

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1473

By: Murphey

7 COMMITTEE SUBSTITUTE

8 An Act relating to state government; amending 74 O.S.  
9 2011, Sections 85.5, as amended by Section 737,  
10 Chapter 304, O.S.L. 2012 and 85.12 (74 O.S. Supp.  
11 2013, Section 85.5), which relate to The Oklahoma  
12 Central Purchasing Act; modifying provisions related  
13 to use of state purchasing card; modifying provisions  
14 related to acquisition of certain utility services;  
15 and providing an effective date.

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

15 SECTION 1. AMENDATORY 74 O.S. 2011, Section 85.5, as  
16 amended by Section 737, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
17 2013, Section 85.5), is amended to read as follows:

18 Section 85.5 A. Except as otherwise provided in this section,  
19 pursuant to the provisions of Section 85.4 of this title, the State  
20 Purchasing Director, under the supervision of the Director of the  
21 Office of Management and Enterprise Services, shall have sole and  
22 exclusive authority and responsibility for all acquisitions used or  
23 consumed by state agencies. In order to carry out the powers and  
24 duties established in Section 34.11.1 of Title 62 of the Oklahoma

1 Statutes, the Chief Information Officer shall have sole and  
2 exclusive authority and responsibility for all acquisitions of  
3 information and telecommunications technology, equipment, software,  
4 products and related peripherals and services used or consumed by  
5 state agencies.

6 B. The State Purchasing Director, after consultation with the  
7 requisitioning state agency, shall have authority to determine the  
8 particular brand, model, or other specific classification of each  
9 acquisition and to draft or invoke pursuant to The Oklahoma Central  
10 Purchasing Act specifications establishing the requirements for all  
11 necessary contracts or purchase orders.

12 C. The Director of the Office of Management and Enterprise  
13 Services shall have authority and responsibility to promulgate rules  
14 pursuant to provisions of The Oklahoma Central Purchasing Act  
15 governing, providing for, prescribing, or authorizing any act,  
16 practice, or requirement for which regulatory power is delegated  
17 for:

18 1. The time, manner, authentication, and form of making  
19 requisitions for acquisitions;

20 2. Inspection, analysis, and testing of acquisitions or samples  
21 suppliers submit prior to contract award;

22 3. The form and manner of submission for bids or proposals a  
23 supplier submits and the manner of accepting and opening bids or  
24 proposals;

1           4. The conditions under which the Office of Management and  
2 Enterprise Services shall require written contracts for  
3 acquisitions, the conditions under which acquisitions may be made on  
4 an open account basis, and the conditions and manner of negotiating  
5 such contracts;

6           5. Obtaining acquisitions produced by state institutions;

7           6. Conditions under which any of the rules herein authorized  
8 may be waived;

9           7. The amounts of and deposits on any bond or other surety  
10 required to be submitted with a bid or contract for the furnishing  
11 of acquisitions and the conditions under which such bond or other  
12 surety shall be required;

13           8. Storage and storage facilities necessary to accomplish  
14 responsibilities of the Director of the Office of Management and  
15 Enterprise Services;

16           9. The manner and conditions of delivery, which shall include  
17 the designation of the common carrier of property to be used to  
18 transport acquisitions whenever a common carrier is used, and the  
19 acceptance, or rejection, including check of quantities, of any  
20 acquisitions;

21           10. The form of any estimate, order, or other document the  
22 Director of the Office of Management and Enterprise Services  
23 requires;

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1 11. State agency acquisitions not exceeding the acquisition  
2 purchase amount requiring competitive bid pursuant to Section 85.7  
3 of this title to ensure competitiveness, fairness, compliance with  
4 provisions of all sections of The Oklahoma Central Purchasing Act,  
5 and compliance with provisions of Section 3001 et seq. of this  
6 title, which relate to the State Use Committee. The rules shall  
7 include separate provisions based on acquisition purchase price as  
8 follows:

