

CS for SB 1123

THE STATE SENATE
Wednesday, February 18, 2004

Committee Substitute for
Senate Bill No. 1123

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1123 - By: RABON of the Senate and MASS of the House.

An Act relating to county government; authorizing board of county commissioners to establish longevity pay plan for county employees; permitting longevity pay program to be consistent with state plan; excluding elected county officers from longevity pay plan; amending 19 O.S. 2001, Sections 1409 and 1501, as last amended by Section 1, Chapter 177, O.S.L. 2002 (19 O.S. Supp. 2003, Section 1501), which relate to budgets and duties of county purchasing agent; clarifying language; authorizing county to establish a reserve fund for certain purposes; modifying amount of purchase excepted from bidding procedures; deleting limiting language related to certain purchasing program; 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 180.84 of Title 19, unless there is created a duplication in numbering, reads as follows:

The board of county commissioners of each of the counties in this state may be authorized to establish a longevity pay program for employees of the county. The longevity pay program may be consistent with the longevity pay program for state employees authorized pursuant to Section 840-2.18 of Title 74 of the Oklahoma Statutes. The longevity pay program shall not include any elected county officers.

1 SECTION 2. AMENDATORY 19 O.S. 2001, Section 1409, is
2 amended to read as follows:

3 Section 1409. A. All budgets comprising normal operations of
4 the county shall be adopted for a fiscal year. Major capital
5 improvements financed by general obligation bonds, capital grants or
6 contributions shall use a capital projects fund budget. The term of
7 the budget shall coincide with the term of the individual project or
8 projects. To the extent appropriate, the requirements for
9 preparation, adoption and execution of the budgets described in
10 ~~Section 8 of this act~~ 1408 of this title, as hereinafter set forth
11 in this act, shall apply to budgets of capital projects funds.

12 B. In addition to a capital projects fund, the county may
13 establish a reserve fund to meet unforeseen contingencies which may
14 occur throughout the fiscal year.

15 SECTION 3. AMENDATORY 19 O.S. 2001, Section 1501, as
16 last amended by Section 1, Chapter 177, O.S.L. 2002 (19 O.S. Supp.
17 2003, Section 1501), is amended to read as follows:

18 Section 1501. A. The county purchasing agent:

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

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

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

7 a. when the purchase does not exceed ~~Seven Thousand Five~~
8 ~~Hundred Dollars (\$7,500.00)~~ Ten Thousand Dollars
9 (\$10,000.00). All purchases made pursuant to this
10 subparagraph shall be by a single purchase order.
11 Splitting purchase orders which would result in paying
12 an amount in excess of the limitations specified in
13 this subparagraph is expressly prohibited. Any person
14 convicted of violating the provisions of this
15 subparagraph shall be guilty of a misdemeanor and such
16 person shall forfeit the person's position or office,

17 b. when the total payments of a rental or lease-purchase
18 agreement do not exceed Five Thousand Dollars
19 (\$5,000.00),

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

- 1 d. service or maintenance contracts on equipment or
2 machinery which are entered into at the time of the
3 purchase of the equipment or machinery,
4 e. purchases made pursuant to a blanket purchase order as
5 provided for in Section 310.8 of Title 62 of the
6 Oklahoma Statutes,
7 f. when materials for road or bridge improvements do not
8 exceed Three Dollars (\$3.00) per yard or per ton,
9 g. purchases of fuel if the county purchasing agent
10 obtains telephone quotes from at least three vendors
11 prior to the purchase and the lowest and best quote is
12 selected. Documentation of these quotes shall be
13 recorded in the permanent records of the clerk,
14 h. purchases of tools, apparatus, machinery or equipment
15 from a state agency or a political subdivision of the
16 state as provided for in subsection C of Section 421.1
17 of this title,
18 i. purchases of food for prisoners incarcerated in the
19 county jail; provided, in counties having a population
20 in excess of one hundred thousand (100,000) persons,
21 the county purchasing agent shall follow bidding
22 procedures as provided by law unless the county
23 purchasing agent obtains telephone quotes pursuant to

