

1 ENGROSSED HOUSE  
2 BILL NO. 3312

By: Martin (Scott), Smithson  
and Walker of the House

3 and

4 Anderson of the Senate  
5  
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7 An Act relating to counties and county officers;  
8 authorizing counties to use reverse auction bidding;  
9 providing for procedure; providing for codification;  
10 and providing an effective date.

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

12 SECTION 1. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1801 of Title 19, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. A county of the state is authorized to use a reverse  
16 auction bidding procedure to obtain bids for the purchase of goods  
17 or services of any type or kind. The reverse auction shall be a  
18 real-time bidding process taking place at a previously scheduled  
19 time and Internet location and for a previously established  
20 duration, in which multiple suppliers, anonymous to each other,  
21 submit bids to provide the goods or services. The reverse auction  
22 procedure may be used as an alternative to any state law applicable  
23 to the purchase of the goods or services.

24 B. The procedure shall provide:

- 1        1. A bid opening and bid closure. At the opening date and  
2 time, the county shall begin accepting reverse auction electronic  
3 bids. Reverse auction bids shall be accepted until the bid closure,  
4 except as provided by paragraph 6 of this subsection, unless the  
5 county determines it is in the best interest of the county to extend  
6 the closing time and notifies the reverse auction bidders of the  
7 extended closing time by public announcement at the Internet  
8 location at least fifteen (15) minutes prior to the original closing  
9 time;
- 10       2. The posting of all reverse auction bids electronically and  
11 updating of bids on a real-time basis by the county;
- 12       3. The authorization for the county to require bidders to  
13 register before the opening date and time and, as part of that  
14 registration, require bidders to agree to any terms, conditions or  
15 other requirements of the solicitation or applicable acts;
- 16       4. The authorization for the county to also require potential  
17 bidders to prequalify as bidders and to restrict solicitations to  
18 prequalified online and reverse auction bidders;
- 19       5. The retention of the authority of the county to determine  
20 the criteria that will be used as the basis for making awards; and
- 21       6. The authorization for the county to determine it is in the  
22 best interest of the county to allow it to accept an electronic bid  
23 after the specified official closing date and time, in the event the  
24 county determines that a significant error or event occurred that

1 affected the electronic receipt of any reverse auction bid by the  
2 county.

3 C. All bids submitted electronically through the reverse  
4 auction bidding process pursuant to this section are subject to the  
5 same public disclosure laws that govern bids received pursuant to  
6 any other law of this state governing procurement procedures for a  
7 county.

8 D. All remedies available to the county and suppliers through a  
9 bid process pursuant to any other law of this state are also  
10 available to the county reverse auction bidders in a reverse auction  
11 bidding process.

12 SECTION 2. This act shall become effective November 1, 2010.

13 Passed the House of Representatives the 18th day of February,  
14 2010.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2010.

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Presiding Officer of the Senate