

1 SECTION 1. AMENDATORY 61 O.S. 2011, Section 102, as
2 amended by Section 311, Chapter 304, O.S.L. 2012 (61 O.S. Supp.
3 2012, Section 102), is amended to read as follows:

4 Section 102. As used in the Public Competitive Bidding Act of
5 1974:

6 1. "Administrator" means the State Construction Administrator
7 of the Construction and Properties Division of the Office of
8 Management and Enterprise Services;

9 2. "Awarding public agency" means the public agency which
10 solicits and receives sealed bids on a particular public
11 construction contract;

12 3. "Bidding documents" means the bid notice, instruction to
13 bidders, plans and specifications, bidding form, bidding
14 instructions, general conditions, special conditions and all other
15 written instruments prepared by or on behalf of an awarding public
16 agency for use by prospective bidders on a public construction
17 contract;

18 4. "Chief administrative officer" means an individual
19 responsible for directing the administration of a public agency.
20 The term does not mean one or all of the individuals that make
21 policy for a public agency;

22 5. "Public agency" means the State of Oklahoma, and any county,
23 city, town, school district or other political subdivision of the
24 state, any public trust, any public entity specifically created by

1 the statutes of the State of Oklahoma or as a result of statutory
2 authorization therefor, and any department, agency, board, bureau,
3 commission, committee or authority of any of the foregoing public
4 entities;

5 6. "Public construction contract" or "contract" means any
6 contract, exceeding Fifty Thousand Dollars (\$50,000.00) in amount,
7 awarded by any public agency for the purpose of making any public
8 improvements or constructing any public building or making repairs
9 to or performing maintenance on the same except where the
10 improvements, construction of any building or repairs to the same
11 are improvements or buildings leased to a person or other legal
12 entity exclusively for private and not for public use and no public
13 tax revenues shall be expended on or for the contract unless the
14 public tax revenues used for the project are authorized by a
15 majority of the voters of the applicable public agency voting at an
16 election held for that purpose and the public tax revenues do not
17 exceed twenty-five percent (25%) of the total project cost. The
18 amount of public tax dollars committed to the project will not
19 exceed a fixed amount established by resolution of the governing
20 body prior to or concurrent with approval of the project;

21 7. "Public improvement" means any beneficial or valuable change
22 or addition, betterment, enhancement or amelioration of or upon any
23 real property, or interest therein, belonging to a public agency,
24 intended to enhance its value, beauty or utility or to adapt it to

1 new or further purposes. The term does not include the direct
2 purchase of materials, equipment or supplies by a public agency, or
3 any personal property, including property as defined in paragraphs 1
4 and 4 of subsection B of Section 430.1 of Title 62 of the Oklahoma
5 Statutes; ~~and~~

6 8. "Purchasing cooperative" means an association of public
7 entities working together to provide leverage in achieving best
8 value and/or the best terms in contracts awarded through a
9 competitive bidding process; and

10 9. "Retainage" means the difference between the amount earned
11 by the contractor on a public construction contract, with the work
12 being accepted by the public agency, and the amount paid on said
13 contract by the public agency.

14 SECTION 2. AMENDATORY 61 O.S. 2011, Section 103, as
15 amended by Section 312, Chapter 304, O.S.L. 2012 (61 O.S. Supp.
16 2012, Section 103), is amended to read as follows:

17 Section 103. A. Unless otherwise provided by law, all public
18 construction contracts exceeding Fifty Thousand Dollars (\$50,000.00)
19 shall be let and awarded to the lowest responsible bidder, by open
20 competitive bidding after solicitation for sealed bids, in
21 accordance with the provisions of the Public Competitive Bidding Act
22 of 1974. No work shall be commenced until a written contract is
23 executed and all required bonds and insurance have been provided by
24 the contractor to the awarding public agency.

1 B. Except as provided in subsection D of this section, other
2 construction contracts for the purpose of making any public
3 improvements or constructing any public building or making repairs
4 to the same for Fifty Thousand Dollars (\$50,000.00) or less shall be
5 let and awarded to the lowest responsible bidder by receipt of
6 written bids or awarded on the basis of competitive quotes to the
7 lowest responsible qualified contractor. Work may be commenced in
8 accordance with the purchasing policies of the public agency.

