

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2746 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Jason Murphey \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2746

By: Murphey

7  
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to competitive bidding; amending 61  
10 O.S. 2011, Section 105, which relates to the Public  
11 Competitive Bidding Act of 1974; prohibiting certain  
12 specifications unless approved by the State Auditor;  
13 amending 74 O.S. 2011, Section 85.22, as amended by  
14 Section 1, Chapter 219, O.S.L. 2013 (74 O.S. Supp.  
15 2013, Section 85.22), which relates to The Oklahoma  
16 Central Purchasing Act; modifying contents of  
17 certification form; repealing 74 O.S. 2011, Section  
18 85.45j, as amended by Section 763, Chapter 304,  
19 O.S.L. 2012 (74 O.S. Supp. 2013, Section 85.45j),  
20 which relates to authorization of substitution of  
21 certain products; and providing an effective date.

22  
23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. AMENDATORY 61 O.S. 2011, Section 105, is  
amended to read as follows:

Section 105. A. All bid notices shall set forth the following  
information:

1. The character of the proposed public construction contract  
in sufficient details that all bidders shall know exactly what their

1 obligation will be, either in the bid notice itself or by reference  
2 to bidding documents on file in the main office of the awarding  
3 public agency; and

4 2. The name of the officer, agent or employee of the awarding  
5 public agency and the office location and address of such person,  
6 from whom a complete set of bidding documents regarding such  
7 proposed contract may be obtained, together with the amount of the  
8 cost deposit required therefor, if any; and

9 3. The date, time and place of opening of the sealed bids; and

10 4. The name and office location and address of the office of  
11 the awarding public agency to whom the sealed bids should be  
12 submitted; and

13 5. Any additional information regarding such proposed contract  
14 deemed by the awarding public agency to be of beneficial interest to  
15 prospective bidders or the public.

16 B. No awarding public agency shall specify the use of  
17 materials, products, systems, or services by a sole source or single  
18 name brand unless first approved by the State Auditor who shall  
19 develop rules and regulations for the approval of such  
20 specification. Reference to a name brand or sole source shall only  
21 be used to describe a standard of function, dimension, appearance  
22 and quality.

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1 SECTION 2. AMENDATORY 74 O.S. 2011, Section 85.22, as  
2 amended by Section 1, Chapter 219, O.S.L. 2013 (74 O.S. Supp. 2013,  
3 Section 85.22), is amended to read as follows:

4 Section 85.22 Any competitive bid submitted to the State of  
5 Oklahoma or contract executed by the state for goods or services in  
6 excess of Five Thousand Dollars (\$5,000.00) shall contain a  
7 certification, which shall be in substantially the following form:

8 A. For purposes of competitive bids, I certify:

9 1. I am the duly authorized agent of \_\_\_\_\_, the bidder  
10 submitting the competitive bid which is attached to this statement,  
11 for the purpose of certifying the facts pertaining to the existence  
12 of collusion among bidders and between bidders and state officials  
13 or employees, as well as facts pertaining to the giving or offering  
14 of things of value to government personnel in return for special  
15 consideration in the letting of any contract pursuant to the bid to  
16 which this statement is attached;

17 2. I am fully aware of the facts and circumstances surrounding  
18 the making of the bid to which this statement is attached and have  
19 been personally and directly involved in the proceedings leading to  
20 the submission of such bid; and

21 3. Neither the bidder nor anyone subject to the bidder's  
22 direction or control has been a party:  
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- 1 a. to any collusion among bidders in restraint of freedom  
2 of competition by agreement to bid at a fixed price or  
3 to refrain from bidding,  
4 b. to any collusion with any state official or employee  
5 as to quantity, quality or price in the prospective  
6 contract, or as to any other terms of such prospective  
7 contract,  
8 c. in any discussions between bidders and any state  
9 official concerning exchange of money or other thing  
10 of value for special consideration in the letting of a  
11 contract, nor  
12 d. to any ~~efforts or offers with state agency or~~  
13 ~~political subdivision officials or others to create a~~  
14 ~~sole brand acquisition or a sole source acquisition in~~  
15 ~~contradiction to Section 2 of this act~~ discussion with  
16 public agency employees to specify the use of  
17 material, products, systems, or services by a sole  
18 source or single name brand.

19 B. I certify, if awarded the contract, whether competitively  
20 bid or not, neither the contractor nor anyone subject to the  
21 contractor's direction or control has paid, given or donated or  
22 agreed to pay, give or donate to any officer or employee of the  
23 State of Oklahoma any money or other thing of value, either directly  
24

1 or indirectly, in procuring the contract to which this statement is  
2 attached.

3 Certified this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

4 SECTION 3. REPEALER 74 O.S. 2011, Section 85.45j, as  
5 amended by Section 763, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
6 2013, Section 85.45j), is hereby repealed.

7 SECTION 4. This act shall become effective November 1, 2014.

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