

SB 831

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

THE STATE SENATE
Monday, February 26, 2007

Senate Bill No. 831
As Amended

SENATE BILL NO. 831 - By: LASTER of the Senate and TREBILCOCK of the House.

[state government - relating to the state purchase card -
modifying amount - effective date]

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 85.5, as last amended by Section 126, Chapter 1, O.S.L. 2005 (74 O.S. Supp. 2006, Section 85.5), is amended to read as follows:

Section 85.5 A. Pursuant to the provisions of Section 85.4 of this title, the State Purchasing Director, under the supervision of the Director of the Department of Central Services, shall have sole and exclusive authority and responsibility for all acquisitions used or consumed by state agencies.

B. The State Purchasing Director, after consultation with the requisitioning state agency, shall have authority to determine the particular brand, model, or other specific classification of each acquisition and to draft or invoke pursuant to the Oklahoma Central Purchasing Act specifications establishing the requirements for all necessary contracts or purchase orders.

1 C. The Director of the Department of Central Services shall
2 have authority and responsibility to promulgate rules pursuant to
3 provisions of the Oklahoma Central Purchasing Act governing,
4 providing for, prescribing, or authorizing any act, practice, or
5 requirement for which regulatory power is delegated for:

6 1. The time, manner, authentication, and form of making
7 requisitions for acquisitions;

8 2. Inspection, analysis, and testing of acquisitions or samples
9 suppliers submit prior to contract award;

10 3. The form and manner of submission for bids or proposals a
11 supplier submits and the manner of accepting and opening bids or
12 proposals;

13 4. The conditions under which the Department of Central
14 Services shall require written contracts for acquisitions, the
15 conditions under which acquisitions may be made on an open account
16 basis, and the conditions and manner of negotiating such contracts;

17 5. Obtaining acquisitions produced by state institutions;

18 6. Conditions under which any of the rules herein authorized
19 may be waived;

20 7. The amounts of and deposits on any bond required to be
21 submitted with a bid or contract for the furnishing of acquisitions
22 and the conditions under which such bond shall be required;

1 8. Storage and storage facilities necessary to accomplish
2 responsibilities of the Director of the Department of Central
3 Services;

4 9. The manner and conditions of delivery, which shall include
5 the designation of the common carrier of property to be used to
6 transport acquisitions whenever a common carrier is used, and the
7 acceptance, or rejection, including check of quantities, of any
8 acquisitions;

9 10. The form of any estimate, order, or other document the
10 Director of the Department of Central Services requires;

11 11. State agency acquisitions not exceeding the acquisition
12 purchase amount requiring competitive bid pursuant to Section 85.7
13 of this title to ensure competitiveness, fairness, compliance with
14 provisions of all sections of the Oklahoma Central Purchasing Act,
15 and compliance with provisions of Section 3001 et seq. of this
16 title, which relate to the State Use Committee. The rules shall
17 include separate provisions based on acquisition purchase price as
18 follows:

19 a. state agencies shall make acquisitions not exceeding
20 Two Thousand Five Hundred Dollars (\$2,500.00),
21 provided the acquisition process is fair and
22 reasonable and is conducted pursuant to rules
23 authorized pursuant to this section, and

1 b. state agencies with certified procurement officers and
2 internal purchasing procedures found compliant by the
3 Director of the Department of Central Services
4 pursuant to this section may make acquisitions in
5 excess of Two Thousand Five Hundred Dollars
6 (\$2,500.00) as provided below:

7 (1) acquisitions with a price exceeding Two Thousand
8 Five Hundred Dollars (\$2,500.00) and not
9 exceeding Ten Thousand Dollars (\$10,000.00),
10 pursuant to rules authorized by this section, and