9 C. Except as provided in subsection D of this section, other
10 construction contracts for less than Five Thousand Dollars
11 (\$5,000.00) may be negotiated with a qualified contractor. Work may
12 be commenced in accordance with the purchasing policies of the
13 public agency.

14 D. The provisions of this subsection shall apply to public
15 construction for minor maintenance or minor repair work to public
16 school district property. Other construction contracts for less
17 than Twenty-five Thousand Dollars (\$25,000.00) may be negotiated
18 with a qualified contractor. Construction contracts equal to or
19 greater than Twenty-five Thousand Dollars (\$25,000.00) but less than
20 Fifty Thousand Dollars (\$50,000.00) shall be let and awarded to the
21 lowest responsible bidder by receipt of written bids. No work shall
22 be commenced on any construction contract until a written contract
23 is executed and proof of insurance has been provided by the
24 contractor to the awarding public agency.

1 E. The Construction and Properties Division of the Office of
2 Management and Enterprise Services may award contracts using best
3 value competitive proposals. As used in this subsection, "best
4 value" means an optional contract award system which can evaluate
5 and rank submitted competitive performance proposals to identify the
6 proposal with the greatest value to the state. The Office of
7 Management and Enterprise Services, pursuant to the Administrative
8 Procedures Act, shall promulgate rules necessary to implement the
9 provisions of this subsection.

10 F. 1. A public agency shall not let or award a public
11 construction contract exceeding Fifty Thousand Dollars (\$50,000.00)
12 to any contractor affiliated with a purchasing cooperative unless
13 the purchasing cooperative and the contractor have complied with all
14 of the provisions of the Competitive Bidding Act of 1974, including
15 but not limited to open competitive bidding after solicitation for
16 sealed bids. A public agency shall not let or award a public
17 construction contract exceeding Five Thousand Dollars (\$5,000.00) up
18 to Fifty Thousand Dollars (\$50,000.00) to any contractor affiliated
19 with a purchasing cooperative unless the purchasing cooperative and
20 the contractor have complied with all of the provisions of the
21 Public Competitive Bidding Act of 1974, including submission of a
22 written bid upon notice of competitive bidding.

23 2. A purchasing cooperative and its affiliated contractors
24 shall not be allowed to bid on any public construction contract

1 exceeding Fifty Thousand Dollars (\$50,000.00) unless the purchasing
2 cooperative and its affiliated contractors have complied with all of
3 the provisions of the Public Competitive Bidding Act of 1974,
4 including but not limited to open competitive bidding after
5 solicitation for sealed bids. A purchasing cooperative and its
6 affiliated contractors shall not be allowed to bid on any public
7 construction contract exceeding Two Thousand Five Hundred Dollars
8 (\$2,500.00) unless the purchasing cooperative and its affiliated
9 contractors have complied with all of the provisions of the Public
10 Competitive Bidding Act of 1974, including submission of a written
11 bid upon notice of open competitive bidding.

12 SECTION 3. AMENDATORY 74 O.S. 2011, Section 85.2, is
13 amended to read as follows:

14 Section 85.2. As used in the Oklahoma Central Purchasing Act,
15 unless the context otherwise requires:

16 1. "Acquisition" means items, products, materials, supplies,
17 services, and equipment a state agency acquires by purchase, lease-
18 purchase, lease with option to purchase, or rental pursuant to the
19 Oklahoma Central Purchasing Act unless the items, products,
20 supplies, services, or equipment are exempt pursuant to the Oklahoma
21 Central Purchasing Act;

22 2. "Best value criteria" means evaluation criteria which may
23 include, but is not limited to, the following:
24

