, officers, and employees of the county, except at public auctions and as otherwise provided for by law;

2. May make purchases for political subdivisions of this state within the county if authorized by appropriate action of the governing board or body of the political subdivision affected;

3. Shall make purchases and rental or lease-purchase agreements only after following the bidding procedures as provided for by law, except:

a. when the purchase does not exceed Five Thousand Dollars ($5,000.00). All purchases made pursuant to this subparagraph shall be by a single purchase order. Splitting purchase orders which would result in paying an amount in excess of the limitations specified in this subparagraph is expressly prohibited. Any person convicted of violating the provisions of this subparagraph shall be guilty of a misdemeanor and such person shall forfeit the person's position or office,

b. when the total payments of a rental or lease-purchase agreement do not exceed Five Thousand Dollars ($5,000.00),

c. when articles and items are covered by single source contracts,

d. service or maintenance contracts on equipment or machinery which are entered into at the time of the purchase of the equipment or machinery,

e. purchases made pursuant to a blanket purchase order as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes,

f. when materials for road or bridge improvements do not exceed Three Dollars ($3.00) per yard or per ton,

g. purchases of fuel if the county purchasing agent obtains telephone quotes from at least three vendors prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the clerk,

h. purchases of tools, apparatus, machinery or equipment from a state agency or a political subdivision of the state as provided for in subsection C of Section 421.1 of this title,

i. purchases of food for prisoners incarcerated in the county jail; provided, in counties having a population in excess of one hundred thousand (100,000) persons, the county purchasing agent shall follow bidding procedures as provided by law unless the county purchasing agent obtains telephone quotes pursuant to the whole total of food items requisitioned prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the county clerk,

j. when a county solicits bids for the purchase of processed native materials for road and bridge improvements, the county may accept all bids received, with the lowest and best bid from those accepted to be selected at the time of opening of any construction

project. The selection of the bid shall be based upon availability, bid price, plus transportation costs,

k. when a vendor has been selected as the lowest and best bidder to furnish a particular item or items to the county during a specified time period and in the event the vendor is unable to perform, the purchasing agent may solicit telephone quotes for the item or items needed from the list of qualified bidders and provide for the purchase of the items at the lowest and best quote available,

l. when considering the purchase of an item or items from the state bid list as provided by the Department of Central Services, if the same exact item is available from a local vendor at or below the price listed on the state bid list, the item may be obtained from the vendor,

m. any item or items bid by the Department of Central Services which may be purchased by the county, provided the vendor is willing to supply the item or items to the county at the bid price,

n. when an item or items have been competitively bid by a county, or on behalf of a group of contiguous counties, provided:

(1) the notice to bidders shall list each county which may participate in the purchase of the item or items being bid,

(2) the notice of bid is advertised, as provided by law, in each of the counties which may participate in the purchase of the item or items,

(3) all vendors on the list of qualified bidders of each participating county who offer the item or

items for sale received notice of the bid request, and

(4) the vendor awarded the bid is willing and able to provide the item or items at the bid price.

If the exact item is available from a local vendor at or below the bid price, the item may be obtained from the local vendor~~;~~, or

o. counties may participate in a nationwide office supply and office equipment purchasing program sponsored by the national association representing counties.

The purchases shall be paid by attaching properly itemized invoices, as described in Section 1505 of this title, to a purchase order which has been prepared by the county purchasing agent and submitting both to the county clerk for filing, encumbering, and consideration for payment by the board of county commissioners;

4. Shall not furnish any supplies, materials, equipment, or other articles, except upon receipt of a requisition signed by a county officer. Written requisitions will not be required for blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes. Each county officer may designate not more than two employees who also shall be authorized to sign requisitions in the absence of the county officer. A written designation of the employees shall be filed with the county clerk and shall be entered in the minutes of the board of county commissioners;

5. Shall make lease or lease-purchase agreements for road machinery and equipment if the county has adequate funds appropriated during any fiscal year for such purpose and only after following the bidding procedures as provided for in Section 1505 of this title. The term of any lease or lease-purchase agreement authorized pursuant to this paragraph may be for any period up to one (1) year, provided, the term shall not extend beyond the end of

any fiscal year, with an option to renew such agreement subject to the requirement that adequate funds are appropriated during the fiscal year by the county for such purpose. The State Auditor and Inspector's office shall be notified by the county of the terms and conditions of a lease or lease-purchase agreement authorized pursuant to this paragraph before any such agreement is made by the county purchasing agent; ~~and~~

6. Shall purchase items, products, materials, supplies, services, and equipment by purchase, lease-purchase, lease with option to purchase, or rental from suppliers or vendors in Oklahoma or from those with valid Oklahoma sales or use tax permits issued by the Oklahoma Tax Commission; and

7. Shall perform such other duties as may be delegated by the appointing authority or as may be provided for by law.

B. Each department of county government needing repairs to equipment, machinery or vehicles shall make estimates and requisition a purchase order from the county purchasing agent for repairs not in excess of Two Thousand Five Hundred Dollars ($2,500.00). Repairs in excess of Two Thousand Five Hundred Dollars ($2,500.00), shall be submitted on a blanket purchase order as provided in Section 310.8 of Title 62 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-123.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

Any board of education of a school district or individuals making purchases on behalf of a board of education shall purchase items, products, materials, supplies, services, and equipment by purchase, lease-purchase, lease with option to purchase, or rental from suppliers or vendors in Oklahoma or from those with valid Oklahoma sales or use tax permits issued by the Oklahoma Tax Commission.

SECTION 5. This act shall become effective November 1, 2001.

48-1-6328 ARE 6/12/15