

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1729

By: Kidd of the Senate

and

Boles of the House

COMMITTEE SUBSTITUTE

An Act relating to purchasing; amending 19 O.S. 2011, Sections 1501, as last amended by Section 1, Chapter 321, O.S.L. 2016 and 1505, as last amended by Section 14, Chapter 25, O.S.L. 2019 (19 O.S. Supp. 2019, Sections 1501 and 1505), which relate to the duties of county purchasing agents and procedures for county government operations; modifying certain exceptions from bidding procedures; modifying authorization to purchase from next lowest bidder; updating statutory language; and providing an effective date.

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, Chapter 321, O.S.L. 2016 (19 O.S. Supp. 2019, Section 1501), 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

1 institutions, departments, officers, and employees of the county,
2 except at public auctions and as otherwise provided for by law;

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

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

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

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

22 c. when articles and items are covered by single-source
23 contracts,
24

- 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~~ any vendor at or below the price listed on the state bid list or the General

1 Services Administration list, the item may be obtained
2 from the vendor,

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

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

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

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

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

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

- 1 (4) the vendor awarded the bid is willing and able to
2 provide the item or items at the bid price,
- 3 p. counties may participate in a nationwide purchasing
4 program sponsored by the national association
5 representing counties and local cooperative
6 procurement agreements entered into by the counties
7 and other local jurisdictions or any other
8 competitively bid nationwide purchasing program, or
- 9 q. when the Governor declares an emergency in a county,
10 the district attorney of that county shall have the
11 authority to temporarily waive competitive bidding
12 procedures for purchases that may expedite a response
13 to the emergency situation. This temporary waiver
14 shall be in addition to any powers exercised pursuant
15 to Section 683.11 of Title 63 of the Oklahoma
16 Statutes.

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

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

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

- 10 a. fire protection districts organized and operated
11 pursuant to the provisions of Sections 901.1 through
12 901.29 of this title,
- 13 b. fire protection services established pursuant to the
14 provisions of Section 351 of this title,
- 15 c. volunteer or full-time fire departments established
16 pursuant to Section 592 of Title 18 of the Oklahoma
17 Statutes, and
- 18 d. municipal fire departments organized and operated
19 pursuant to the provisions of Sections 29-101 through
20 29-108 and Sections 29-201 through 29-204 of Title 11
21 of the Oklahoma Statutes.

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

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

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

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

22 B. Each department of county government needing repairs to
23 equipment, machinery or vehicles shall make estimates and
24 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 1505, as last amended by Section 14, Chapter 25, O.S.L. 2019 (19 O.S. Supp. 2019, Section 1505), is amended to read as follows:

Section 1505. The following procedures shall be used by counties for the requisition, purchase, lease-purchase, rental, and receipt of supplies, materials, road and bridge construction services, equipment and information technology and telecommunication goods and services for the maintenance, operation, and capital expenditures of county government unless otherwise provided for by law.

A. The procedure for requisitioning items for county offices shall be as follows:

1. The requesting department shall prepare a requisition form in triplicate. The requisition shall contain any specifications for an item as deemed necessary by the requesting department. The form shall be prescribed by the State Auditor and Inspector;

2. The requesting department shall retain a copy of the requisition and forward the original requisition and a copy to the county purchasing agent; and

1 3. Upon receipt of the requisition, the county purchasing
2 agent, within two (2) working days, shall begin the bidding and
3 purchasing process as provided for in this section. Nothing in this
4 section shall prohibit the transfer of supplies, materials, or
5 equipment between county departments upon a written agreement
6 between county officers.

7 B. The bid procedure for selecting a vendor for the purchase,
8 lease-purchase, or rental of supplies, materials, equipment and
9 information technology and telecommunication goods and services used
10 by a county shall be as follows:

11 1. The county purchasing agent shall request written
12 recommendations from all county officers pertaining to needed or
13 commonly used supplies, materials, road and bridge construction
14 services, equipment and information technology and telecommunication
15 goods and services. From such recommendations and available
16 requisition, purchase, or inventory records, the county purchasing
17 agent shall prepare a list of items needed or commonly used by
18 county officers. The county purchasing agent shall request from the
19 Purchasing Division or from the Information Services Division in the
20 case of information technology and telecommunication goods and
21 services of the Office of Management and Enterprise Services all
22 contracts quoting the price the state is paying for the items. The
23 county purchasing agent shall either request the Purchasing Division
24 or the Information Services Division of the Office of Management and

1 Enterprise Services, as applicable, to make the purchase for the
2 county or the county purchasing agent shall solicit bids for unit
3 prices on the items for periods of not to exceed twelve (12) months
4 in the manner described in paragraph 2 of this subsection. If the
5 county purchasing agent receives a requisition for an item for which
6 the county purchasing agent does not have a current bid, the county
7 purchasing agent shall request from the Purchasing Division or the
8 Information Services Division of the Office of Management and
9 Enterprise Services, as applicable, all contracts quoting the price
10 the state is paying for the item. The county purchasing agent shall
11 either request the Purchasing Division or the Information Services
12 Division of the Office of Management and Enterprise Services, as
13 applicable, to make the purchase for the county or the county
14 purchasing agent shall solicit bids in the manner described in
15 paragraph 2 of this subsection. Nothing in this paragraph shall
16 prohibit bids from being taken on an item currently on a twelve-
17 month bid list, at any time deemed necessary by the county
18 purchasing agent. Whenever the county purchasing agent deems it
19 necessary to take a bid on an item currently on a twelve-month bid
20 list, the reason for the bid shall be entered into the minutes of
21 the board of county commissioners;

