

EHB 2661

THE STATE SENATE
Tuesday, April 11, 2006

ENGROSSED

House Bill No. 2661

As Amended

ENGROSSED HOUSE BILL NO. 2661 - By: ROAN of the House and RABON of the Senate.

[Oklahoma Correctional Industries - The Oklahoma Central Purchasing Act - effective date]

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 85.12, as last amended by Section 1, Chapter 156, O.S.L. 2005 (74 O.S. Supp. 2005, Section 85.12), is amended to read as follows:

Section 85.12 A. The provisions of this section shall not be construed to affect any law relating to fiscal or accounting procedure except as they may be directly in conflict herewith; and all claims, warrants, and bonds shall be examined, inspected, and approved as now provided by law.

B. Except as otherwise provided by this section, the acquisitions specified in this subsection shall be made in compliance with Section 85.39 of this title but are not subject to other provisions of ~~the~~ The Oklahoma Central Purchasing Act:

1. Food and other products produced by state institutions and agencies;

1 2. The printing or duplication of publications or forms of
2 whatsoever kind or character by state agencies if the work is
3 performed upon their own equipment by their own employees. Pursuant
4 to this paragraph, the state agency may only use equipment owned or
5 leased by the agency and may only utilize that equipment for
6 printing services required by the agency in performing duties
7 imposed upon the agency or functions authorized to be performed by
8 the agency. Any use of the equipment by the agency pursuant to an
9 agreement or contract with any other entity resulting in delivery of
10 intermediate or finished products to the entity purchasing or using
11 the products shall be subject to the provisions of ~~the~~ The Oklahoma
12 Central Purchasing Act;

13 3. Department of Transportation and Transportation Commission
14 contractual services or right-of-way purchases; contracts awarded
15 pursuant to bids let by the Transportation Commission for the
16 maintenance or construction of streets, roads, highways, bridges,
17 underpasses, or any other transportation facilities under the
18 control of the Department of Transportation, the acquisitions of
19 equipment or materials accruing to the Department of Transportation
20 required in Federal-Aid contracts; and contracts for public service
21 type announcements initiated by the Department of Transportation;
22 but not contractual services for advertising or public relations or
23 employment services;

1 4. Utility services where rates therefor are regulated by a
2 state or federal regulatory commission, or by municipal ordinance,
3 or by an Indian Tribal Council for use by the Department of
4 Corrections only;

5 5. Acquisitions by the University Hospitals Authority. The
6 Authority shall develop standards for the acquisition of products
7 and services and may elect to utilize the Purchasing Division. The
8 standards shall foster economy and short response time and shall
9 include appropriate safeguards and record-keeping requirements to
10 ensure appropriate competition and economical and efficient
11 purchasing;

12 6. Contracts for custom harvesting by the Department of
13 Corrections for the Department or its institutions;

14 7. Contracts with private prison contractors which are subject
15 to the contracting procedures of Section 561 of Title 57 of the
16 Oklahoma Statutes;

17 8. Acquisitions by the Oklahoma Municipal Power Authority;

18 9. Acquisitions by the Grand River Dam Authority;

19 10. Acquisitions by rural water, sewer, gas, or solid waste
20 management districts created pursuant to the Rural Water, Sewer, Gas
21 and Solid Waste Management Districts Act;

1 11. Acquisitions by the Oklahoma Ordnance Works Authority, the
2 Northeast Oklahoma Public Facilities Authority, or the Midwestern
3 Oklahoma Development Authority;

4 12. Contracts entered into by the Oklahoma Industrial Finance
5 Authority for the services of an appraiser or for acquisition of
6 insurance when the Authority's Board of Directors determines that an
7 emergency exists, and contracts for the services of legal counsel
8 when approved by the Attorney General;

9 13. Expenditure of monies appropriated to the State Board of
10 Education for Local and State Supported Financial Support of Public
11 Schools, except monies allocated therefrom for the Administrative
12 and Support Functions of the State Department of Education;

13 14. Expenditure of monies appropriated to the State Department
14 of Rehabilitation Services for educational programs or educational
15 materials for the Oklahoma School for the Blind and the Oklahoma
16 School for the Deaf;

17 15. Contracts entered into by the Oklahoma Department of Career
18 and Technology Education for the development, revision, or updating
19 of vocational curriculum materials, and contracts entered into by
20 the Oklahoma Department of Career and Technology Education for
21 training and supportive services that address the needs of new or
22 expanding industries;

1 16. Contracts entered into by the Oklahoma Center for the
2 Advancement of Science and Technology for professional services;

3 17. Contracts entered into by the Oklahoma Department of
4 Commerce pursuant to the provisions of Section 5066.4 of this title;

5 18. Acquisitions made by the Oklahoma Historical Society from
6 monies used to administer the White Hair Memorial;