11 (2) acquisitions with a price exceeding Ten Thousand
12 Dollars (\$10,000.00) and not exceeding the amount
13 requiring a requisition to the State Purchasing
14 Director, pursuant to Section 85.7 of this title,
15 by telephone, facsimile, invitation to bid, or
16 solicitation by means of electronic commerce,
17 receipt of bids and bid award by the state
18 agency;

19 12. Training by the State Purchasing Director of state agency
20 procurement officers;

21 13. Review and audit by the State Purchasing Director of state
22 agency acquisitions;

1 14. The conditions for increasing acquisition limits for state
2 agencies which have had a prior reduction in acquisition limit by
3 the Director of the Department of Central Services;

4 15. State agency use of a state purchase card to make
5 acquisitions; and

6 16. Any other matter or practice which relates to the
7 responsibilities of the Director of the Department of Central
8 Services.

9 D. The State Purchasing Director shall provide training for
10 state agency purchasing officials and other purchasing staff. The
11 training shall include principles of state procurement practices,
12 basic contracting, provisions of the Oklahoma Central Purchasing
13 Act, rules promulgated pursuant to the Oklahoma Central Purchasing
14 Act, provisions of Section 3001 et seq. of this title, which relate
15 to the State Use Committee, and any other matters related to state
16 procurement practices. State agency purchasing officials that
17 demonstrate proficiency shall be certified as "certified procurement
18 officers" by the State Purchasing Director and shall be authorized
19 to make acquisitions pursuant to provisions of the Oklahoma Central
20 Purchasing Act and rules authorized by this section. The State
21 Purchasing Director shall assess a fee to state agencies for the
22 training that does not exceed each state agency's pro rata share of

1 the costs the State Purchasing Director incurs to provide the
2 training.

3 E. The State Purchasing Director shall review state agency
4 acquisitions for the purposes of:

5 1. Ensuring state agency compliance with provisions of the
6 Oklahoma Central Purchasing Act;

7 2. Ensuring state agency compliance with rules promulgated by
8 the Department of Central Services pursuant to the Oklahoma Central
9 Purchasing Act;

10 3. Ensuring state agency compliance with provisions of Section
11 3001 et seq. of this title pertaining to the State Use Committee;

12 4. Reporting any acquisition by any state agency found not to
13 be in compliance with those sections or rules to the Director of the
14 Department of Central Services; and

15 5. Recommending that the Director of the Department of Central
16 Services reduce the acquisition competitive bid limit amount for any
17 state agency found not to be in compliance with the Oklahoma Central
18 Purchasing Act or rules promulgated thereto.

19 F. When recommended by the State Purchasing Director, based on
20 written findings by the State Purchasing Director, the Director of
21 the Department of Central Services may:

22 1. Require retraining of state agency procurement officials and
23 other purchasing staff found not to be in compliance with provisions

1 of the Oklahoma Central Purchasing Act, or rules promulgated
2 pursuant to the Oklahoma Central Purchasing Act;

3 2. Reduce the acquisition competitive bid limit for any state
4 agency found not to be in compliance with provisions of the Oklahoma
5 Central Purchasing Act or rules promulgated pursuant to the Oklahoma
6 Central Purchasing Act;

7 3. Transmit written findings by the State Purchasing Director
8 to the State Auditor and Inspector for further investigation,
9 indicating purchasing procedures that do not conform to provisions
10 pursuant to the Oklahoma Central Purchasing Act or rules promulgated
11 pursuant to the Oklahoma Central Purchasing Act;

12 4. Transmit to the Attorney General or the State Auditor and
13 Inspector for further investigation a report made by the State
14 Purchasing Director that the Director of the Department of Central
15 Services reasonably believes indicates that an action that
16 constitutes a criminal violation pursuant to the Oklahoma Central
17 Purchasing Act or other laws has been taken by any state agency,
18 state agency official, bidder, or supplier; or

19 5. Increase the state agency acquisition purchase amount
20 requiring competitive bid, not to exceed the acquisition purchase
21 amount requiring competitive bid, pursuant to Section 85.7 of this
22 title.