1 the whole total of food items requisitioned prior to
2 the purchase and the lowest and best quote is
3 selected. Documentation of these quotes shall be
4 recorded in the permanent records of the county clerk,
5 j. when a county solicits bids for the purchase of
6 processed native materials for road and bridge
7 improvements, the county may accept all bids received,
8 with the lowest and best bid from those accepted to be
9 selected at the time of opening of any construction
10 project. The selection of the bid shall be based upon
11 availability, bid price, plus transportation costs,
12 k. when a vendor has been selected as the lowest and best
13 bidder to furnish a particular item or items to the
14 county during a specified time period and in the event
15 the vendor is unable to perform, the purchasing agent
16 may solicit telephone quotes for the item or items
17 needed from the list of qualified bidders and provide
18 for the purchase of the items at the lowest and best
19 quote available,
20 l. when considering the purchase of an item or items from
21 the state bid list as provided by the Department of
22 Central Services, if the same exact item is available
23 from a local vendor at or below the price listed on

1 the state bid list, the item may be obtained from the
2 vendor,
3 m. any item or items bid by the Department of Central
4 Services which may be purchased by the county,
5 provided the vendor is willing to supply the item or
6 items to the county at the bid price,
7 n. when a county obtains proceeds from the sale of its
8 property at a public auction, that county may use
9 those proceeds to acquire items previously identified
10 as needed by the county at the same public auction
11 pursuant to subsection D of Section 1505 of this
12 title,
13 o. when an item or items have been competitively bid by a
14 county, or on behalf of a group of contiguous
15 counties, provided:
16 (1) the notice to bidders shall list each county
17 which may participate in the purchase of the item
18 or items being bid,
19 (2) the notice of bid is advertised, as provided by
20 law, in each of the counties which may
21 participate in the purchase of the item or items,
22 (3) all vendors on the list of qualified bidders of
23 each participating county who offer the item or

1 items for sale received notice of the bid
2 request, and

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

5 p. counties may participate in a nationwide ~~office supply~~
6 ~~and office equipment~~ purchasing program sponsored by
7 the national association representing counties, or

8 q. when the Governor declares an emergency in a county,
9 the district attorney of that county shall have the
10 authority to temporarily waive competitive bidding
11 procedures for purchases that may expedite a response
12 to the emergency situation. This temporary waiver
13 shall be in addition to any powers exercised pursuant
14 to Section 683.11 of Title 63 of the Oklahoma
15 Statutes.

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

21 4. Shall not furnish any supplies, materials, equipment, or
22 other articles, except upon receipt of a requisition signed by a
23 county officer. Written requisitions will not be required for

1 blanket purchase orders as provided for in Section 310.8 of Title 62
2 of the Oklahoma Statutes. Each county officer may designate not
3 more than two employees who also shall be authorized to sign
4 requisitions in the absence of the county officer. A written
5 designation of the employees shall be filed with the county clerk
6 and shall be entered in the minutes of the board of county
7 commissioners;

8 5. Shall make lease or lease-purchase agreements for road
9 machinery and equipment if the county has adequate funds
10 appropriated during any fiscal year for such purpose and only after
11 following the bidding procedures as provided for in Section 1505 of
12 this title. The term of any lease or lease-purchase agreement
13 authorized pursuant to this paragraph may be for any period up to
14 one (1) year, provided, the term shall not extend beyond the end of
15 any fiscal year, with an option to renew such agreement subject to
16 the requirement that adequate funds are appropriated during the
17 fiscal year by the county for such purpose. The State Auditor and
18 Inspector's office shall be notified by the county of the terms and
19 conditions of a lease or lease-purchase agreement authorized
20 pursuant to this paragraph before any such agreement is made by the
21 county purchasing agent; and

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

1 B. Each department of county government needing repairs to
2 equipment, machinery or vehicles shall make estimates and
3 requisition a purchase order from the county purchasing agent for
4 repairs not in excess of Two Thousand Five Hundred Dollars
5 (\$2,500.00). Repairs in excess of Two Thousand Five Hundred Dollars
6 (\$2,500.00), shall be submitted on a blanket purchase order as
7 provided in Section 310.8 of Title 62 of the Oklahoma Statutes.

8 SECTION 4. This act shall become effective November 1, 2004.

9 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-16-04
10 - DO PASS, As Amended and Coauthored.