

1 **SENATE FLOOR VERSION**

2 February 19, 2014

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1719

By: Jolley of the Senate

and

Echols of the House

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7  
8 COMMITTEE SUBSTITUTE

9 [ sole source purchase contracts - public contracts -  
10 - emergency ]

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

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

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

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

22 1. I am the duly authorized agent of \_\_\_\_\_, the bidder  
23 submitting the competitive bid which is attached to this statement,  
24 for the purpose of certifying the facts pertaining to the existence

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

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

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

12 a. to any collusion among bidders in restraint of freedom  
13 of competition by agreement to bid at a fixed price or  
14 to refrain from bidding,

15 b. to any collusion with any state official or employee  
16 as to quantity, quality or price in the prospective  
17 contract, or as to any other terms of such prospective  
18 contract, nor

19 c. in any discussions between bidders and any state  
20 official concerning exchange of money or other thing  
21 of value for special consideration in the letting of a  
22 contract, ~~nor~~

23 ~~d. to any efforts or offers with state agency or~~  
24 ~~political subdivision officials or others to create a~~

1 ~~sole brand acquisition or a sole source acquisition in~~  
2 ~~contradiction to Section 2 of this act.~~

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

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

11 SECTION 2. AMENDATORY Section 2, Chapter 219, O.S.L.  
12 2013 (74 O.S. Supp. 2013, Section 85.45j.1), is amended to read as  
13 follows:

14 Section 85.45j.1. A. Notwithstanding any other provision of  
15 law or agency rule to the contrary, any bid submissions received by  
16 a state agency or any political subdivision pursuant to authorized  
17 sole source bidding procedures established by the provisions of  
18 Section 85.45j of Title 74 of the Oklahoma Statutes, which  
19 substitute an item with one that is ~~alike~~ substantially equivalent  
20 in quality, performance and design or which meets the required  
21 specifications of the bid shall be considered ~~and shall not be~~  
22 ~~prohibited. In terms of public construction contracts, with~~  
23 ~~exception of specific products submitted and approved prior to~~  
24 ~~release for bidding by the Oklahoma Attorney General for matching~~

1 ~~preexisting materials, at least three equivalent items from more~~  
2 ~~than one manufacturer and more than one supplier or representative~~  
3 ~~shall be included in the required specifications, but only when the~~  
4 cost is less.

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

10 SECTION 3. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
15 February 19, 2014 - DO PASS AS AMENDED  
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