- a. the acquisition's operational cost a state agency would incur,
- b. the quality of the acquisition, or its technical competency,
- c. the reliability of the bidder's delivery and implementation schedules,
- d. the acquisition's facilitation of data transfer and systems integration,
- e. the acquisition's warranties and guarantees and the bidder's return policy,
- f. the bidder's financial stability,
- g. the acquisition's adherence to the state agency's planning documents and announced strategic program direction,
- h. the bidder's industry and program experience and record of successful past performance with acquisitions of similar scope and complexity,
- i. the anticipated acceptance by user groups, and
- j. the acquisition's use of proven development methodology, and innovative use of current technologies that lead to quality results;

3. "Bid" or "proposal" means an offer a bidder submits in response to an invitation to bid or request for proposal;

1 4. "Bidder" means an individual or business entity that submits
2 a bid or proposal in response to an invitation to bid or a request
3 for proposal;

4 5. "Business entity" means individuals, partnerships, business
5 trusts, cooperatives, associates, corporations or any other firm,
6 group or concern which functions as a separate entity for business
7 purposes;

8 6. "Change order" means a unilateral written order directing a
9 supplier to make a change;

10 7. "Chief administrative officer" means an individual
11 responsible for directing the administration of a state agency. The
12 term does not mean one or all of the individuals that make policy
13 for a state agency;

14 8. "Component" means any item supplied as part of an end item
15 or of another component;

16 9. "Consolidation contract" means a contract for several state
17 agencies for the purpose of purchasing computer software maintenance
18 or hardware maintenance;

19 10. "Contract" means a mutually binding legal relationship
20 obligating the seller to furnish an acquisition and the buyer to pay
21 for it. It includes all types of commitments that obligate a state
22 agency to an expenditure of funds or action that, unless otherwise
23 authorized, is in writing. In addition to bilateral instruments,
24 contracts include, but are not limited to:

- a. awards and notices of awards,
- b. orders issued under basic ordering agreements,
- c. letter contracts,
- d. orders under which the contract becomes effective by written acceptance or performance, and
- e. bilateral contract modifications;

11. "Contract modification" means any written change in the terms of the contract;

12. "Contracting" means purchasing, renting, leasing, or otherwise obtaining acquisitions from private sources. Contracting includes description, but not determination, of acquisitions required, selection and solicitation of sources, preparation and award of contracts, and contract administration;

13. "Contractor" means an individual or business entity entering into a contract for goods and/or services with the state as a result of a solicitation;

14. "Electronic commerce" means the use of electronic methods to enable solicitation, supplier response, notice of contract award, state agency acquisition processes, or any other function to make an acquisition;

15. "Electronic payment mechanism" means a method of electronic payment for authorized acquisitions;

1 16. "Enterprise agreement" means an agreement for computer
2 hardware, software, and service that a supplier manufactures,
3 develops, and designs, and that one or more state agencies use;

4 17. "Environmentally preferable products and services (EPPS)"
5 means acquisitions that best meet the requirements as defined in the
6 solicitation for human health and the environment;

7 18. "Equipment" means personal property a state agency acquires
8 for its use which is an item or product and shall include all
9 personal property used or consumed by a state agency that is not
10 included within the category of materials and supplies;

11 19. "High technology system" means advanced technological
12 equipment, software, communication lines, and services for the
13 processing, storing, and retrieval of information by a state agency;

14 20. "Item" or "product" means some quantity or kind of such
15 supplies, materials or equipment;

16 21. "Local governmental entity" means any unit of local
17 government including, but not limited to, any school district,
18 county, or municipality of this state;

19 22. "Lowest and best" means an acquisition based on criteria
20 which include, but are not limited to, the following:

- 21 a. the lowest total purchase price,
22 b. the quality and reliability of the product, and

23

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1 c. the consistency of the proposed acquisition with the
2 state agency's planning documents and announced
3 strategic program direction;

4 23. "Materials" or "supplies" includes all property except real
5 property or equipment that a state agency acquires for its use or
6 consumption;

7 24. "Multistate contract" or "multigovernmental contract" means
8 an agreement entered into between two or more entities of government
9 for acquisitions pursuant to a single contract;

10 25. "Nonprofessional services" means services which are
11 predominantly physical or manual in character and may involve the
12 supplying of products;

13 26. "Political subdivision" means local governmental entities
14 and such other entities specified as political subdivisions pursuant
15 to The Governmental Tort Claims Act;