9 a. state agencies shall make acquisitions not exceeding  
10 Five Thousand Dollars (\$5,000.00), provided the  
11 acquisition process is fair and reasonable and is  
12 conducted pursuant to rules authorized pursuant to  
13 this section, and

14 b. state agencies with certified procurement officers and  
15 internal purchasing procedures found compliant by the  
16 Director of the Office of Management and Enterprise  
17 Services pursuant to this section may make  
18 acquisitions in excess of Five Thousand Dollars  
19 (\$5,000.00) and not exceeding One Hundred Thousand  
20 Dollars (\$100,000.00), pursuant to rules authorized by  
21 this section;

22 12. Training by the State Purchasing Director of state agency  
23 procurement officers;

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1 13. Review and audit by the State Purchasing Director of state  
2 agency acquisitions;

3 14. The conditions for increasing acquisition limits for state  
4 agencies which have had a prior reduction in acquisition limit by  
5 the Director of the Office of Management and Enterprise Services;

6 15. Use of a state purchase card to make acquisitions;

7 16. Any other matter or practice which relates to the  
8 responsibilities of the Director of the Office of Management and  
9 Enterprise Services;

10 17. Conditions for determination and authorization of  
11 acquisition limits of state agencies pursuant to Section 85.7 of  
12 this title; and

13 18. The form and manner of verification by suppliers that the  
14 supplier is eligible to do business in the State of Oklahoma and has  
15 obtained all necessary permits and licenses, pursuant to applicable  
16 provisions of law.

17 D. The State Purchasing Director shall provide training for  
18 state agency purchasing officials and other purchasing staff. The  
19 training shall include principles of state procurement practices,  
20 basic contracting, provisions of The Oklahoma Central Purchasing  
21 Act, rules promulgated pursuant to The Oklahoma Central Purchasing  
22 Act, provisions of Section 3001 et seq. of this title, which relate  
23 to the State Use Committee, and any other matters related to state  
24 procurement practices. State agency purchasing officials that

1 demonstrate proficiency shall be certified as "certified procurement  
2 officers" by the State Purchasing Director and shall be authorized  
3 to make acquisitions pursuant to provisions of The Oklahoma Central  
4 Purchasing Act and rules authorized by this section. The State  
5 Purchasing Director shall assess a fee to state agencies for the  
6 training that does not exceed each state agency's pro rata share of  
7 the costs the State Purchasing Director incurs to provide the  
8 training.

9 E. The State Purchasing Director shall review state agency  
10 acquisitions for the purposes of:

11 1. Ensuring state agency compliance with provisions of The  
12 Oklahoma Central Purchasing Act;

13 2. Ensuring state agency compliance with rules promulgated by  
14 the Office of Management and Enterprise Services pursuant to The  
15 Oklahoma Central Purchasing Act;

16 3. Ensuring state agency compliance with provisions of Section  
17 3001 et seq. of this title pertaining to the State Use Committee;

18 4. Reporting any acquisition by any state agency found not to  
19 be in compliance with those sections or rules to the Director of the  
20 Office of Management and Enterprise Services; and

21 5. Recommending that the Director of the Office of Management  
22 and Enterprise Services reduce the acquisition competitive bid limit  
23 amount for any state agency found not to be in compliance with The  
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1 Oklahoma Central Purchasing Act or rules promulgated pursuant  
2 thereto.

3 F. When recommended by the State Purchasing Director, based on  
4 written findings by the State Purchasing Director, the Director of  
5 the Office of Management and Enterprise Services may:

6 1. Require retraining of state agency procurement officials and  
7 other purchasing staff found not to be in compliance with provisions  
8 of The Oklahoma Central Purchasing Act, or rules promulgated  
9 pursuant to The Oklahoma Central Purchasing Act;

10 2. Reduce the acquisition competitive bid limit for any state  
11 agency found not to be in compliance with provisions of The Oklahoma  
12 Central Purchasing Act or rules promulgated pursuant to The Oklahoma  
13 Central Purchasing Act;