1 G. 1. Pursuant to the requirements of the Oklahoma Central
2 Purchasing Act, the State Purchasing Director shall have authority
3 to enter into any statewide, multistate or multigovernmental
4 contract. The state entity designated by law, as specified in
5 Section 1010.3 of Title 56 of the Oklahoma Statutes, shall
6 participate in the purchase of pharmaceuticals available through
7 such multistate or multigovernmental contracts entered into by the
8 State Purchasing Director.

9 2. The State Purchasing Director may utilize contracts awarded
10 by other governmental agencies, including agencies of the United
11 States of America.

12 3. The State Purchasing Director may designate contracts
13 described in this subsection for use by state agencies.

14 H. The State Purchasing Director may develop and test new
15 contracting policies and procedures that hold potential for making
16 the Purchasing Division more effective and efficient.

17 I. The State Purchasing Director shall endeavor to satisfy state
18 agencies in terms of cost, quality, and timeliness of the delivery
19 of acquisitions by using bidders who have a record of successful
20 past performance, promoting competition, minimizing administrative
21 operating costs, and conducting business with integrity, fairness,
22 and openness.

23 J. The State Purchasing Director shall undertake the following:

- 1 1. The use of electronic commerce pursuant to the Oklahoma
2 Online Bidding Act for solicitation, notification, and other
3 purchasing processes;
- 4 2. Monitoring rules promulgated pursuant to the Oklahoma
5 Central Purchasing Act to ensure that the rules, satisfy the
6 interests of the state, are clear and succinct, and encourage
7 efficiency in purchasing processes;
- 8 3. A program to identify vendors with poor delivery and
9 performance records;
- 10 4. Development of criteria for the use of sealed bid
11 contracting procedures, negotiated contracting procedures, selection
12 of types of contracts, postaward administration of purchase orders
13 and contracts, contract modifications, termination of contracts, and
14 contract pricing;
- 15 5. Continual improvement in the quality of the performance of
16 the Purchasing Division through training programs, management
17 seminars, development of benchmarks and key management indicators,
18 and development of standard provisions, clauses and forms;
- 19 6. Development of electronic means of making state agencies
20 aware of office furniture, equipment, machinery, tools, and hardware
21 available for purchase from the surplus property programs; and

1 7. Development of programs to improve customer relations
2 through training, improved communications, and appointment of
3 technical representatives.

4 K. The State Purchasing Director shall, in cooperation with the
5 Oklahoma Department of Agriculture, Food, and Forestry, identify the
6 needs of state agencies and institutions for agricultural products
7 grown and produced in Oklahoma.

8 L. The State Purchasing Director may authorize state agencies
9 to utilize a state purchase card for acquisitions on statewide
10 contracts issued by the State Purchasing Director with no limit on
11 the amount of the transaction. For any other transaction with a
12 state purchase card, the transaction shall not exceed ~~Two Thousand~~
13 ~~Five Hundred Dollars (\$2,500.00)~~ Five Hundred Dollars (\$500.00)
14 subject to the following:

15 1. The state agency purchase approving officer shall approve
16 all transactions made by the cardholder, including food, prior to
17 the actual transaction;

18 2. The cardholder shall provide to the approving officer a
19 receipt from the vendor giving an itemized and detailed description
20 of the purchase; and

21 3. The approving officer shall transmit an electronic report of
22 each transaction to the Office of the State Auditor and Inspector.

1 The report shall include the date, the vendor, item description,
2 amount and purpose of each transaction.

3 M. The State Purchasing Director may utilize and authorize
4 state agencies to utilize reverse auctions to obtain acquisitions.

5 N. Prior to the award of a contract to a supplier, the State
6 Purchasing Director shall verify, pursuant to applicable provisions
7 of law, that the supplier is eligible to do business in the State of
8 Oklahoma by confirming registration with the Secretary of State and
9 franchise tax payment status pursuant to Sections 1203 and 1204 of
10 Title 68 of the Oklahoma Statutes. The provisions of this
11 subsection shall be applicable only if the contract amount is
12 Twenty-five Thousand Dollars (\$25,000.00) or greater.

