STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2360

By: Rousselot, Cockroft and Bennett of the House

and

Barrington of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to counties; amending 19 O.S. 2011, Sections 1501 as last amended by Section 1 of Enrolled House Bill No. 3130 of the 2nd Session of the 55th Oklahoma Legislature and 1503, which relate to county purchasing procedure; authorizing county commissioners to designate certain persons as receiving and requisitioning officers; providing required procedures; requiring evidence of blanket bond coverage or certain liability insurance; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 1501, as last amended by Section 1 of Enrolled House Bill No. 3130 of the 2nd Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 1501. A. The county purchasing agent:

1. Shall, within the amount of the unencumbered balance, make all purchases that are paid from county funds for the various institutions, departments, officers, and employees of the county, except at public auctions and as otherwise provided for by law;

2. May make purchases for political subdivisions of this state within the county if authorized by appropriate action of the governing board or body of the political subdivision affected;

3. Shall make purchases and rental or lease-purchase agreements only after following the bidding procedures as provided for by law, except:

a. when the purchase does not exceed Fifteen Thousand Dollars ($15,000.00). All purchases made pursuant to this subparagraph shall be by a single purchase order. Splitting purchase orders which would result in paying an amount in excess of the limitations specified in this subparagraph is expressly prohibited. Any person convicted of violating the provisions of this subparagraph shall be guilty of a misdemeanor and such person shall forfeit the person's position or office,

b. when the total payments of a rental or lease-purchase agreement do not exceed the current bid limit as established in subparagraph a of this paragraph,

c. when articles and items are covered by single-source contracts,

d. service or maintenance contracts on equipment or machinery which are entered into at the time of the purchase of the equipment or machinery,

e. purchases made pursuant to a blanket purchase order as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes,

f. when materials for road or bridge improvements do not exceed Seven Dollars ($7.00) per yard or per ton,

g. purchases of fuel if the county purchasing agent obtains telephone quotes from at least three vendors prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the clerk,

h. purchases of tools, apparatus, machinery or equipment from a state agency or a political subdivision of the state as provided for in subsection C of Section 421.1 of this title,

i. purchases of food for prisoners incarcerated in the county jail; provided, in counties having a population in excess of one hundred thousand (100,000) persons, the county purchasing agent shall follow bidding procedures as provided by law unless the county purchasing agent obtains telephone quotes pursuant to the whole total of food items requisitioned prior to

the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the county clerk,

j. when a county solicits bids for the purchase of processed native materials for road and bridge improvements, the county may accept all bids received, with the lowest and best bid from those accepted to be selected at the time of opening of any construction project. The selection of the bid shall be based upon availability, bid price, plus transportation costs,

k. when a vendor has been selected as the lowest and best bidder to furnish a particular item or items to the county during a specified time period and in the event the vendor is unable to perform, the purchasing agent may solicit telephone quotes for the item or items needed from the list of qualified bidders and provide for the purchase of the items at the lowest and best quote available,

l. when considering the purchase of an item or items from the state bid list as provided by the Office of Management and Enterprise Services or the General Services Administration, if the same exact item is available from a local vendor at or below the price listed on the state bid list or the General Services

Administration list, the item may be obtained from the vendor,

m. any item or items bid by the Office of Management and Enterprise Services which may be purchased by the county, provided the vendor is willing to supply the item or items to the county at the bid price,

n. when a county obtains proceeds from the sale of its property at a public auction, that county may use those proceeds to acquire items previously identified as needed by the county at the same public auction pursuant to subsection D of Section 1505 of this title,

o. when an item or items have been competitively bid by a county, or on behalf of a group of counties, provided:

(1) the notice to bidders shall list each county which may participate in the purchase of the item or items being bid,

(2) the notice of bid is advertised, as provided by law, in each of the counties which may participate in the purchase of the item or items,

(3) all vendors on the list of qualified bidders of each participating county who offer the item or items for sale received notice of the bid request, and

(4) the vendor awarded the bid is willing and able to provide the item or items at the bid price,

p. counties may participate in a nationwide purchasing program sponsored by the national association representing counties and local cooperative procurement agreements entered into by the counties and other local jurisdictions or any other competitively bid nationwide purchasing program, or

q. when the Governor declares an emergency in a county, the district attorney of that county shall have the authority to temporarily waive competitive bidding procedures for purchases that may expedite a response to the emergency situation. This temporary waiver shall be in addition to any powers exercised pursuant to Section 683.11 of Title 63 of the Oklahoma Statutes.