16 27. "Open market contract" means a contract for a one-time
17 acquisition not exceeding the acquisition amount requiring
18 competitive bid pursuant to Section 85.7 of this title;

19 28. "Professional services" means services which are
20 predominantly mental or intellectual in character rather than
21 physical or manual and which do not involve the supplying of
22 products. Professional services include services to support or
23 improve state agency policy development, decision making,
24 management, administration, or the operation of management systems;

1 29. "Purchase order" means an offer by a state agency to make
2 an acquisition utilizing simplified procedures;

3 30. "Purchasing cooperative" means an association of public
4 entities working together to provide leverage in achieving best
5 value and/or the best terms in contracts awarded through a
6 competitive bidding process;

7 31. "Requisition" means a written request by a state agency for
8 an acquisition;

9 ~~31.~~ 32. "Services" or "contractual services" means direct
10 engagement of the time and effort of a contractor for the primary
11 purpose of performing an identifiable task rather than for the
12 furnishing of an end item of supply;

13 ~~32.~~ 33. "Sole brand acquisition" means an acquisition that by
14 specification restricts the acquisition to one manufacturer or brand
15 name;

16 ~~33.~~ 34. "Sole source acquisition" means an acquisition which,
17 by specification, restricts the acquisition to one supplier;

18 ~~34.~~ 35. "Solicitation" means a request or invitation by the
19 State Purchasing Director or a state agency for a supplier to submit
20 a priced offer to sell acquisitions to the state. A solicitation
21 may be an invitation to bid, request for proposal, or a request for
22 quotation;

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1 ~~35.~~ 36. "Split purchase" means dividing a known quantity or
2 failing to consolidate a known quantity of an acquisition for the
3 purpose of evading a competitive bidding requirement;

4 ~~36.~~ 37. "State agency" includes any office, officer, bureau,
5 board, counsel, court, commission, institution, unit, division, body
6 or house of the executive or judicial branches of the state
7 government, whether elected or appointed, excluding only political
8 subdivisions of the state;

9 ~~37.~~ 38. "State purchase card" means an electronic transaction
10 device used for making acquisitions;

11 ~~38.~~ 39. "State Purchasing Director" or "Director of Central
12 Purchasing" includes any employee or agent of the State Purchasing
13 Director, acting within the scope of delegated authority;

14 ~~39.~~ 40. "Statewide contract" means a contract for specific
15 acquisitions for a specified period with a provision allowing the
16 agencies and local governmental entities to place orders as the
17 acquisitions are needed for delivery during the period specified;
18 and

19 ~~40.~~ 41. "Supplier" or "vendor" means an individual or business
20 entity that sells or desires to sell acquisitions to state agencies.

21 SECTION 4. AMENDATORY 74 O.S. 2011, Section 85.7, as
22 amended by Section 738, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
23 2012, Section 85.7), is amended to read as follows:

1 Section 85.7. A. 1. Except as otherwise provided by the
2 Oklahoma Central Purchasing Act, no state agency shall make an
3 acquisition for an amount exceeding Fifty Thousand Dollars
4 (\$50,000.00) or the limit determined by the State Purchasing
5 Director pursuant to rules authorized by Section 85.5 of this title,
6 not to exceed One Hundred Thousand Dollars (\$100,000.00), without
7 submission of a requisition to the State Purchasing Director and
8 submission of suppliers' competitive bids or proposals to the State
9 Purchasing Director.

10 2. Any acquisition a state agency makes shall be made pursuant
11 to the Oklahoma Central Purchasing Act and rules promulgated
12 pursuant thereto.

13 a. Split purchasing for the purpose of evading the
14 requirement of competitive bidding shall be a felony.

15 b. The State Purchasing Director may waive or increase
16 the limit authorized for a state agency acquisition by
17 not more than ten percent (10%) to perfect an
18 otherwise valid acquisition inadvertently exceeding
19 the limit due to administrative error by the state
20 agency or unforeseeable circumstances. The state
21 agency shall request a waiver upon the discovery of
22 the error or circumstance to the State Purchasing
23 Director on a form the Director requires.