13 O. As a condition of awarding a contract pursuant to the
14 Oklahoma Central Purchasing Act, the State Purchasing Director shall
15 verify with the Oklahoma Tax Commission that the business entity to
16 which the state contract is to be awarded, whether subject to the
17 procedures required by Section 85.7 of this title or not, has
18 obtained a sales tax permit pursuant to the provisions of Section
19 1364 of Title 68 of the Oklahoma Statutes if such entity is required
20 to do so.

21 P. The State Purchasing Director is hereby authorized to
22 explore and investigate cost savings in energy, resource usage, and
23 maintenance contracts and to identify and negotiate contract

1 solutions including, but not limited to, pilot projects to achieve
2 cost savings for the State of Oklahoma.

3 Q. The Department of Central Services may finance a new heat
4 and air system for the State Capitol.

5 R. The Office of State Finance, with input from the State
6 Purchasing Director, shall promulgate payment procedure rules for
7 state agencies to adhere to regarding statewide contracts issued by
8 the State Purchasing Director.

9 S. The Office of State Finance along with the Department of
10 Central Services, Central Purchasing Division, shall promulgate
11 payment procedure rules for agencies to adhere to regarding
12 statewide contracts issued by the Division.

13 SECTION 2. AMENDATORY Section 26, Chapter 467, O.S.L.
14 2005 (74 O.S. Supp. 2006, Section 85.5a), is amended to read as
15 follows:

16 Section 85.5a The State Purchasing Director may authorize
17 personnel assigned to the Office of Global Business Services of the
18 Department of Commerce, upon a finding by the Secretary of Commerce
19 that such personnel have a legitimate need therefore, to utilize a
20 state purchase card for acquisitions for programs, functions or
21 services essential to the mission of the agency while traveling on
22 Department of Commerce business in foreign locations with
23 transaction limits not to exceed ~~Thirty-five Thousand Dollars~~

1 ~~(\$35,000.00)~~ Five Hundred Dollars (\$500.00). The purchase
2 cardholders are required to sign a purchase card agreement prior to
3 becoming a cardholder and to attend purchase card procedure
4 training. The Department of Commerce will conduct quarterly
5 internal auditing on all purchase card transactions associated with
6 business and travel in foreign locations.

7 SECTION 3. AMENDATORY 74 O.S. 2001, Section 85.7, as
8 last amended by Section 2, Chapter 309, O.S.L. 2004 (74 O.S. Supp.
9 2006, Section 85.7), is amended to read as follows:

10 Section 85.7 A. 1. Except as otherwise provided by the
11 Oklahoma Central Purchasing Act, no state agency shall make an
12 acquisition for an amount exceeding Twenty-five Thousand Dollars
13 (\$25,000.00) without submission of a requisition to the State
14 Purchasing Director and submission of suppliers' competitive bids or
15 proposals to the State Purchasing Director.

16 2. Any acquisition a state agency makes shall be made pursuant
17 to the Oklahoma Central Purchasing Act and rules promulgated
18 pursuant thereto.

19 a. Split purchasing, including the use of a purchase
20 card, for the purpose of evading the requirement of
21 competitive bidding shall be a felony.

22 b. The State Purchasing Director may waive or increase
23 the limit of Twenty-five Thousand Dollars (\$25,000.00)

1 for a state agency acquisition by not more than ten
2 percent (10%) to perfect an otherwise valid
3 acquisition inadvertently exceeding the limit due to
4 administrative error by the state agency or
5 unforeseeable circumstances. The state agency shall
6 request a waiver upon the discovery of the error or
7 circumstance to the State Purchasing Director on a
8 form the Director requires.

