

An Act

ENROLLED SENATE
BILL NO. 1719

By: Jolley of the Senate

and

Echols of the House

An Act relating to sole-source purchase contracts; amending 74 O.S. 2011, Section 85.22, as amended by Section 1, Chapter 219, O.S.L. 2013 and Section 2, Chapter 219, O.S.L. 2013 (74 O.S. Supp. 2013, Sections 85.22 and 85.45j.1), which relate to public contracts; modifying requirements for certain statements; and modifying requirements for substitution of certain items relating to sole-source contracts.

SUBJECT: Public contract requirements

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

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

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

A. For purposes of competitive bids, I certify:

1. I am the duly authorized agent of _____, the bidder submitting the competitive bid which is attached to this statement,

for the purpose of certifying the facts pertaining to the existence of collusion among bidders and between bidders and state officials or employees, as well as facts pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting of any contract pursuant to the bid to which this statement is attached;

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

3. Neither the bidder nor anyone subject to the bidder's direction or control has been a party:

- a. to any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding,
- b. to any collusion with any state official or employee as to quantity, quality or price in the prospective contract, or as to any other terms of such prospective contract,
- c. in any discussions between bidders and any state official concerning exchange of money or other thing of value for special consideration in the letting of a contract, nor
- d. to any ~~efforts or offers~~ collusion with any state agency or political subdivision ~~officials~~ official or ~~others~~ employee as to create a ~~sole brand acquisition~~ or a sole-source acquisition in contradiction to Section ~~2~~ 85.45j.1 of this ~~act~~ title.

B. I certify, if awarded the contract, whether competitively bid or not, neither the contractor nor anyone subject to the contractor's direction or control has paid, given or donated or agreed to pay, give or donate to any officer or employee of the State of Oklahoma any money or other thing of value, either directly or indirectly, in procuring the contract to which this statement is attached.

Certified this _____ day of _____ 20__.

SECTION 2. AMENDATORY Section 2, Chapter 219, O.S.L. 2013 (74 O.S. Supp. 2013, Section 85.45j.1), is amended to read as follows:

Section 85.45j.1 A. Notwithstanding any other provision of law or agency rule to the contrary, any bid submissions received by a state agency or any political subdivision pursuant to authorized sole-source bidding procedures established by the provisions of Section 85.45j of ~~Title 74 of the Oklahoma Statutes~~ this title, which substitute an item with one that is ~~alike~~ substantially equivalent in quality, performance and design or which meets the required specifications of the bid shall be considered ~~and shall not be prohibited. In terms of public construction contracts, with exception of specific products submitted and approved prior to release for bidding by the Oklahoma Attorney General for matching preexisting materials, at least three equivalent items from more than one manufacturer and more than one supplier or representative shall be included in the required specifications,~~ but only when the cost is less.

B. In addition, no sole-source bid proposal shall require any limitation that materials must be supplied from a vendor within any specific geographical area. Geographic preference for vendors inside the geographical boundaries may be given, but only when the cost is the same or less.

Passed the Senate the 5th day of May, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2014.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____