

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1675

By: Blackburn

COMMITTEE SUBSTITUTE

An Act relating to schools; directing the State Board of Education to establish a central purchasing program; stating purpose of the program; requiring all school districts to coordinate certain acquisitions through the purchasing program; providing certain exception; authorizing the State Department of Education to negotiate certain discounts and contracts; allowing the Department to work with the Department of Central Purchasing for certain purpose; directing the Board to promulgate rules; amending 70 O.S. Sections 9-103 and 9-109, as amended by Section 32, Chapter 397, O.S.L. 2002 (70 O.S. Supp. 2002, Section 9-109), which relate to transportation of students; requiring the purchase of transportation equipment through the central purchasing program; modifying bid requirements for certain purchases; updating statutory language; providing for codification; providing an effective date; and declaring an emergency.

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 3-104.8 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Education shall establish in the State Department of Education a central purchasing program to assist school districts in obtaining certain supplies and products, including transportation equipment, at a competitive price and in a time-efficient manner. The purpose of the program shall be to:

1. Realize savings in the overhead costs of preparing specifications and advertising for bids for school supplies and products;

2. Obtain lower unit costs by consolidated volume ordering;

3. Unify specifications and quality standards for school supplies and products; and

4. Implement and maintain industry leading technologies to streamline the bidding and purchasing processes.

B. All school districts in the state shall coordinate acquisition of transportation equipment and certain supplies and products as determined by the Board through the central purchasing program in the State Department of Education. All school districts shall be required to purchase transportation equipment through the central purchasing program unless the district can purchase similar transportation equipment at a lower cost from a dealer whose place of business is located within the boundaries of the district or within a county in which the district is located. The Department may negotiate for educational discounts from the published price and make consolidated or statewide contracts for several or all school districts in the state for the purchase of school supplies and products.

C. The Department of Education may work with the Department of Central Purchasing in establishing policies and procedures for the procurement of school supplies and products.

D. The Board shall promulgate rules to implement the provisions of this section.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 9-103, is amended to read as follows:

Section 9-103. The board of education of any school district authorized to furnish transportation to school children may purchase and maintain suitable vehicles for such use through the central purchasing program established by the State Department of Education as provided for in Section 1 of this act and/or may contract with responsible individuals or another school district to furnish all or part of said transportation. All such contractors, however, shall be subject to statutory provisions relating to the transportation of

school children. Every vehicle with a capacity of ten passengers or more used in transporting school children shall have painted in letters not less than eight (8) inches in height on the front thereof the words, "SCHOOL BUS," and on the rear thereof in letters of the same size, "SCHOOL BUS."

SECTION 3. AMENDATORY 70 O.S. 2001, Section 9-109, as amended by Section 32, Chapter 397, O.S.L. 2002 (70 O.S. Supp. 2002, Section 9-109), is amended to read as follows:

Section 9-109. The State Board of Education is hereby authorized to request a price list and a complete description and specifications of any transportation equipment to be offered for sale to any school board or board of education of any district in the State of Oklahoma.

The State Board of Education shall examine such equipment to determine whether or not such equipment meets the requirements of the National School Bus Standards and such other specifications as the State Board of Education may determine as necessary to provide safe transportation for pupils to and from school and shall approve for sale to all schools in the State of Oklahoma transportation equipment, including bus bodies and chassis, which equipment meets or exceeds the specifications provided for the National School Bus Standards and such other specifications as the State Board of Education may deem as necessary. Any equipment fueled by alternative fuels as defined in Section 130.13 of Title 74 of the Oklahoma Statutes shall also meet any federal safety standards specified for any equipment used to provide transportation for pupils to and from school. The State Board of Education may approve auxiliary transportation equipment that is not National School Bus Yellow in color.

The State Board of Education shall make a central purchasing list of the equipment approved by them and the maximum price at which such equipment can be purchased. The list shall include a

complete description of the equipment. Such description shall include the specification of the school bus bodies and chassis as well as the factory list price of such equipment at the various factories. Such list shall be made available to all school districts authorized to purchase transportation equipment. ~~Provided, at any~~ Any time there shall be any change of specifications or prices by manufacturers of chassis or bodies, there shall be filed with the State Board of Education a revised set of specifications and prices.

The school board or board of education of any school district authorized to furnish transportation for pupils to and from school and receiving any State Aid funds, except as provided for in this section, shall be required to purchase all their transportation equipment from the central purchasing list ~~so provided on sealed bids and at a price not greater than the price filed with the State Board of Education; and the~~ through the central purchasing program established by the Department pursuant to Section 1 of this act. The State Board of Education shall be required to deduct from any State Aid for which the school district may qualify the amount paid by any school district for transportation equipment not approved by the State Board of Education or the amount paid greater than shown on the central purchasing price list for that transportation equipment filed with the State Board of Education. Unless otherwise exempted by this section, all purchases made ~~under the provisions of this act~~ by a school district for equipment from a local dealer as authorized in Section 1 of this act for transportation shall be made upon sealed bids, and contract of purchase shall be awarded to the lowest and best bidder.

~~Provided, however, any~~ Any purchase or sale of transportation equipment from one school district to another school district shall not be subject to the central purchasing list and sealed bid requirements as provided for in this section.

The State Board of Education shall promulgate rules necessary for the administration of this section and shall require from school district boards of education such information and reports as necessary for proper administration of this section.

Any cost of administration of this section shall be paid by the State Board of Education from funds appropriated for the administration of the State Aid Law.

SECTION 4. This act shall become effective July 1, 2003.

SECTION 5. 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.

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