

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1924

By: DeWitt

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5
6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2011, Section 421.1, which relates
9 to the procedures for sale of certain property;
authorizing board of county commissioners to solicit
certain bids; and providing an effective date.

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

12 SECTION 1. AMENDATORY 19 O.S. 2011, Section 421.1, is
13 amended to read as follows:

14 Section 421.1 A. The board of county commissioners is hereby
15 authorized to use any tools, apparatus, machinery or equipment
16 belonging to the county, the original cost of which exceeded Five
17 Hundred Dollars (\$500.00), as a trade-in on a cash purchase or lease
18 purchase of any other tools, apparatus, machinery or equipment.

19 B. To establish an appraised value for an item to be sold at
20 public auction, the purchasing agent may refer to an industry-
21 recognized appraisal manual for used construction equipment to
22 estimate the value of the item being sold, or obtain appraisal
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1 quotes from at least two vendors in the business of selling items
2 like the one being sold.

3 C. Except when such items are disposed of pursuant to
4 subsection F of this section, the following procedures shall be used
5 for the sale, by the board of county commissioners, of any tools,
6 apparatus, machinery or equipment, the original cost of which
7 exceeded Five Hundred Dollars (\$500.00), belonging to the county:

8 1. The board of county commissioners shall give notice of such
9 sale by publication in a newspaper of general paid circulation in
10 the county for two (2) successive weekly issues;

11 2. Bids for such tools, apparatus, machinery or equipment on
12 sale shall be in writing, sealed and delivered to the county clerk
13 of such county;

14 3. At the next regular meeting of the board of county
15 commissioners after the expiration of fifteen (15) days from the
16 date of first publication of notice of the sale, the board of county
17 commissioners shall open such bids and award such tools, apparatus,
18 machinery or equipment to the highest and best bidder with the
19 option of rejecting all bids; and

20 4. The board of county commissioners may hold a public auction
21 in lieu of advertising for sealed bids as provided above. Such
22 auction shall be advertised as provided herein.

23 D. A board of county commissioners may sell any materials,
24 tools, apparatus, machinery or equipment to a state agency, if the

1 agency is subject to The Oklahoma Central Purchasing Act, or to a
2 political subdivision of the state if the political subdivision is
3 subject to such act or a similar competitive bidding procedure. The
4 board of county commissioners may purchase materials, tools,
5 apparatus, machinery or equipment from a state agency, if the agency
6 is subject to The Oklahoma Central Purchasing Act, or from a
7 political subdivision of the state if the political subdivision is
8 subject to such act or a similar competitive bidding procedure.

9 E. The board of county commissioners may, by resolution, enter
10 into an agreement with any other county or political subdivision for
11 the purpose of selling, transferring, trading or otherwise disposing
12 of equipment or materials.

13 F. Advertisement of surplus property consigned to sell at a
14 Circuit Engineering District auction shall be provided by the
15 auction company under contract to conduct the sale. Advertising
16 shall be provided to attract the most potential buyers. Advertising
17 media may include, but not be limited to, sale flyers, newspapers,
18 radio, television, and Internet postings.

19 G. Pursuant to the authority of Section 1 of this title, boards
20 of county commissioners shall have authority, under such statute and
21 in consideration of the procedures in this section to sell real
22 property belonging to the county without declaring such property
23 surplus under the following conditions:

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1 1. A certified appraisal of the county property shall be
2 performed to determine the market value of the property and accepted
3 by the board of county commissioners;

4 2. After acceptance of the certified appraisal, the board of
5 county commissioners shall, pursuant to the requirements of this
6 section, give notice of such sale by publication in a newspaper of
7 general paid circulation in the county for two successive weekly
8 issues;

9 3. Bids for the real property shall be in writing, sealed and
10 delivered to the county clerk of such county;

11 4. At the next regular meeting of the board of county
12 commissioners after the expiration of fifteen (15) days from the
13 date of first publication of notice of sale, the board of county
14 commissioners shall open such bids;

15 5. A successful bid must be no less than the market value of
16 the real property to be considered by the board of county
17 commissioners for acceptance. The board of county commissioners
18 reserves the right to reject any and all bids;

19 6. If more than one bid is above the market value of the real
20 property, the board of county commissioners shall have the right to
21 compel the potential buyers of the real property who have bid above
22 the market amount to enter into public auction conducted by the
23 chairman of the board of county commissioners after the opening of
24 such bids, to establish the highest bid for the property in order to

1 assure that the county is receiving adequate consideration for the
2 property;

3 7. A majority vote of the board of county commissioners shall
4 be required to determine the successful bidder of the real property.
5 Upon awarding the bid, either through sealed bid or by conducting a
6 public auction of those bidders who bid more than the market value
7 of the real property, the board of county commissioners shall have
8 the right to pledge the occupied property, using an irrevocable bond
9 or letter of credit, as provided for in paragraph 10 of this
10 subsection, as collateral in order to finance bonds to purchase
11 other real property or build a replacement building, or both;

12 8. If the sale price is less than the estimated cost of new
13 land purchase or construction, then said sales contract shall be
14 contingent upon the public approval of bond funding or other
15 authorized funding to allow the complete payment of the contemplated
16 project;

17 9. The board of county commissioners shall have authority
18 pursuant to paragraphs 5 and 6 of Section 1 of this title to make
19 any order concerning the sale of such property contingent upon a
20 closing date in the future in order to continue to use said real
21 property until a replacement building is completed. Upon completion
22 of the replacement building, the board of county commissioners shall
23 execute all documents and title transfers pertaining to said real
24 property to the successful bidder; and

1 10. The successful bidder shall execute an irrevocable bond or
2 letter of credit with a surety company or bank licensed to do
3 business in the State of Oklahoma and organized under the corporate
4 laws of the State of Oklahoma and registered with the Secretary of
5 State of Oklahoma equal to the amount of the purchase price of the
6 real property within fifteen (15) days of awarding of the bid.
7 Failure to provide either an irrevocable bond or letter of credit in
8 favor of the board of county commissioners within said time
9 limitation shall act as a rejection and cancellation by the board of
10 the award of bid and said board may, at that point, enter into a
11 contract with any secondary or subsequent bidder that meets the
12 aforementioned qualifications without further notice.

13 H. The board of county commissioners may solicit telephone bids
14 for the removal of recyclable materials.

15 SECTION 2. This act shall become effective November 1, 2013.

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