

SB 288

Senate Bill No. 288  
As Amended

SENATE BILL NO. 288 - By: Wyrick of the Senate and Glenn of the House.

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

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

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

Section 1501. A. The county purchasing agent:

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

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

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

- 1           g. purchases of fuel if the county purchasing agent  
2           obtains telephone quotes from at least three vendors  
3           prior to the purchase and the lowest and best quote is  
4           selected. Documentation of these quotes shall be  
5           recorded in the permanent records of the clerk,  
6           h. purchases of asphalt if the county purchasing agent  
7           obtains telephone quotes from at least three vendors  
8           prior to the purchase and the lowest and best quote is  
9           selected. Documentation of these quotes shall be  
10          recorded in the permanent records of the clerk,  
11          i. purchases of tools, apparatus, machinery or equipment  
12          from a state agency or a political subdivision of the  
13          state as provided for in subsection C of Section 421.1  
14          of this title,  
15          ~~i.~~  
16          j. purchases of food for prisoners incarcerated in the  
17          county jail; provided, in counties having a population  
18          in excess of one hundred thousand (100,000) persons,  
19          the county purchasing agent shall follow bidding  
20          procedures as provided by law unless the county  
21          purchasing agent obtains telephone quotes pursuant to  
22          the whole total of food items requisitioned prior to  
23          the purchase and the lowest and best quote is

1 selected. Documentation of these quotes shall be  
2 recorded in the permanent records of the county clerk,

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

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

20 ~~l.~~  
21 m. when considering the purchase of an item or items from  
22 the state bid list as provided by the Department of  
23 Central Services or the General Services

1 Administration, if the same exact item is available  
2 from a local vendor at or below the price listed on  
3 the state bid list or the General Services  
4 Administration list, the item may be obtained from the  
5 vendor,

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

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

18 ~~o.~~  
19 p. when an item or items have been competitively bid by a  
20 county, or on behalf of a group of contiguous  
21 counties, provided:

- 1 (1) the notice to bidders shall list each county  
2 which may participate in the purchase of the item  
3 or items being bid,  
4 (2) the notice of bid is advertised, as provided by  
5 law, in each of the counties which may  
6 participate in the purchase of the item or items,  
7 (3) all vendors on the list of qualified bidders of  
8 each participating county who offer the item or  
9 items for sale received notice of the bid  
10 request, and  
11 (4) the vendor awarded the bid is willing and able to  
12 provide the item or items at the bid price,

13 ~~p.~~  
14 q. counties may participate in a nationwide purchasing  
15 program sponsored by the national association  
16 representing counties, or

17 ~~q.~~  
18 r. when the Governor declares an emergency in a county,  
19 the district attorney of that county shall have the  
20 authority to temporarily waive competitive bidding  
21 procedures for purchases that may expedite a response  
22 to the emergency situation. This temporary waiver  
23 shall be in addition to any powers exercised pursuant

1 to Section 683.11 of Title 63 of the Oklahoma  
2 Statutes.

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

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

18 5. Shall make lease or lease-purchase agreements for road  
19 machinery and equipment if the county has adequate funds  
20 appropriated during any fiscal year for such purpose and only after  
21 following the bidding procedures as provided for in Section 1505 of  
22 this title. The term of any lease or lease-purchase agreement  
23 authorized pursuant to this paragraph may be for any period up to

1 one (1) year, provided, the term shall not extend beyond the end of  
2 any fiscal year, with an option to renew such agreement subject to  
3 the requirement that adequate funds are appropriated during the  
4 fiscal year by the county for such purpose. The State Auditor and  
5 Inspector's office shall be notified by the county of the terms and  
6 conditions of a lease or lease-purchase agreement authorized  
7 pursuant to this paragraph before any such agreement is made by the  
8 county purchasing agent; and

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

11 B. Each department of county government needing repairs to  
12 equipment, machinery or vehicles shall make estimates and  
13 requisition a purchase order from the county purchasing agent for  
14 repairs not in excess of Two Thousand Five Hundred Dollars  
15 (\$2,500.00). Repairs in excess of Two Thousand Five Hundred Dollars  
16 (\$2,500.00), shall be submitted on a blanket purchase order as  
17 provided in Section 310.8 of Title 62 of the Oklahoma Statutes.

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

22 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-9-09 -  
23 DO PASS, As Amended and Coauthored.