

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1974

By: Morgan

4
5 AS INTRODUCED

6 An Act relating to state government; amending 74 O.S.
7 2001, Section 85.17A, as amended by Section 1,
8 Chapter 395, O.S.L. 2010 (74 O.S. Supp. 2010, Section
9 85.17A), which relates to bidding preferences;
10 modifying the awarding of contracts; defining term;
11 requiring certain provisions be made part of the
12 invitation to bid; providing for provisions to apply
13 to all contracts made by certain entities; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 74 O.S. 2001, Section 85.17A, as
17 amended by Section 1, Chapter 395, O.S.L. 2010 (74 O.S. Supp. 2010,
18 Section 85.17A), is amended to read as follows:

19 Section 85.17A A. State agencies shall not discriminate
20 against bidders from states or nations outside Oklahoma, except as
21 provided by this section. State agencies shall reciprocate the
22 bidding preference given by other states or nations to bidders
23 domiciled in their jurisdictions for acquisitions pursuant to The
24 Oklahoma Central Purchasing Act. The State Purchasing Director
shall annually prepare and distribute to certified procurement
officers a schedule providing which states give bidders in their

1 states a preference and the extent of the preference. This schedule
2 shall be used by state agencies in evaluating bids.

3 B. For purposes of awarding contracts state agencies shall:

4 1. Give a resident bidder a three percent (3%) preference to
5 goods and services that have been manufactured or produced in this
6 state if the price, fitness, availability and quality are otherwise
7 equal;

8 2. Give preference to goods and services from another state
9 over foreign goods or services if goods or services manufactured or
10 produced in this state are not equal in price, fitness,
11 availability, or quality; and

12 3. Add a percent increase to the bid of a nonresident bidder
13 equal to the percent, if any, of the preference given to the bidder
14 in the state in which the bidder resides.

15 C. For purposes of this section, "resident bidder" means an
16 individual, partnership, association, corporation, or other business
17 entity that, on the date the contract is first advertised or
18 announced as available for bidding:

19 1. Has for one (1) year prior to and through the date of the
20 invitation to bid or request for proposal, filed Oklahoma corporate
21 income taxes, made payments to the Oklahoma unemployment insurance
22 fund, and maintained an Oklahoma workers' compensation policy in
23 effect; and

24

1 2. Has at least fifty-one percent (51%) of its property and
2 payroll located in Oklahoma.

3 D. The provisions of this section shall be made a part of the
4 invitation to bid or request for proposal.

5 E. The provisions of this section shall apply to all contracts
6 made by state agencies, political subdivisions, and school boards of
7 this state.

8 SECTION 2. This act shall become effective November 1, 2011.

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