

1 **SENATE FLOOR VERSION**

2 February 25, 2021

3 **AS AMENDED**

4 SENATE BILL NO. 299

5 By: Bergstrom of the Senate

6 and

7 Lepak of the House

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

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

19 SECTION 1. AMENDATORY Section 1, Chapter 252, O.S.L.
20 2017 (61 O.S. Supp. 2020, Section 139), is amended to read as
21 follows:

22 Section 139. A. In addition to any authority to enter an
23 agreement pursuant to the Interlocal Cooperation Act, any school
24 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,

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

15 B. ~~Any local public procurement unit~~ In addition to any
16 authority to enter an agreement pursuant to the Interlocal
17 Cooperation Act, any public agency other than a school district or
18 technology school district may either participate in, sponsor,
19 conduct or administer a cooperative or piggybacking purchasing
20 agreement for the acquisition of any commodities or services, ~~7~~
21 including public construction services contracts, ~~7~~ with one ~~(1)~~ or
22 more public agencies, public agency procurement units or external
23 procurement units in accordance with an agreement entered into
24 between the participants. Such cooperative purchasing may include,

1 but is not limited to, joint or multiparty contracts between public
2 agencies, public agency procurement units or external procurement
3 units and open-ended state public procurement unit contracts which
4 are made available to local public procurement units. Purchases
5 made in accordance with this subsection by a local public
6 procurement unit shall be required to satisfy any procurement
7 regulation, including The Central Purchasing Act, the Public
8 Competitive Bidding Act, the Finance Act, related administrative
9 rules and federal regulations that may apply due to the federal
10 source of the funding for the anticipated purchase. Any public
11 agency, other than a school district or a technology school
12 district, that purchases any commodities and services including
13 public construction contracts under this section satisfies the
14 requirement of the public agency to seek competitive bids or
15 proposals for the purchase of the commodities and services including
16 public construction contracts, provided that the public agency
17 procurement unit or external procurement unit satisfied the laws of
18 its jurisdiction in procurement of the contract.

19 C. For purposes of this section, the following definitions
20 apply:

21 1. ~~“Local public procurement unit” shall mean, inter alia, any~~
22 ~~county, city, town, state agency, and any other subdivision of the~~
23 ~~state or public unit or agency thereof~~ “Public agency” means the
24 State of Oklahoma, and any county, city, town, school district

1 including a technology school district or other political
2 subdivision of the state, any public trust, any public entity
3 specifically created by the statutes of the State of Oklahoma or as
4 a result of statutory authorization therefor, and any department,
5 agency, board, bureau, commission, committee or authority of any of
6 the foregoing public entities;

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

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

20 ~~3.~~ 4. "Cooperative or piggybacking purchasing agreement" shall
21 mean an agreement between a ~~local~~ public agency procurement unit and
22 another ~~local~~ public agency procurement unit or an external
23 procurement unit to authorize the use of a contract procured by one
24 of the parties to the agreement to benefit the other party to the

1 agreement. This term shall also mean an agreement that provides
2 access to a product or service that is lower in price than a
3 comparable product or service that is available through the usage of
4 a statewide, multistate or multigovernmental contract issued by the
5 state Purchasing Division of the Office of Management and Enterprise
6 Services.

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
18 February 25, 2021 - DO PASS AS AMENDED
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