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1 c. The State Purchasing Director shall report all
2 requests for waivers or increases, stating the amount
3 and whether the request was granted or denied, monthly
4 to the Governor, President Pro Tempore of the Senate,
5 and Speaker of the House of Representatives.

6 3. a. Contracts for master custodian banks or trust
7 companies, investment managers, investment
8 consultants, and actuaries for the state retirement
9 systems, CompSource Oklahoma, Oklahoma Employees
10 Insurance and Benefits Board, pension fund management
11 consultants of the Oklahoma State Pension Commission
12 and the Commissioners of the Land Office, and other
13 professional services as defined in Section 803 of
14 Title 18 of the Oklahoma Statutes shall be exempt from
15 competitive bidding procedures of this section and
16 requisition requirements of Section 85.4 of this
17 title.

18 b. Contracts with financial institutions to act as
19 depositories and managers of the Oklahoma College
20 Savings Plan accounts shall be exempt from competitive
21 bidding procedures.

22 c. A state agency that makes an acquisition pursuant to
23 this paragraph shall notify the State Purchasing
24 Director within fifteen (15) days following completion

1 of the acquisition. The Office of Management and
2 Enterprise Services shall compile a list of the exempt
3 contracts and send the list to a member of the
4 Appropriations and Budget Committee of the House of
5 Representatives or Appropriations Committee of the
6 Senate, if the member requests.

7 4. Requisitions pursuant to this section shall not be required
8 prior to emergency acquisitions by a state agency not exceeding One
9 Hundred Thousand Dollars (\$100,000.00). The state agency shall
10 submit a requisition to the State Purchasing Director within five
11 (5) days following the acquisition together with a statement of the
12 emergency. The State Purchasing Director shall send the requisition
13 and a written analysis to the Governor, the President Pro Tempore of
14 the Senate, and the Speaker of the House of Representatives
15 specifying the facts and circumstances giving rise to the emergency
16 requisition.

17 5. Requisitions pursuant to this section for acquisitions to
18 alleviate a serious environmental emergency shall not be required
19 if, upon receiving a request from the Chair of the Corporation
20 Commission and after having examined the facts and circumstances of
21 the case, the Governor certifies in writing the existence of a
22 serious environmental emergency. For the purposes of this section,
23 "serious environmental emergency" means a situation within the
24 jurisdiction of the Commission:

- 1 a. in which serious damage to the environment will
2 quickly occur if immediate action is not taken and the
3 damage will be so significant that the urgent need for
4 action outweighs the need for competitive bids, or
5 b. a situation in which human life or safety is in
6 imminent danger or significant property interests are
7 threatened with imminent destruction.

8 6. Acquisitions for repairs of equipment in emergencies, of
9 livestock through a market agency, dealer, commission house, or
10 livestock auction market bonded or licensed under federal or state
11 law, the purchase or collection of semen or embryos, and the
12 placement of embryos into recipient livestock shall not require
13 requisitions pursuant to this section or any other provisions of the
14 Oklahoma Central Purchasing Act.

15 7. The Board of Directors of the Oklahoma Historical Society
16 shall select suppliers for the restoration of historical sites and
17 museums and shall not be subject to the requisition requirements of
18 this section or any other provision of the Oklahoma Central
19 Purchasing Act. The Board may send a requisition to the State
20 Purchasing Director and request supplier bid or proposal submission
21 procedures, but supplier and bid selection will be the prerogative
22 of the Board and will be based on contractors' documented
23 qualifications and experience.

1 8. Purchases of postage by state agencies shall be made
2 pursuant to Sections 90.1 through 90.4 of this title.

3 9. Sole source or sole brand acquisitions by a state agency or
4 the State Purchasing Director shall comply with Section 85.45j of
5 this title.

6 10. Acquisitions for the design, development, communication, or
7 implementation of the state employees flexible benefits plan shall
8 not be subject to the requirements of this section; provided, that
9 the Flexible Benefits Advisory Council shall use procedures
10 consistent with the competitive bid requirements of the Oklahoma
11 Central Purchasing Act.