14 3. Transmit written findings by the State Purchasing Director  
15 to the State Auditor and Inspector for further investigation,  
16 indicating purchasing procedures that do not conform to provisions  
17 pursuant to The Oklahoma Central Purchasing Act or rules promulgated  
18 pursuant to The Oklahoma Central Purchasing Act;

19 4. Transmit to the Attorney General or the State Auditor and  
20 Inspector for further investigation a report made by the State  
21 Purchasing Director that the Director of the Office of Management  
22 and Enterprise Services reasonably believes indicates that an action  
23 that constitutes a criminal violation pursuant to The Oklahoma  
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1 Central Purchasing Act or other laws has been taken by any state  
2 agency, state agency official, bidder, or supplier; or

3 5. Increase the state agency acquisition purchase amount  
4 requiring competitive bid, not to exceed the acquisition purchase  
5 amount requiring competitive bid, pursuant to Section 85.7 of this  
6 title.

7 G. 1. Pursuant to the requirements of The Oklahoma Central  
8 Purchasing Act, the State Purchasing Director shall have authority  
9 to enter into any statewide, multistate or multigovernmental  
10 contract. The state entity designated by law, as specified in  
11 Section 1010.3 of Title 56 of the Oklahoma Statutes, shall  
12 participate in the purchase of pharmaceuticals available through  
13 such multistate or multigovernmental contracts entered into by the  
14 State Purchasing Director.

15 2. The State Purchasing Director may utilize contracts awarded  
16 by other governmental agencies, including agencies of the United  
17 States of America.

18 3. The State Purchasing Director may designate contracts  
19 described in this subsection for use by state agencies.

20 4. Prior to exercising the authority to cancel a contract, the  
21 State Purchasing Director may authorize renegotiation of an existing  
22 contract with an incumbent supplier for the purposes of obtaining  
23 more favorable terms for the state provided the State Purchasing  
24 Director shall not renegotiate the term of the contract.

1           5. In order to carry out the powers and duties established in  
2 Section 34.11.1 of Title 62 of the Oklahoma Statutes, the Chief  
3 Information Officer shall have the authority to designate certain  
4 information technology and telecommunication contracts for state  
5 agencies as statewide contracts and mandatory statewide contracts.

6           H. The State Purchasing Director may develop and test new  
7 contracting policies and procedures that hold potential for making  
8 the Purchasing Division more effective and efficient.

9           I. The State Purchasing Director shall endeavor to satisfy  
10 state agencies in terms of cost, quality, and timeliness of the  
11 delivery of acquisitions by using bidders who have a record of  
12 successful past performance, promoting competition, minimizing  
13 administrative operating costs, and conducting business with  
14 integrity, fairness, and openness.

15           J. The State Purchasing Director shall undertake the following:

16           1. The use of electronic commerce pursuant to the Oklahoma  
17 Online Bidding Act for solicitation, notification, and other  
18 purchasing processes;

19           2. Monitoring rules promulgated pursuant to The Oklahoma  
20 Central Purchasing Act to ensure that the rules, satisfy the  
21 interests of the state, are clear and succinct, and encourage  
22 efficiency in purchasing processes;

23           3. A program to identify vendors with poor delivery and  
24 performance records;

1           4. Development of criteria for the use of sealed bid  
2 contracting procedures, negotiated contracting procedures, selection  
3 of types of contracts, postaward administration of purchase orders  
4 and contracts, contract modifications, termination of contracts, and  
5 contract pricing;

6           5. Continual improvement in the quality of the performance of  
7 the Purchasing Division through training programs, management  
8 seminars, development of benchmarks and key management indicators,  
9 and development of standard provisions, clauses and forms;

10          6. Development of electronic means of making state agencies  
11 aware of office furniture, equipment, machinery, tools, and hardware  
12 available for purchase from the surplus property programs;

13          7. Development of programs to improve customer relations  
14 through training, improved communications, and appointment of  
15 technical representatives;