9 c. The State Purchasing Director shall report all
10 requests for waivers or increases, stating the amount
11 and whether the request was granted or denied, monthly
12 to the Governor, President Pro Tempore of the Senate,
13 and Speaker of the House of Representatives.

14 3. a. Contracts for master custodian banks or trust
15 companies, investment managers, investment
16 consultants, and actuaries for the state retirement
17 systems, CompSource Oklahoma, State and Education
18 Employees Group Insurance Board, pension fund
19 management consultants of the Oklahoma State Pension
20 Commission and the Commissioners of the Land Office,
21 and other professional services as defined in Section
22 803 of Title 18 of the Oklahoma Statutes shall be

1 exempt from competitive bidding procedures of Section
2 85.4 of this title.

3 b. Contracts with financial institutions to act as
4 depositories and managers of the Oklahoma College
5 Savings Plan accounts shall be exempt from competitive
6 bidding procedures.

7 c. A state agency that makes an acquisition pursuant to
8 this paragraph shall notify the State Purchasing
9 Director within fifteen (15) days following completion
10 of the acquisition. The Department of Central
11 Services shall compile a list of the exempt contracts
12 and send the list to a member of the Appropriations
13 and Budget Committee of the House of Representatives
14 or Appropriations Committee of the Senate, if the
15 member requests.

16 4. Requisitions pursuant to this section shall not be required
17 prior to emergency acquisitions by a state agency not exceeding
18 Thirty-five Thousand Dollars (\$35,000.00). The state agency shall
19 submit a requisition to the State Purchasing Director within five
20 (5) days following the acquisition together with a statement of the
21 emergency. The State Purchasing Director shall send the requisition
22 and a written analysis to the Governor, the President Pro Tempore of
23 the Senate, and the Speaker of the House of Representatives

1 specifying the facts and circumstances giving rise to the emergency
2 requisition.

3 5. Requisitions pursuant to this section for acquisitions to
4 alleviate a serious environmental emergency shall not be required
5 if, upon receiving a request from the Chair of the Corporation
6 Commission and after having examined the facts and circumstances of
7 the case, the Governor certifies in writing the existence of a
8 serious environmental emergency. For the purposes of this section,
9 "serious environmental emergency" means a situation within the
10 jurisdiction of the Commission:

- 11 a. in which serious damage to the environment will
12 quickly occur if immediate action is not taken and the
13 damage will be so significant that the urgent need for
14 action outweighs the need for competitive bids, or
- 15 b. a situation in which human life or safety is in
16 imminent danger or significant property interests are
17 threatened with imminent destruction.

18 6. Acquisitions for repairs of equipment in emergencies, of
19 livestock through a market agency, dealer, commission house, or
20 livestock auction market bonded or licensed under federal or state
21 law, the purchase or collection of semen or embryos, and the
22 placement of embryos into recipient livestock shall not require

1 requisitions pursuant to this section or any other provisions of the
2 Oklahoma Central Purchasing Act.

3 7. The Board of Directors of the Oklahoma Historical Society
4 shall select suppliers for the restoration of historical sites and
5 museums and shall not be subject to the requisition requirements of
6 this section or any other provision of the Oklahoma Central
7 Purchasing Act. The Board may send a requisition to the State
8 Purchasing Director and request supplier bid or proposal submission
9 procedures, but supplier and bid selection will be the prerogative
10 of the Board and will be based on contractors' documented
11 qualifications and experience.

12 8. Purchases of postage by state agencies shall be made
13 pursuant to Sections 90.1 through 90.4 of this title.

14 9. Sole source or sole brand acquisitions by a state agency or
15 the State Purchasing Director shall comply with Section 85.45j of
16 this title.

17 10. Acquisitions for the design, development, communication, or
18 implementation of the state employees flexible benefits plan shall
19 not be subject to the requirements of this section; provided, that
20 the Flexible Benefits Advisory Council shall use procedures
21 consistent with the competitive bid requirements of the Oklahoma
22 Central Purchasing Act.

