

1 ENGROSSED SENATE
2 BILL NO. 299

By: Bergstrom of the Senate

and

Lepak of the House

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6 An Act relating to public buildings and public works;
7 amending Section 1, Chapter 252, O.S.L. 2017 (61 O.S.
8 Supp. 2020, Section 139), which relates to the Public
9 Competitive Bidding Act of 1974; specifying authority
10 to enter into cooperative purchasing agreements;
11 establishing authority to enter into certain
12 cooperative purchasing agreements for the acquisition
13 of certain commodities or services; providing
14 definitions; modifying definitions; and declaring an
15 emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 252, O.S.L.
2017 (61 O.S. Supp. 2020, Section 139), is amended to read as
follows:

Section 139. A. In addition to any authority to enter an
agreement pursuant to the Interlocal Cooperation Act, any school
district, including a technology school district, may either
participate in, sponsor, conduct or administer a cooperative or
piggybacking purchasing agreement for the acquisition of any
commodities or services including public construction contracts,
with one or more public agencies, public agency procurement units or
external procurement units in accordance with an agreement entered

1 into between the participants. Such cooperative purchasing may
2 include, but is not limited to, joint or multiparty contracts
3 between public agencies, public agency procurement units or external
4 procurement units and open-ended state public procurement contracts.
5 Any school district including a technology school district that
6 purchases any commodities and services including public construction
7 contracts under this section satisfies the requirement of the school
8 district or technology school district to seek competitive bids or
9 proposals for the purchase of the commodities and services,
10 including public construction contracts, provided that the public
11 agency procurement unit or external procurement unit satisfied the
12 laws of its jurisdiction in procurement of the contract.

13 B. ~~Any local public procurement unit~~ In addition to any
14 authority to enter an agreement pursuant to the Interlocal
15 Cooperation Act, any public agency other than a school district or
16 technology school district may either participate in, sponsor,
17 conduct or administer a cooperative or piggybacking purchasing
18 agreement for the acquisition of any commodities or services,
19 including public construction ~~services~~ contracts, with one ~~(1)~~ or
20 more public agencies, public agency procurement units or external
21 procurement units in accordance with an agreement entered into
22 between the participants. Such cooperative purchasing may include,
23 but is not limited to, joint or multiparty contracts between public
24 agencies, public agency procurement units or external procurement

1 units and open-ended state public procurement unit contracts ~~which~~
2 ~~are made available to local public procurement units. Purchases~~
3 ~~made in accordance with this subsection by a local public~~
4 ~~procurement unit shall be required to satisfy any procurement~~
5 ~~regulation, including The Central Purchasing Act, the Public~~
6 ~~Competitive Bidding Act, the Finance Act, related administrative~~
7 ~~rules and federal regulations that may apply due to the federal~~
8 ~~source of the funding for the anticipated purchase. Any public~~
9 ~~agency, other than a school district or a technology school~~
10 ~~district, that purchases any commodities and services including~~
11 ~~public construction contracts under this section satisfies the~~
12 ~~requirement of the public agency to seek competitive bids or~~
13 ~~proposals for the purchase of the commodities and services including~~
14 ~~public construction contracts, provided that the public agency~~
15 ~~procurement unit or external procurement unit satisfied the laws of~~
16 ~~its jurisdiction in procurement of the contract.~~

17 C. For purposes of this section, the following definitions
18 apply:

19 1. ~~"Local public procurement unit" shall mean, inter alia, any~~
20 ~~county, city, town, state agency, and any other subdivision of the~~
21 ~~state or public unit or agency thereof~~ "Public agency" means the
22 State of Oklahoma, and any county, city, town, school district
23 including a technology school district or other political
24 subdivision of the state, any public trust, any public entity

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

5 2. "Public agency procurement unit" means the State of
6 Oklahoma, and any county, city, town, school district including a
7 technology school district or other political subdivision of the
8 state, any public trust, any public entity specifically created by
9 the statutes of the State of Oklahoma or as a result of statutory
10 authorization therefor, and any department, agency, board, bureau,
11 commission, committee or authority of any of the foregoing public
12 entities that procures commodities and services including public
13 construction contracts for a public purpose;

14 3. "External procurement unit" shall mean any buying
15 organization in the United States not located in this state which,
16 if located in this state, would qualify as a public agency
17 procurement unit; and

18 ~~3.~~ 4. "Cooperative or piggybacking purchasing agreement" shall
19 mean an agreement between a ~~local~~ public agency procurement unit and
20 another ~~local~~ public agency procurement unit or an external
21 procurement unit to authorize the use of a contract procured by one
22 of the parties to the agreement to benefit the other party to the
23 agreement. This term shall also mean an agreement that provides
24 access to a product or service that is lower in price than a

1 comparable product or service that is available through the usage of
2 a statewide, multistate or multigovernmental contract issued by the
3 state Purchasing Division of the Office of Management and Enterprise
4 Services.

5 D. Nothing in this section shall supersede the obligation of a
6 state agency to adhere to rules regarding statewide contracts issued
7 by the state Purchasing Division. Neither shall any provision of
8 this section be construed to waive the obligation of a state agency
9 to utilize a mandatory purchasing contract as designated by the
10 State Purchasing Director.

11 SECTION 2. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 Passed the Senate the 4th day of March, 2021.

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18 Presiding Officer of the Senate

19 Passed the House of Representatives the ____ day of _____,
20 2021.

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23 Presiding Officer of the House
24 of Representatives