

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1280

By: Hutchison and Erwin

AS INTRODUCED

An Act relating to the Oklahoma Central Purchasing Act; amending 74 O.S. 2001, Section 85.39, which relates to agency internal purchasing procedures; adding an exemption for certain acquisitions; amending 74 O.S. 2001, Section 123f, which relates to convict-made goods; adding an exception for the purchase of goods by certain persons; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 85.39, is amended to read as follows:

Section 85.39 A. 1. Each state agency shall develop internal purchasing procedures for acquisitions by the state agency.

Procedures shall, at a minimum, include provisions for the state agency's needs assessment, funding, routing, review, audits, monitoring, and evaluations. Following development, the state agency shall submit the procedures to the State Purchasing Director.

2. The State Purchasing Director shall review the procedures submitted pursuant to paragraph 1 of this subsection to determine compliance with the Oklahoma Central Purchasing Act, rules promulgated pursuant thereto, Sections 3001 through 3010 of this title, and provisions of paragraph 1 of this subsection. The State Purchasing Director shall provide written findings, including details of noncompliance, if any, to the Director of the Department of Central Services.

3. The Director of the Department of Central Services shall, within fifteen (15) days after the procedures are submitted, notify

the state agency that the procedures are in compliance or indicate revisions necessary to bring the procedures into compliance.

B. A state agency shall not make acquisitions exceeding Two Thousand Five Hundred Dollars (\$2,500.00) pursuant to Section 85.5 of this title, unless the Director of the Department of Central Services provides notice of compliance. The Oklahoma Correctional Industries and the Agri-Services programs of the Oklahoma Department of Corrections shall be exempt from the provisions of this subsection when making acquisitions of raw materials, component parts, and other products used to produce goods or services for resale and for the production of agricultural products.

C. Each state agency shall maintain a document file for each acquisition the state agency makes which shall include, at a minimum, justification for the acquisition, supporting documentation, copies of all contracts, if any, pertaining to the acquisition, evaluations, written reports if required by contract, and any other information the State Purchasing Director requires be kept.

SECTION 2. AMENDATORY 74 O.S. 2001, Section 123f, is amended to read as follows:

Section 123f. No products, wares, or merchandise produced, manufactured, or mined, wholly or in part, by convicts or prisoners of this state, who are employed in the state prison industries program, may be offered for sale, sold, exchanged, or distributed in this state, whether contained in the original package or otherwise. This ~~act~~ section shall not prohibit the sale or distribution of such products, wares, or merchandise by or for the state to departments, institutions, or agencies administered and supported by the state or its political subdivisions, and any other wholly or partially tax-supported institutions, or nonprofit charitable agencies for distribution to the needy. This section shall not prohibit the sale or distribution of such products, wares, or merchandise produced by

the Oklahoma Correctional Industries or products produced by the Agri-Services Division of the Department of Corrections by or for sale to employees of the State of Oklahoma. This ~~act~~ section shall not prohibit the sale of brick and building tile or furniture manufactured by said state institutions to churches which are located in the State of Oklahoma. All purchase orders made pursuant to the provisions of this section for such brick or building tile or furniture shall contain an affidavit stating that ~~said~~ the brick or building tile shall not be used for purposes other than for the building of churches, or that ~~said~~ the furniture shall not be used for any purpose other than church purposes. If said state departments, institutions, agencies, or nonprofit charitable agencies do not buy or contract to buy in advance of the season for which said wares or goods are made, and make a satisfactory guarantee to the said ~~Office of Public Affairs~~ Department of Central Services for fulfillment of their contract to purchase all the output, the state may then sell in open market any such goods or wares not generally manufactured in this state. The provisions of this section shall not apply to the sale or distribution of surplus perishable, agricultural products nor to individual articles made by hand by prisoners during their leisure time. This ~~act~~ section shall not be construed as preventing the ~~Office of Public Affairs~~ Department of Central Services or other state agency or agencies from manufacturing and selling such goods, wares, or merchandise as are not generally manufactured in this state.

SECTION 3. This act shall become effective November 1, 2003.

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