

EHB 2982

THE STATE SENATE
Wednesday, April 12, 2006

ENGROSSED
House Bill No. 2982
As Amended

ENGROSSED HOUSE BILL NO. 2982 - By: JETT of the House and CORN of the Senate.

[prisons and reformatories - purchase of prison industries goods and services - effective date]

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

SECTION 1. AMENDATORY 57 O.S. 2001, Section 549.1, as amended by Section 1, Chapter 59, O.S.L. 2003 (57 O.S. Supp. 2005, Section 549.1), is amended to read as follows:

Section 549.1 A. The Department of Corrections is authorized to purchase in the manner prescribed by law, facilities, equipment, raw materials and supplies, and to engage the supervisory personnel necessary to establish and maintain for this state at the penal institutions, now or hereafter under the control of the State Board of Corrections, industries and agricultural programs for the utilization of services of prisoners in the manufacture or production of ~~such~~ the articles or products as may be needed for the construction, operation, maintenance or use of any office, department, institution or agency supported in whole or in part by this state and the political subdivisions thereof. Upon the request

1 of the Oklahoma Historical Society and the Oklahoma Tourism and
2 Recreation Department, the Department of Corrections shall provide
3 labor for and shall produce or manufacture articles, products, or
4 materials needed for the repair, construction, and maintenance of
5 historical sites and state parks including, but not limited to, the
6 production of materials and products needs for the reconstruction of
7 historic forts in the state.

8 B. All articles and services provided by the Department of
9 Corrections in the state correctional institutions, and not required
10 for use therein, shall be purchased as required by all offices,
11 departments, institutions, agencies, counties, schools, colleges,
12 universities, or political subdivisions or any agency thereof of
13 this state which are supported in whole or in part by this state, if
14 ~~such~~ the article or service is the lowest and best bid, and no ~~such~~
15 article or product may be purchased by any such office, department,
16 institution, agency, county, school, college, university, or
17 political subdivisions or agency thereof from any other source
18 unless excepted from the provisions as hereinafter provided.
19 Purchases made by the above-described state agencies may be made by
20 submitting the proper requisition through the Office of Public
21 Affairs or by direct order to the prison industries program of the
22 Department of Corrections.

1 C. If a requisition is received by the Office of Public Affairs
2 or a direct order is received by the Prison Industries Program of
3 the Department of Corrections from a state agency for any product or
4 service provided by the Department of Corrections and ~~such~~ the
5 product or service is also available from a severely handicapped
6 person or a qualified nonprofit agency for the severely handicapped
7 as provided in Sections 3001 et seq. of Title 74 of the Oklahoma
8 Statutes at a comparable price, then the product or service shall be
9 purchased from such severely handicapped person or qualified
10 nonprofit agency for the severely handicapped. If the product or
11 service is not available within the time period required by the
12 purchasing state agency, then such product or service shall be
13 purchased from the Department of Corrections under the provisions of
14 this section.

15 D. All counties, cities, districts or political subdivisions,
16 schools, colleges, or universities, or any agency thereof, which are
17 supported in whole or in part by this state, may purchase the goods
18 or services produced by the prison industries of the Department of
19 Corrections through their properly authorized purchasing authority,
20 or they may place a direct order without competitive bid, with the
21 prison industries of the Oklahoma Department of Corrections.

22 E. Not-for-profit corporations or charitable agencies chartered
23 in Oklahoma or other states may purchase ~~such~~ goods and services.

1 Units of the federal government and units of government in other
2 states may also purchase such goods and services. All entities
3 which contract with the state, its political units, its agencies,
4 its public institutions, not-for-profit corporations or charitable
5 agencies chartered in Oklahoma may purchase goods or services from
6 the Department of Corrections which are used in the performance of
7 such contracts. Any church located in the State of Oklahoma may
8 also purchase goods and services produced by the prison industries
9 of the Department of Corrections. Nothing shall prohibit the
10 Department from bidding on portions of a state contract which are
11 subcontracted by the primary contractor.

12 F. Others are prohibited from purchasing ~~such~~ goods and
13 services, with the exception that all surplus agricultural products
14 may be sold on the open market or bartered and exchanged for other
15 food, feed or seed products of comparable value. The Department of
16 Corrections shall keep complete and accurate records of any such
17 barters or exchanges in such form and manner as the Office of Public
18 Affairs may prescribe. A copy of such records shall be filed with
19 the Office of Public Affairs no later than March 1 of each year for
20 all barters or exchanges occurring in the previous calendar year.

21 G. Products manufactured by the Department of Corrections shall
22 be of styles, patterns, designs and quantities specified by the
23 Department of Corrections except where the same have been or may be

1 specified by the Office of Public Affairs. Products shall be
2 provided at a fair market price for comparable quality.

3 H. State agencies shall make maximum utilization of ~~such~~ the
4 products and no similar products shall be purchased by state
5 agencies from any other source than the Department of Corrections
6 except as provided in subsection C of this section, unless the
7 Department of Corrections certifies to the Central Purchasing
8 Director that it is not able to provide products, and no claim
9 therefor shall be paid without such certification.

10 I. Exceptions from the mandatory provisions hereof may be made
11 in any case where, in the opinion of the Office of Public Affairs,
12 the article or product does not meet the reasonable requirements of
13 or for such offices, departments, institutions or agencies, or in
14 any case where the requisitions made cannot be reasonably complied
15 with. No such offices, departments, institutions or agencies, shall
16 be allowed to evade the intent and meaning of this section by slight
17 variations from standards adopted by the Office of Public Affairs,
18 when the articles, services or products produced or manufactured by
19 the Oklahoma Department of Corrections, in accordance with
20 established standards, are reasonably adapted to the actual needs of
21 such offices, departments, institutions or agencies.

22 J. In the event of disagreement between the Department of
23 Corrections and the Central Purchasing Director on fairness of

1 price, ability to comply to specifications, reasonableness of
2 specifications and timeliness of delivery of products the matter
3 will be resolved by the Director of Public Affairs.

4 K. The Office of Public Affairs shall cooperate with the
5 Department of Corrections in seeking to promote for use in state
6 agencies and by all other eligible customers, the products
7 manufactured and services provided by the prison industries.

8 L. The Department of Corrections shall prepare catalogs
9 containing the description of all goods and services provided, with
10 the pricing of each item. Copies of such catalog shall be sent by
11 the Department of Corrections to all offices, departments,
12 institutions and agencies of this state, and shall be available for
13 distribution to all other eligible customers.

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

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