

1 ENGROSSED SENATE
2 BILL NO. 288

By: Wyrick of the Senate
and
Glenn of the House

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6 [counties and county officers - duties of the county
7 purchasing agent - exception -
8 emergency]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 19 O.S. 2001, Section 1501, as
12 last amended by Section 4, Chapter 132, O.S.L. 2007 (19 O.S. Supp.
13 2008, Section 1501), is amended to read as follows:

14 Section 1501. A. The county purchasing agent:

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

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

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

- 1 a. when the purchase does not exceed Ten Thousand Dollars
2 (\$10,000.00). All purchases made pursuant to this
3 subparagraph shall be by a single purchase order.
4 Splitting purchase orders which would result in paying
5 an amount in excess of the limitations specified in
6 this subparagraph is expressly prohibited. Any person
7 convicted of violating the provisions of this
8 subparagraph shall be guilty of a misdemeanor and such
9 person shall forfeit the person's position or office,
- 10 b. when the total payments of a rental or lease-purchase
11 agreement do not exceed the current bid limit as
12 established in subparagraph a of this paragraph,
- 13 c. when articles and items are covered by single source
14 contracts,
- 15 d. service or maintenance contracts on equipment or
16 machinery which are entered into at the time of the
17 purchase of the equipment or machinery,
- 18 e. purchases made pursuant to a blanket purchase order as
19 provided for in Section 310.8 of Title 62 of the
20 Oklahoma Statutes,
- 21 f. when materials for road or bridge improvements do not
22 exceed Three Dollars (\$3.00) per yard or per ton,
- 23 g. purchases of fuel if the county purchasing agent
24 obtains telephone quotes from at least three vendors

1 prior to the purchase and the lowest and best quote is
2 selected. Documentation of these quotes shall be
3 recorded in the permanent records of the clerk,

4 h. purchases of asphalt if the county purchasing agent
5 obtains telephone quotes from at least three vendors
6 prior to the purchase and the lowest and best quote is
7 selected. Documentation of these quotes shall be
8 recorded in the permanent records of the clerk,

9 i. purchases of tools, apparatus, machinery or equipment
10 from a state agency or a political subdivision of the
11 state as provided for in subsection C of Section 421.1
12 of this title,

13 ~~i.~~

14 j. purchases of food for prisoners incarcerated in the
15 county jail; provided, in counties having a population
16 in excess of one hundred thousand (100,000) persons,
17 the county purchasing agent shall follow bidding
18 procedures as provided by law unless the county
19 purchasing agent obtains telephone quotes pursuant to
20 the whole total of food items requisitioned prior to
21 the purchase and the lowest and best quote is
22 selected. Documentation of these quotes shall be
23 recorded in the permanent records of the county clerk,

24 ~~j.~~

1 k. when a county solicits bids for the purchase of
2 processed native materials for road and bridge
3 improvements, the county may accept all bids received,
4 with the lowest and best bid from those accepted to be
5 selected at the time of opening of any construction
6 project. The selection of the bid shall be based upon
7 availability, bid price, plus transportation costs,

8 ~~k.~~

9 l. when a vendor has been selected as the lowest and best
10 bidder to furnish a particular item or items to the
11 county during a specified time period and in the event
12 the vendor is unable to perform, the purchasing agent
13 may solicit telephone quotes for the item or items
14 needed from the list of qualified bidders and provide
15 for the purchase of the items at the lowest and best
16 quote available,

17 ~~l.~~

18 m. when considering the purchase of an item or items from
19 the state bid list as provided by the Department of
20 Central Services or the General Services
21 Administration, if the same exact item is available
22 from a local vendor at or below the price listed on
23 the state bid list or the General Services

1 Administration list, the item may be obtained from the
2 vendor,

3 ~~m.~~

4 n. any item or items bid by the Department of Central
5 Services which may be purchased by the county,
6 provided the vendor is willing to supply the item or
7 items to the county at the bid price,

8 ~~n.~~

9 o. when a county obtains proceeds from the sale of its
10 property at a public auction, that county may use
11 those proceeds to acquire items previously identified
12 as needed by the county at the same public auction
13 pursuant to subsection D of Section 1505 of this
14 title,

15 ~~e.~~

16 p. when an item or items have been competitively bid by a
17 county, or on behalf of a group of contiguous
18 counties, provided:

19 (1) the notice to bidders shall list each county
20 which may participate in the purchase of the item
21 or items being bid,

22 (2) the notice of bid is advertised, as provided by
23 law, in each of the counties which may
24 participate in the purchase of the item or items,

1 (3) all vendors on the list of qualified bidders of
2 each participating county who offer the item or
3 items for sale received notice of the bid
4 request, and

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

7 ~~p.~~

8 q. counties may participate in a nationwide purchasing
9 program sponsored by the national association
10 representing counties, or

11 ~~q.~~

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

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

1 4. Shall not furnish any supplies, materials, equipment, or
2 other articles, except upon receipt of a requisition signed by a
3 county officer. Written requisitions will not be required for
4 blanket purchase orders as provided for in Section 310.8 of Title 62
5 of the Oklahoma Statutes. Each county officer may designate not
6 more than two employees who also shall be authorized to sign
7 requisitions in the absence of the county officer. A written
8 designation of the employees shall be filed with the county clerk
9 and shall be entered in the minutes of the board of county
10 commissioners;

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

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

3 B. Each department of county government needing repairs to
4 equipment, machinery or vehicles shall make estimates and
5 requisition a purchase order from the county purchasing agent for
6 repairs not in excess of Two Thousand Five Hundred Dollars
7 (\$2,500.00). Repairs in excess of Two Thousand Five Hundred Dollars
8 (\$2,500.00), shall be submitted on a blanket purchase order as
9 provided in Section 310.8 of Title 62 of the Oklahoma Statutes.

10 SECTION 2. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 Passed the Senate the 4th day of March, 2009.

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Presiding Officer of the Senate

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18 Passed the House of Representatives the ____ day of _____,
19 2009.

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Presiding Officer of the House
of Representatives

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