The purchases shall be paid by attaching properly itemized invoices, as described in Section 1505 of this title, to a purchase order which has been prepared by the county purchasing agent and submitting both to the county clerk for filing, encumbering, and consideration for payment by the board of county commissioners;

4. Shall not furnish any supplies, materials, equipment, or other articles, except upon receipt of a requisition signed by a county officer. Written requisitions will not be required for

blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes. Each county officer may designate not more than two employees who also shall be authorized to sign requisitions in the absence of the county officer. A written designation of the employees shall be filed with the county clerk and shall be entered in the minutes of the board of county commissioners. The county may designate two individuals who are not county employees for each of the following entities within the county to act as receiving and requisitioning officers:

a. fire protection districts organized and operated pursuant to the provisions of Sections 901.1 through 901.29 of this title,

b. fire protection services established pursuant to the provisions of Section 351 of this title,

c. volunteer or full-time fire departments established pursuant to Section 592 of Title 18 of the Oklahoma Statutes, and

d. municipal fire departments organized and operated pursuant to the provisions of Sections 29-101 through 29-108 and Sections 29-201 through 29-204 of Title 11 of the Oklahoma Statutes.

A written designation of these individuals shall be filed with the county clerk and shall be entered in the minutes of the board of county commissioners meeting in which the designations are made.

Further, entities described in subparagraphs a, b, c and d of this paragraph, choosing to have any nonemployee of the county designated as a receiving and requisitioning officer shall provide evidence of blanket bond coverage or employee dishonesty liability insurance for each such designee;

5. Shall make lease or lease-purchase agreements for road machinery and equipment if the county has adequate funds appropriated during any fiscal year for such purpose and only after following the bidding procedures as provided for in Section 1505 of this title. The term of any lease or lease-purchase agreement authorized pursuant to this paragraph may be for any period up to one (1) year; provided, the term shall not extend beyond the end of any fiscal year, with an option to renew such agreement subject to the requirement that adequate funds are appropriated during the fiscal year by the county for such purpose. The State Auditor and Inspector's office shall be notified by the county of the terms and conditions of a lease or lease-purchase agreement authorized pursuant to this paragraph before any such agreement is made by the county purchasing agent; and

6. Shall perform such other duties as may be delegated by the appointing authority or as may be provided for by law.

B. Each department of county government needing repairs to equipment, machinery or vehicles shall make estimates and requisition a purchase order from the county purchasing agent for

repairs not in excess of Ten Thousand Dollars ($10,000.00). Repairs in excess of Ten Thousand Dollars ($10,000.00) shall be submitted on a blanket purchase order as provided in Section 310.8 of Title 62 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 19 O.S. 2011, Section 1503, is amended to read as follows:

Section 1503. A. Each county officer shall designate two (2) employees to act as receiving officers for their departments. A written designation of such employees shall be filed with the county clerk and shall be entered in the minutes of the board of county commissioners.

B. The county may designate two individuals who are not county employees for each of the following entities within the county to act as receiving and requisitioning officers:

1. Fire protection districts organized and operated pursuant to the provisions of Sections 901.1 through 901.29 of this title;

2. Fire protection services established pursuant to the provisions of Section 351 of this title;

3. Volunteer or full-time fire departments established pursuant to Section 592 of Title 18 of the Oklahoma Statutes; and

4. Municipal fire departments organized and operated pursuant to the provisions of Sections 29-101 through 29-108 and Sections 29-201 through 29-204 of Title 11 of the Oklahoma Statutes.

A written designation of these individuals shall be filed with the county clerk and shall be entered in the minutes of the board of county commissioners meeting in which the designations are made. Further, entities described in paragraphs 1, 2, 3 and 4 of this subsection, choosing to have any nonemployee of the county designated as a receiving and requisitioning officer shall provide evidence of blanket bond coverage or employee dishonesty liability insurance for each such designee.

SECTION 3. This act shall become effective July 1, 2016.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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