12 11. a. Any acquisition of a service which the Office of
13 Management and Enterprise Services has approved as
14 qualifying for a fixed and uniform rate shall be made
15 pursuant to provisions of this paragraph.

16 b. The Office of Management and Enterprise Services shall
17 establish criteria and guidelines for those services
18 which may qualify for a fixed and uniform rate.

19 c. Fixed and uniform rate contracts authorized by this
20 paragraph shall be limited to contracts for those
21 services furnished to persons directly benefiting from
22 such services and shall not be used by a state agency
23 to employ consultants or to make other acquisitions.
24

1 d. Any state agency desiring to have a service qualified
2 for a fixed and uniform rate shall make a request for
3 service qualification to the Office of Management and
4 Enterprise Services and submit documentation to
5 support the request. The Office of Management and
6 Enterprise Services shall approve or deny the request.
7 If the Office of Management and Enterprise Services
8 approves the request, the state agency shall establish
9 a fixed and uniform rate for the service. No
10 contracts shall be entered into by the state agency
11 until the rate has been approved by the state agency
12 in a public hearing. The proposed rate shall be
13 clearly and separately identified in the agenda of the
14 state agency for the hearing and shall be openly and
15 separately discussed during such hearing. The state
16 agency shall notify the Director of the Office of
17 Management and Enterprise Services of its pending
18 consideration of the proposed rate at least thirty
19 (30) days before the state agency is to meet on the
20 proposed rate. The state agency shall deliver to the
21 Director of the Office of Management and Enterprise
22 Services a copy of the agenda items concerning the
23 proposed rate with supporting documentation. The
24 Director of the Office of Management and Enterprise

1 Services shall communicate any observation,
2 reservation, criticism, or recommendation to the
3 agency, either in person at the time of the hearing or
4 in writing delivered to the state agency before or at
5 the time of the hearing. The Director of the Office
6 of Management and Enterprise Services shall
7 specifically note in the written communications
8 whether the Director of the Office of Management and
9 Enterprise Services has determined the rate to be
10 excessive. Any written communication presented in the
11 absence of the Director of the Office of Management
12 and Enterprise Services shall be presented orally
13 during the public hearing. Whether made in person or
14 in writing, any comment made by the Director of the
15 Office of Management and Enterprise Services shall be
16 made a part of the minutes of the hearing in full.

17 e. Within two (2) weeks after the convening of the
18 Legislature, the administrative officer of the state
19 agency shall furnish to the Speaker of the House of
20 Representatives, the President Pro Tempore of the
21 Senate and to any member of the House or Senate, if
22 requested by the member, a complete list of all of the
23 types of services paid for by uniform fixed rates, the
24 amount of the rate last approved by the agency for the

1 service, and the number of contracts then in existence
2 for each type of service. Any rate which has been
3 determined to be excessive by the Director of the
4 Office of Management and Enterprise Services shall be
5 specifically identified in the list by the state
6 agency.

7 f. At any time, the Director of the Office of Management
8 and Enterprise Services may review, suspend, or
9 terminate a contract entered into pursuant to the
10 provisions of this paragraph if the Director of the
11 Office of Management and Enterprise Services
12 determines the contract is not necessary, is
13 excessive, or is not justified.

14 12. Specifically prescribed nonmedical adaptive technology-
15 related acquisitions for individuals with disabilities who are
16 clients of the State Department of Rehabilitation Services and which
17 are prescribed by a physician, rehabilitation engineer, qualified
18 rehabilitation technician, speech therapist, speech pathologist,
19 occupational therapist, physical therapist, or qualified sensory
20 aids specialist, and other client acquisitions, shall not be subject
21 to the requisition requirements of this section. The Commission for
22 Rehabilitation Services shall develop standards for the purchase of
23 such acquisitions and may elect to utilize the Purchasing Division
24 for an acquisition. The standards shall foster economy, provide a

1 short response time, include appropriate safeguards, require written
2 records, ensure appropriate competition for economical and efficient
3 purchasing, and shall be approved by the State Purchasing Director.