16          8. In cooperation with the Office of Management and Enterprise  
17 Services and the State Treasurer, develop an electronic payment  
18 mechanism for use in the settlement of accounts payable invoices,  
19 with no limit, to make payment for products or services acquired in  
20 accordance with The Oklahoma Central Purchasing Act and any rules  
21 promulgated pursuant thereto; and

22          9. Implement a policy to approve the ability of the department,  
23 agencies, boards, commissions and trusts to accept the terms of  
24 service for usage of social media services and contract for

1 technology products and services provided the terms of service or  
2 contract contains standard language including a liability agreement  
3 which is considered customary or largely similar to terms of service  
4 agreed to or contracts entered into by other government entities and  
5 private sector enterprises.

6 K. The State Purchasing Director shall, in cooperation with the  
7 Oklahoma Department of Agriculture, Food, and Forestry, identify the  
8 needs of state agencies and institutions for agricultural products  
9 grown and produced in Oklahoma.

10 L. The State Purchasing Director may authorize the use of a  
11 state purchase card for acquisitions within the following  
12 parameters:

- 13 1. No limit on the amount of the transaction for the following:
- 14 a. purchases from statewide contracts issued by the State
  - 15 Purchasing Director,
  - 16 b. ~~regulated~~ utilities,
  - 17 c. interagency payments, and
  - 18 d. professional services as defined in Section 803 of
  - 19 Title 18 of the Oklahoma Statutes; and

20 2. For any other transaction with a state purchase card, the  
21 transaction shall not exceed Five Thousand Dollars (\$5,000.00).

22 M. The State Purchasing Director may utilize and authorize  
23 state agencies to utilize reverse auctions to obtain acquisitions.

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1 N. Prior to the award of a contract to a supplier, the State  
2 Purchasing Director shall verify, pursuant to applicable provisions  
3 of law, that the supplier is eligible to do business in the State of  
4 Oklahoma by confirming registration with the Secretary of State and  
5 franchise tax payment status pursuant to Sections 1203 and 1204 of  
6 Title 68 of the Oklahoma Statutes. The provisions of this  
7 subsection shall be applicable only if the contract amount is  
8 Twenty-five Thousand Dollars (\$25,000.00) or greater.

9 O. As a condition of awarding a contract in excess of the  
10 dollar amount prescribed by ~~subparagraph~~ paragraph 11 of subsection  
11 C of this section pursuant to The Oklahoma Central Purchasing Act,  
12 the State Purchasing Director shall verify with the Oklahoma Tax  
13 Commission that the business entity to which the state contract is  
14 to be awarded, whether subject to the procedures required by Section  
15 85.7 of this title or not, has obtained a sales tax permit pursuant  
16 to the provisions of Section 1364 of Title 68 of the Oklahoma  
17 Statutes if such entity is required to do so.

18 P. The State Purchasing Director is hereby authorized to  
19 explore and investigate cost savings in energy, resource usage, and  
20 maintenance contracts and to identify and negotiate contract  
21 solutions including, but not limited to, pilot projects to achieve  
22 cost savings for the State of Oklahoma.

23 Q. The Office of Management and Enterprise Services, with input  
24 from the State Purchasing Director, shall promulgate payment

1 procedure rules for state agencies to adhere to regarding statewide  
2 contracts issued by the State Purchasing Director.

3 R. The Office of Management and Enterprise Services, Central  
4 Purchasing Division, shall promulgate payment procedure rules for  
5 agencies to adhere to regarding statewide contracts issued by the  
6 Division.

7 S. On an annual basis, the State Purchasing Director shall  
8 transmit to the Governor, Speaker of the House of Representatives  
9 and President Pro Tempore of the State Senate a report documenting  
10 the savings realized by each agency through the application of best  
11 spend practices including the collection and tracking of spend data,  
12 strategic sourcing programs, and implementation of managed and  
13 mandatory statewide contracts. The report shall document the  
14 reasons for the failure to issue a mandatory statewide contract for  
15 any items comprising total statewide spend in the amount of Five  
16 Million Dollars (\$5,000,000.00) or greater.