- 1 11. a. Any acquisition of a service which the Department of
2 Central Services has approved as qualifying for a
3 fixed and uniform rate shall be made pursuant to
4 provisions of this paragraph.
- 5 b. The Department of Central Services shall establish
6 criteria and guidelines for those services which may
7 qualify for a fixed and uniform rate.
- 8 c. Fixed and uniform rate contracts authorized by this
9 paragraph shall be limited to contracts for those
10 services furnished to persons directly benefiting from
11 such services and shall not be used by a state agency
12 to employ consultants or to make other acquisitions.
- 13 d. Any state agency desiring to have a service qualified
14 for a fixed and uniform rate shall make a request for
15 service qualification to the Department of Central
16 Services and submit documentation to support the
17 request. The Department of Central Services shall
18 approve or deny the request. If the Department of
19 Central Services approves the request, the state
20 agency shall establish a fixed and uniform rate for
21 the service. No contracts shall be entered into by
22 the state agency until the rate has been approved by
23 the state agency in a public hearing. The proposed

1 rate shall be clearly and separately identified in the
2 agenda of the state agency for the hearing and shall
3 be openly and separately discussed during such
4 hearing. The state agency shall notify the Director
5 of the Department of Central Services of its pending
6 consideration of the proposed rate at least thirty
7 (30) days before the state agency is to meet on the
8 proposed rate. The state agency shall deliver to the
9 Director of the Department of Central Services a copy
10 of the agenda items concerning the proposed rate with
11 supporting documentation. The Director of the
12 Department of Central Services shall communicate any
13 observation, reservation, criticism, or recommendation
14 to the agency, either in person at the time of the
15 hearing or in writing delivered to the state agency
16 before or at the time of the hearing. The Director of
17 the Department of Central Services shall specifically
18 note in the written communications whether the
19 Director of the Department of Central Services has
20 determined the rate to be excessive. Any written
21 communication presented in the absence of the Director
22 of the Department of Central Services shall be
23 presented orally during the public hearing. Whether

1 made in person or in writing, any comment made by the
2 Director of the Department of Central Services shall
3 be made a part of the minutes of the hearing in full.

4 e. Within two (2) weeks after the convening of the
5 Legislature, the administrative officer of the state
6 agency shall furnish to the Speaker of the House of
7 Representatives, the President Pro Tempore of the
8 Senate and to any member of the House or Senate, if
9 requested by the member, a complete list of all of the
10 types of services paid for by uniform fixed rates, the
11 amount of the rate last approved by the agency for the
12 service, and the number of contracts then in existence
13 for each type of service. Any rate which has been
14 determined to be excessive by the Director of the
15 Department of Central Services shall be specifically
16 identified in the list by the state agency.

17 f. At any time, the Director of the Department of Central
18 Services may review, suspend, or terminate a contract
19 entered into pursuant to the provisions of this
20 paragraph if the Director of the Department of Central
21 Services determines the contract is not necessary, is
22 excessive, or is not justified.

1 12. Specifically prescribed nonmedical adaptive technology-
2 related acquisitions for individuals with disabilities who are
3 clients of the State Department of Rehabilitation Services and which
4 are prescribed by a physician, rehabilitation engineer, qualified
5 rehabilitation technician, speech therapist, speech pathologist,
6 occupational therapist, physical therapist, or qualified sensory
7 aids specialist, and other client acquisitions, shall not be subject
8 to the requisition requirements of this section. The Commission for
9 Rehabilitation Services shall develop standards for the purchase of
10 such acquisitions and may elect to utilize the Purchasing Division
11 for an acquisition. The standards shall foster economy, provide a
12 short response time, include appropriate safeguards, require written
13 records, ensure appropriate competition for economical and efficient
14 purchasing, and shall be approved by the State Purchasing Director.