4 13. The Department of Human Services shall develop procedures
5 for acquisitions of specifically prescribed nonmedical assistive
6 technology-related items not exceeding the acquisition purchase
7 amount requiring a requisition pursuant to this section for
8 individuals under sixteen (16) years of age who are recipients of
9 Supplemental Security Income which are prescribed by a physician,
10 qualified sensory aids specialist or qualified special education
11 instructor. The procedures shall reflect standards for the
12 acquisition of such nonmedical assistive technology-related items,
13 may provide for utilization of the Purchasing Division when
14 appropriate, shall foster economy, provide a short response time,
15 shall include appropriate safeguards and written records to ensure
16 appropriate competition and economical and efficient purchasing, and
17 shall be approved by the State Purchasing Director.

18 14. a. Structured settlement agreements entered into by the
19 Attorney General's office in order to settle any
20 lawsuit involving the state, the Legislature, any
21 state agency or any employee or official of the state
22 shall not be subject to the competitive bidding
23 requirements of this section if:
24

1 (1) prior to entering into any contract for the
2 services of an entity to administer a structured
3 settlement agreement, the Attorney General
4 receives proposals from at least three entities
5 engaged in providing such services, and

6 (2) the selection of a particular entity is made on
7 the basis of the response to the request which is
8 the most economical and provides the most
9 competent service which furthers the best
10 interests of the state.

11 b. A list of any such structured settlement agreements
12 entered into by the Attorney General with summary
13 thereon for the previous calendar year shall be
14 submitted to the Speaker of the House of
15 Representatives and the President Pro Tempore of the
16 Senate on January 31 of each year.

17 15. Acquisitions a state agency makes pursuant to a contract
18 the State Purchasing Director enters into or awards and designates
19 for use by state agencies shall be exempt from competitive bidding
20 procedures.

21 16. The Commission on Marginally Producing Oil and Gas Wells
22 shall be exempt from the competitive bid requirements of this
23 section for contracts with local vendors for the purpose of holding
24 special events and exhibitions throughout the state.

1 17. Agreements entered into by any state agency with the United
2 States Army Corps of Engineers in order to provide emergency
3 response or to protect the public health, safety, or welfare shall
4 not require requisitions and shall not be subject to competitive
5 bidding requirements of this section.

6 B. Acquisitions shall be awarded to the lowest and best, or
7 best value, bidder at a specified time and place, which shall be
8 open to the public.

9 C. Bids for professional service contracts for an amount
10 requiring submission of requisitions to the State Purchasing
11 Director shall be evaluated by the State Purchasing Director and the
12 state agency contracting for such service. Both cost and technical
13 expertise shall be considered in determining the lowest and best, or
14 best value, bid. Further, the state agency shall present its
15 evaluation and recommendation to the State Purchasing Director. A
16 documented evaluation report containing the evaluations of the State
17 Purchasing Director and the state agency contracting for such
18 service shall be completed prior to the awarding of a professional
19 service contract and such report shall be a matter of public record.

20 D. When requested by CompSource Oklahoma, the Oklahoma
21 Employees Insurance and Benefits Board, or the governing board of a
22 state retirement system authorized to hire investment managers, the
23 Office of Management and Enterprise Services shall assist the
24 requesting body in the process of selecting investment managers.

1 When requested by the Flexible Benefits Advisory Council, the Office
2 of Management and Enterprise Services shall assist the Council in
3 the process of selecting contracts for the design, development,
4 communication, or implementation of the state employees flexible
5 benefits plan.

6 E. Except as otherwise specifically provided by law, the
7 acquisition of food items or food products by a state agency from a
8 public trust created pursuant to Sections 176 through 180.56 of
9 Title 60 of the Oklahoma Statutes shall comply with competitive
10 bidding procedures pursuant to the provisions of this section.

11 F. Cooperative contracts shall not be utilized unless the
12 purchasing cooperative and its affiliated suppliers have complied
13 with all provisions of the Oklahoma Central Purchasing Act.

14 SECTION 5. This act shall become effective November 1, 2013.

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16 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated
17 04/11/2013 - DO PASS.

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