17 T. The acquisition limitations provided for in subparagraph b  
18 of paragraph 11 of subsection C of this section and paragraph 1 of  
19 subsection A of Section 85.7 of this title shall not apply to agency  
20 purchases provided the agency has subject matter experts on staff  
21 having the specialized expertise to purchase said goods or services,  
22 the agency possesses the necessary legal and procurement staff to  
23 procure and monitor the contracts and provided the Director of the  
24 Office of Management and Enterprise Services shall certify that the

1 proposed purchase does not conflict with consolidated statewide  
2 spend initiatives.

3 1. Nothing in this subsection shall give an agency authority to  
4 issue statewide, multistate, or multigovernmental contracts.

5 2. Agencies making purchases pursuant to this subsection shall:

6 a. be responsible for contracts awarded pursuant to this  
7 subsection, which includes, but may not be limited to,  
8 contract management, all costs connected with or  
9 incurred as a result of the contract, including legal  
10 representation,

11 b. comply with rules and policies of the Office of  
12 Management and Enterprise Services, and

13 c. report contracts issued pursuant to this subsection to  
14 the Office of Management and Enterprise Services,  
15 Central Purchasing Division, on a quarterly basis.

16 3. Purchases made in accordance with this subsection shall be  
17 made pursuant to rules authorized by this section.

18 SECTION 2. AMENDATORY 74 O.S. 2011, Section 85.12, is  
19 amended to read as follows:

20 Section 85.12 A. The provisions of this section shall not be  
21 construed to affect any law relating to fiscal or accounting  
22 procedure except as they may be directly in conflict herewith; and  
23 all claims, warrants, and bonds shall be examined, inspected, and  
24 approved as now provided by law.

1 B. Except as otherwise provided by this section, the  
2 acquisitions specified in this subsection shall be made in  
3 compliance with Section 85.39 of this title but are not subject to  
4 other provisions of The Oklahoma Central Purchasing Act:

5 1. Food and other products produced by state institutions and  
6 agencies;

7 2. The printing or duplication of publications or forms of  
8 whatsoever kind or character by state agencies if the work is  
9 performed upon their own equipment by their own employees. Pursuant  
10 to this paragraph, the state agency may only use equipment owned or  
11 leased by the agency and may only utilize that equipment for  
12 printing services required by the agency in performing duties  
13 imposed upon the agency or functions authorized to be performed by  
14 the agency. Any use of the equipment by the agency pursuant to an  
15 agreement or contract with any other entity resulting in delivery of  
16 intermediate or finished products to the entity purchasing or using  
17 the products shall be subject to the provisions of The Oklahoma  
18 Central Purchasing Act;

19 3. Department of Transportation and Transportation Commission  
20 contractual services or right-of-way purchases; contracts awarded  
21 pursuant to bids let by the Transportation Commission for the  
22 maintenance or construction of streets, roads, highways, bridges,  
23 underpasses, or any other transportation facilities under the  
24 control of the Department of Transportation, the acquisitions of

1 equipment or materials accruing to the Department of Transportation  
2 required in Federal-Aid contracts; and contracts for public service  
3 type announcements initiated by the Department of Transportation;  
4 but not contractual services for advertising or public relations or  
5 employment services;

6 4. Utility services ~~where rates therefor are~~ regulated by a  
7 state or federal regulatory commission, or by municipal ordinance,  
8 or by an Indian Tribal Council ~~for use by the Department of~~  
9 ~~Corrections only;~~

10 5. Acquisitions by the University Hospitals Authority. The  
11 Authority shall develop standards for the acquisition of products  
12 and services and may elect to utilize the Purchasing Division. The  
13 standards shall foster economy and short response time and shall  
14 include appropriate safeguards and record-keeping requirements to  
15 ensure appropriate competition and economical and efficient  
16 purchasing;