15 13. The Department of Human Services shall develop procedures
16 for acquisitions of specifically prescribed nonmedical assistive
17 technology-related items not exceeding the acquisition purchase
18 amount requiring a requisition pursuant to this section for
19 individuals under sixteen (16) years of age who are recipients of
20 Supplemental Security Income which are prescribed by a physician,
21 qualified sensory aids specialist or qualified special education
22 instructor. The procedures shall reflect standards for the
23 acquisition of such nonmedical assistive technology-related items,

1 may provide for utilization of the Purchasing Division when
2 appropriate, shall foster economy, provide a short response time,
3 shall include appropriate safeguards and written records to ensure
4 appropriate competition and economical and efficient purchasing, and
5 shall be approved by the State Purchasing Director.

6 14. a. Structured settlement agreements entered into by the
7 Attorney General's office in order to settle any
8 lawsuit involving the state, the Legislature, any
9 state agency or any employee or official of the state
10 shall not be subject to the competitive bidding
11 requirements of this section if:

12 (1) prior to entering into any contract for the
13 services of an entity to administer a structured
14 settlement agreement, the Attorney General
15 receives proposals from at least three entities
16 engaged in providing such services, and

17 (2) the selection of a particular entity is made on
18 the basis of the response to the request which is
19 the most economical and provides the most
20 competent service which furthers the best
21 interests of the state.

22 b. A list of any such structured settlement agreements
23 entered into by the Attorney General with summary

1 thereon for the previous calendar year shall be
2 submitted to the Speaker of the House of
3 Representatives and the President Pro Tempore of the
4 Senate on January 31 of each year.

5 15. Acquisitions a state agency makes pursuant to a contract
6 the State Purchasing Director enters into or awards and designates
7 for use by state agencies shall be exempt from competitive bidding
8 procedures.

9 16. The Commission on Marginally Producing Oil and Gas Wells
10 shall be exempt from the competitive bid requirements of this
11 section for contracts with local vendors for the purpose of holding
12 special events and exhibitions throughout the state.

13 17. Agreements entered into by any state agency with the United
14 States Army Corps of Engineers in order to provide emergency
15 response or to protect the public health, safety, or welfare shall
16 not require requisitions and shall not be subject to competitive
17 bidding requirements of this section.

18 B. Acquisitions shall be awarded to the lowest and best, or
19 best value, bidder at a specified time and place, which shall be
20 open to the public.

21 C. Bids for professional service contracts for an amount
22 requiring submission of requisitions to the State Purchasing
23 Director shall be evaluated by the State Purchasing Director and the

1 state agency contracting for such service. Both cost and technical
2 expertise shall be considered in determining the lowest and best, or
3 best value, bid. Further, the state agency shall present its
4 evaluation and recommendation to the State Purchasing Director. A
5 documented evaluation report containing the evaluations of the State
6 Purchasing Director and the state agency contracting for such
7 service shall be completed prior to the awarding of a professional
8 service contract and such report shall be a matter of public record.

9 D. When requested by CompSource Oklahoma, the State and
10 Education Employees Group Insurance Board, or the governing board of
11 a state retirement system authorized to hire investment managers,
12 the Department of Central Services shall assist the requesting body
13 in the process of selecting investment managers. When requested by
14 the Flexible Benefits Advisory Council, the Department of Central
15 Services shall assist the Council in the process of selecting
16 contracts for the design, development, communication, or
17 implementation of the state employees flexible benefits plan.

18 E. Except as otherwise specifically provided by law, the
19 acquisition of food items or food products by a state agency from a
20 public trust created pursuant to Sections 176 through 180.56 of
21 Title 60 of the Oklahoma Statutes shall comply with competitive
22 bidding procedures pursuant to the provisions of this section.

23 SECTION 4. This act shall become effective November 1, 2007.

1 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-19-07
2 - DO PASS, As Amended and Coauthored.