

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

March 28, 2012

ENGROSSED HOUSE
BILL NO. 2646

By: Brumbaugh, Kern and Hickman
of the House

and

Holt of the Senate

An Act relating to state government; amending 74 O.S. 2011, Sections 3001, 3003 and 3007, which relate to the State Use Committee; modifying members of the Committee; modifying definitions; and providing for temporary exception for the purchase of certain products.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 3001, is amended to read as follows:

Section 3001. A. There is hereby created in the Department of Central Services a committee to be known as the "State Use Committee". The Committee shall consist of ~~five (5)~~ seven (7) members and one nonvoting member as follows:

1. A private citizen conversant with the employment needs of people with severe disabilities who shall be appointed by and serve at the pleasure of the Governor to act as an advocate for the employment needs of people with severe disabilities;

1 2. The Director of the Department of Central Services or
2 designee;

3 3. The Director of Visual Services, or designee;

4 4. The past president of Oklahoma Community-Based Providers or
5 designee to serve for a one-year period, who may be reappointed by
6 the succeeding president;

7 5. An individual or a parent or guardian of an individual with
8 severe disabilities who participates in vocational programming
9 through a sheltered environment facility, to be selected by the
10 Committee; ~~and~~

11 6. As a nonvoting member, a person employed by the Department
12 of Central Services as a contracting officer in the purchasing
13 division, appointed by the State Purchasing Director with the advice
14 of the Committee and designated specifically to solicit, develop,
15 and negotiate contracts with agencies and individuals;

16 7. The Director of the Oklahoma State Bureau of Investigation,
17 or a designee; and

18 8. A Certified Procurement Officer of any state agency
19 appointed by the State Purchasing Director, selected to represent
20 the customer agencies of the State of Oklahoma.

21 B. The Committee shall elect from among its membership a Chair
22 and a Vice Chair who shall both serve for a period of one year.

23 C. The four private citizens on the Committee shall serve for a
24 period of two (2) years and may be reappointed by the appointing

1 authority. Any private citizen appointed pursuant to this section
2 to fill a vacancy occurring prior to the expiration of the term for
3 which the predecessor was appointed shall be appointed only for the
4 remainder of the term.

5 D. Any member of the Committee shall be prohibited from voting
6 on any issue in which the member has an interest.

7 SECTION 2. AMENDATORY 74 O.S. 2011, Section 3003, is
8 amended to read as follows:

9 Section 3003. As used in this act:

10 1. "Blind person" means a person having a visual acuity not to
11 exceed 20/200 in the better eye, with correcting lenses, or visual
12 acuity greater than 20/200 but with limitation in the field of
13 vision such that the widest diameter of visual field subtends an
14 angle no greater than twenty (20) degrees;

15 2. "Committee" means the State Use Committee;

16 3. "Qualified nonprofit agency for the severely handicapped"
17 means a nonprofit agency which is certified as a sheltered workshop
18 by the wage and hour division of the U.S. Department of Labor and
19 employing severely disabled persons who constitute at least
20 seventy-five percent (75%) of the personnel engaged in direct
21 production of products or services offered by the agency for
22 procurement by this state;

23 4. "Severely disabled person" means an individual with a
24 physical or mental disability constituting a substantial handicap to

1 employment and preventing the person from engaging in normal
2 competitive employment and includes any blind person; ~~and~~

3 5. "Qualified organization" means a blind person, qualified
4 nonprofit agency for the severely handicapped, or severely disabled
5 person contracting to supply goods or services;

6 6. "Manufactured" means goods made by manual labor;

7 7. "Produced" means to have brought into existence or created
8 from raw materials;

9 8. "Processed" means the action of taking something through an
10 established and mostly routine set of procedures or steps to
11 substantially convert a potential product from one form to another.
12 This action involves a sequence of multiple steps each requiring a
13 distinct decision-making process to evolve a potential product to
14 the next step; and

15 9. "Assembled" means to put or fit together or put together the
16 parts of a potential product.

17 SECTION 3. AMENDATORY 74 O.S. 2011, Section 3007, is
18 amended to read as follows:

19 Section 3007. A. Whenever the State of Oklahoma or any of its
20 agencies intends to procure any product or service included in the
21 procurement schedule, that entity shall secure the product or
22 service from a qualified nonprofit agency providing employment to
23 people with severe disabilities at the fair market price determined
24

1 by the Committee if the product or service is available within the
2 period required by the entity.

3 B. An agency of this state shall not evade the intent and
4 meaning of this section by slight variations from standards adopted
5 by the Department of Central Services.

6 C. Provided, the requirements of this section shall not apply
7 to the procurement of janitorial services by the Oklahoma State
8 Bureau of Investigation. The Bureau shall conduct background
9 investigations and national criminal history record checks on
10 companies and individuals with which it contracts to provide
11 janitorial services.

12 D. When an established approved fair market price of a product
13 or service is discovered to be legitimately higher than current
14 market prices, the State Use Contracting Officer may grant a
15 temporary exception for the purchase of the product on the open
16 market until a new fair market value can be set by the committee.

17 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-26-12
18 - DO PASS, As Coauthored.
19
20
21
22
23
24