17 6. Contracts for custom harvesting by the Department of  
18 Corrections for the Department or its institutions;

19 7. Contracts with private prison contractors which are subject  
20 to the contracting procedures of Section 561 of Title 57 of the  
21 Oklahoma Statutes;

22 8. Acquisitions by the Oklahoma Municipal Power Authority;

23 9. Acquisitions by the Grand River Dam Authority;

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1           10. Acquisitions by rural water, sewer, gas, or solid waste  
2 management districts created pursuant to the Rural Water, Sewer, Gas  
3 and Solid Waste Management Districts Act;

4           11. Acquisitions by the Oklahoma Ordnance Works Authority, the  
5 Northeast Oklahoma Public Facilities Authority, or the Midwestern  
6 Oklahoma Development Authority;

7           12. Contracts entered into by the Oklahoma Industrial Finance  
8 Authority for the services of an appraiser or for acquisition of  
9 insurance when the Authority's Board of Directors determines that an  
10 emergency exists, and contracts for the services of legal counsel  
11 when approved by the Attorney General;

12           13. Expenditure of monies appropriated to the State Board of  
13 Education for Local and State Supported Financial Support of Public  
14 Schools, except monies allocated therefrom for the Administrative  
15 and Support Functions of the State Department of Education;

16           14. Expenditure of monies appropriated to the State Department  
17 of Rehabilitation Services for educational programs or educational  
18 materials for the Oklahoma School for the Blind and the Oklahoma  
19 School for the Deaf;

20           15. Contracts entered into by the Oklahoma Department of Career  
21 and Technology Education for the development, revision, or updating  
22 of vocational curriculum materials, and contracts entered into by  
23 the Oklahoma Department of Career and Technology Education for  
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1 training and supportive services that address the needs of new or  
2 expanding industries;

3 16. Contracts entered into by the Oklahoma Center for the  
4 Advancement of Science and Technology for professional services;

5 17. Contracts entered into by the Oklahoma Department of  
6 Commerce pursuant to the provisions of Section 5066.4 of this title;

7 18. Acquisitions made by the Oklahoma Historical Society from  
8 monies used to administer the White Hair Memorial;

9 19. Acquisitions available to an agency through a General  
10 Services Administration (GSA) contract or other federal contract if  
11 the acquisition is on current statewide contract and the terms of  
12 the GSA or other federal contract, as determined by the State  
13 Purchasing Director, are more favorable to the agency than the terms  
14 of a statewide contract for the same products;

15 20. Purchases of pharmaceuticals available through a multistate  
16 or multigovernmental contract if such pharmaceuticals are or have  
17 been on state contract within the last fiscal year, and the terms of  
18 such contract are more favorable to the state or agency than the  
19 terms of a state contract for the same products, as determined by  
20 the State Purchasing Director. The state entity designated by law,  
21 as specified in Section 1010.3 of Title 56 of the Oklahoma Statutes,  
22 shall participate in the purchase of pharmaceuticals available  
23 through such contracts;

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1        21. Contracts for managed health care services entered into by  
2 the state entity designated by law or the Department of Human  
3 Services, as specified in paragraph 1 of subsection A of Section  
4 1010.3 of Title 56 of the Oklahoma Statutes;

5        22. Acquisitions by the Forestry Service of the Oklahoma  
6 Department of Agriculture, Food, and Forestry as authorized by the  
7 federal General Services Administration through a General Services  
8 Administration contract or other federal contract if the  
9 acquisitions are not on current statewide contract or the terms of  
10 the federal contract are more favorable to the agency than the terms  
11 of a statewide contract for the same products;

12        23. Acquisitions of clothing for clients of the Department of  
13 Human Services and acquisitions of food for group homes operated by  
14 the Department of Human Services;

15        24. Acquisitions by the Oklahoma Energy Resources Board;

16        25. Acquisitions of clothing for juveniles in the custody of  
17 the Office of Juvenile Affairs and acquisitions of food for group  
18 homes operated by the Office of Juvenile Affairs;