7 19. Acquisitions available to an agency through a General
8 Services Administration (GSA) contract or other federal contract if
9 the acquisition is on current statewide contract and the terms of
10 the GSA or other federal contract, as determined by the State
11 Purchasing Director, are more favorable to the agency than the terms
12 of a statewide contract for the same products;

13 20. Purchases of pharmaceuticals available through a multistate
14 or multigovernmental contract if such pharmaceuticals are or have
15 been on state contract within the last fiscal year, and the terms of
16 such contract are more favorable to the state or agency than the
17 terms of a state contract for the same products, as determined by
18 the State Purchasing Director. The state entity designated by law,
19 as specified in Section 1010.3 of Title 56 of the Oklahoma Statutes,
20 shall participate in the purchase of pharmaceuticals available
21 through such contracts;

22 21. Contracts for managed health care services entered into by
23 the state entity designated by law or the Department of Human

1 Services, as specified in paragraph 1 of subsection A of Section
2 1010.3 of Title 56 of the Oklahoma Statutes;

3 22. Acquisitions by the Forestry Service of the Oklahoma
4 Department of Agriculture, Food, and Forestry as authorized by the
5 federal General Services Administration through a General Services
6 Administration contract or other federal contract if the
7 acquisitions are not on current statewide contract or the terms of
8 the federal contract are more favorable to the agency than the terms
9 of a statewide contract for the same products;

10 23. Acquisitions of clothing for clients of the Department of
11 Human Services and acquisitions of food for group homes operated by
12 the Department of Human Services;

13 24. Acquisitions by the Oklahoma Energy Resources Board;

14 25. Acquisitions of clothing for juveniles in the custody of
15 the Office of Juvenile Affairs and acquisitions of food for group
16 homes operated by the Office of Juvenile Affairs;

17 26. State contracts for flexible benefits plans pursuant to the
18 Oklahoma State Employees Benefits Act, Section 1361 et seq. of this
19 title;

20 27. Acquisitions by the Department of Securities to
21 investigate, initiate, or pursue administrative, civil, or criminal
22 proceedings involving potential violations of the acts under the
23 Department's jurisdiction;

1 28. Acquisitions by the Native America Cultural and Educational
2 Authority and acquisitions by the Oklahoma Department of Commerce to
3 assist the Native American Cultural and Educational Authority
4 pursuant to Section 5017 of this title;

5 29. Acquisitions for resale in and through canteens operated
6 pursuant to Section 537 of Title 57 of the Oklahoma Statutes;

7 30. Acquisitions by the Oklahoma Boll Weevil Eradication
8 Organization for employment and personnel services, and for
9 acquiring sprayers, blowers, traps, and attractants related to the
10 eradication of boll weevils in this state or as part of a national
11 or regional boll weevil eradication program;

12 31. Contracts entered into by the Oklahoma Indigent Defense
13 System for expert services pursuant to the provisions of subsection
14 D of Section 1355.4 of Title 22 of the Oklahoma Statutes;

15 32. Acquisitions by the Oklahoma Correctional Industries and
16 the Agri-Services programs of the ~~Oklahoma~~ Department of Corrections
17 of raw materials, component parts and other products, any equipment
18 excluding vehicles, and any services excluding computer consultant
19 services used to produce goods or services for resale and for the
20 production of agricultural products; and

21 33. Contracts entered into by the Department of Human Services
22 for provision of supported living services to members of the
23 plaintiff class in Homeward Bound, Inc., et. al., v. The Hissom

1 Memorial Center, et. al., Case Number 85-C-437-E, United States
2 District Court for the Northern District of Oklahoma.

3 C. Pursuant to the terms of a contract the State Purchasing
4 Director enters into or awards, a state agency, common school,
5 municipality, rural fire protection district, county officer, or any
6 program contract, purchase, acquisition or expenditure that is not
7 subject to the provisions of ~~the~~ The Oklahoma Central Purchasing
8 Act, may, unless acting pursuant to a contract with the state that
9 specifies otherwise, make use of statewide contracts and the
10 services of the Purchasing Division and the State Purchasing
11 Director. Any political subdivision or rural fire protection
12 district may designate the State Purchasing Director as its agent
13 for any acquisition from a statewide contract or otherwise available
14 to the state.

15 D. The State Purchasing Director shall make periodic audits of
16 the purchasing procedures of the Oklahoma Ordnance Works Authority,
17 the Northeast Oklahoma Public Facilities Authority, the University
18 Hospitals Authority, and the Midwestern Oklahoma Development
19 Authority to ensure that the procedures are being followed.

20 SECTION 2. This act shall become effective November 1, 2006.

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-5-06 - DO
22 PASS, As Amended.