19        26. State contracts for flexible benefits plans pursuant to the  
20 Oklahoma State Employees Benefits Act, Section 1361 et seq. of this  
21 title;

22        27. Acquisitions by the Department of Securities to  
23 investigate, initiate, or pursue administrative, civil, or criminal  
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1 proceedings involving potential violations of the acts under the  
2 Department's jurisdiction;

3 28. Acquisitions by the Native America Cultural and Educational  
4 Authority and acquisitions by the Oklahoma Department of Commerce to  
5 assist the Native American Cultural and Educational Authority  
6 pursuant to Section 5017 of this title;

7 29. Acquisitions for resale in and through canteens operated  
8 pursuant to Section 537 of Title 57 of the Oklahoma Statutes;

9 30. Acquisitions by the Oklahoma Boll Weevil Eradication  
10 Organization for employment and personnel services, and for  
11 acquiring sprayers, blowers, traps, and attractants related to the  
12 eradication of boll weevils in this state or as part of a national  
13 or regional boll weevil eradication program;

14 31. Contracts entered into by the Oklahoma Indigent Defense  
15 System for expert services pursuant to the provisions of subsection  
16 D of Section 1355.4 of Title 22 of the Oklahoma Statutes;

17 32. Acquisitions by the Oklahoma Correctional Industries and  
18 the Agri-Services programs of the Department of Corrections of raw  
19 materials, component parts and other products, any equipment  
20 excluding vehicles, and any services excluding computer consultant  
21 services used to produce goods or services for resale and for the  
22 production of agricultural products;

23 33. Contracts entered into by the Department of Human Services  
24 for provision of supported living services to members of the

1 plaintiff class in *Homeward Bound, Inc., et al., v. The Hissom*  
2 *Memorial Center, et al.*, Case Number 85-C-437-E, United States  
3 District Court for the Northern District of Oklahoma;

4 34. Contracts negotiated by the Office of Juvenile Affairs with  
5 designated Youth Services Agencies and the Oklahoma Association of  
6 Youth Services, or another Oklahoma nonprofit corporation whose  
7 membership consists solely of Youth Services Agencies and of whom at  
8 least a majority of Youth Services Agencies are members, pursuant to  
9 the provisions of Section 2-7-306 of Title 10A of the Oklahoma  
10 Statutes;

11 35. Contracts not to exceed One Hundred Thousand Dollars  
12 (\$100,000.00) entered into by the Department of Environmental  
13 Quality for engineering services to assist qualifying small  
14 municipalities or rural water or sewer districts with engineering  
15 reports or plans and specifications needed for construction or  
16 repairs to achieve compliance with federal and state public water  
17 supply or wastewater laws and regulations; and

18 36. Contracts for annuities for structured settlements provided  
19 for in Section 158 of Title 51 of the Oklahoma Statutes.

20 C. Pursuant to the terms of a contract the State Purchasing  
21 Director enters into or awards, a state agency, common school,  
22 municipality, rural fire protection district, county officer, or any  
23 program contract, purchase, acquisition or expenditure that is not  
24 subject to the provisions of The Oklahoma Central Purchasing Act,

1 may, unless acting pursuant to a contract with the state that  
2 specifies otherwise, make use of statewide contracts and the  
3 services of the Purchasing Division and the State Purchasing  
4 Director. Any political subdivision or rural fire protection  
5 district may designate the State Purchasing Director as its agent  
6 for any acquisition from a statewide contract or otherwise available  
7 to the state.

8 D. The State Purchasing Director shall make periodic audits of  
9 the purchasing procedures of the Oklahoma Ordnance Works Authority,  
10 the Northeast Oklahoma Public Facilities Authority, the University  
11 Hospitals Authority, and the Midwestern Oklahoma Development  
12 Authority to ensure that the procedures are being followed.

13 SECTION 3. This act shall become effective November 1, 2014.

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15 54-2-10270 LRB 02/20/14

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