22 2. Bids shall be solicited by mailing or emailing a notice to
23 all persons or firms who have made a written request of the county
24 purchasing agent that they be notified of such bid solicitation and

1 to all other persons or firms who might reasonably be expected to
2 submit bids. Notice of solicitation of bids shall also be published
3 one time in a newspaper of general circulation in the county.
4 Notices shall be mailed and published at least ten (10) days prior
5 to the date on which the bids are opened. Proof of the mailing or
6 emailing shall be made by the affidavit of the person mailing or
7 emailing the request for bids and shall be made a part of the
8 official records of the county purchasing agent. Whenever any
9 prospective supplier or vendor dealing in or listing for sale any
10 particular item or article required to be purchased or acquired by
11 sealed bids fails to enter or offer a sealed bid for three
12 successive bid solicitations, the name of the supplier or vendor may
13 be dropped from the mailing lists of the board of county
14 commissioners;

15 3. The sealed bids received from vendors and the state contract
16 price received from the applicable Division of the Office of
17 Management and Enterprise Services shall be given to the county
18 clerk by the county purchasing agent. The county clerk shall
19 forward the sealed bids and state contract price, if any, to the
20 board of county commissioners;

21 4. The board of county commissioners, in an open meeting, shall
22 open the sealed bids and compare them to the state contract price.
23 The board of county commissioners shall select the lowest and best
24 bid based upon, if applicable, the availability of material and

1 transportation cost to the job site within thirty (30) days of the
2 meeting. For any special item not included on the list of needed or
3 commonly used items, the requisitioning official shall review the
4 bids and submit a written recommendation to the board before final
5 approval. The board of county commissioners shall keep a written
6 record of the meeting as required by law, and any time the lowest
7 bid was not considered to be the lowest and best bid, the reason for
8 such conclusion shall be recorded. Whenever the board of county
9 commissioners rejects the written recommendation of the
10 requisitioning official pertaining to a special item, the reasons
11 for the rejection shall be entered in their minutes and stated in a
12 letter to the requisitioning official and county purchasing agent;

13 5. The county purchasing agent shall notify the successful
14 bidders and shall maintain a copy of the notification. The county
15 purchasing agent shall prepare and maintain a vendors list
16 specifying the successful bidders and shall notify each county
17 officer of the list. The county purchasing agent may remove any
18 vendor from such list who refuses to provide goods or services as
19 provided by contract if the removal is authorized by the board of
20 county commissioners. The county purchasing agent may make
21 purchases from the successful bidders for a price at or below the
22 bid price. If a vendor who is the low bidder cannot or will not
23 sell goods or services as required by a county bid contract, the
24 county purchasing agent may make a one-time purchase from the next

1 low bidder or take quotations as provided in paragraph 6 of this
2 subsection, ~~provided, however, such purchase does not exceed Fifteen~~
3 ~~Thousand Dollars (\$15,000.00) as the amount specified in~~
4 ~~subparagraph a of paragraph 3 of subsection A of Section 1501 of~~
5 ~~this title; and~~

6 6. When bids have been solicited as provided for by law and no
7 bids have been received, the procedure shall be as follows:

8 a. the county purchasing agent shall determine if
9 potential vendors are willing to commit to a firm
10 price for a reduced period of time, and, if such is
11 the case, the bid procedure described in this
12 subsection shall be followed,

13 b. if vendors are not willing to commit to a firm price
14 for a reduced period, the purchasing agent shall
15 solicit and record at least three quotes of current
16 prices available to the county and authorize the
17 purchase of goods or services based on the lowest and
18 best quote as it becomes necessary to acquire such
19 goods or services. The quotes shall be recorded on a
20 form prescribed by the State Auditor and Inspector and
21 shall be attached to the purchase order and filed with
22 the county clerk's copy of the purchase order. Any
23 time the lowest quote was not considered to be the
24 lowest and best quote, the reason for this conclusion

1 shall be recorded by the county purchasing agent and
2 transmitted to the county clerk, or

3 c. if three quotes are not available, a memorandum to the
4 county clerk from the county purchasing agent shall
5 describe the basis upon which a purchase is
6 authorized. The memorandum shall state the reasons
7 why the price for such a purchase is the lowest and
8 best under the circumstances. The county clerk shall
9 then attach the memorandum to the county clerk's copy
10 of the purchase order and file both in the office of
11 the county clerk.

12 C. After selection of a vendor, the procedure for the purchase,
13 lease-purchase, or rental of supplies, materials, road and bridge
14 construction services, equipment and information technology and
15 telecommunication goods and services used by a county shall be as
16 follows:

17 1. The county purchasing agent shall prepare a purchase order
18 in quadruplicate and submit it with a copy of the requisition to the
19 county clerk;

20 2. The county clerk shall then encumber the amount stated on
21 the purchase order and assign a sequential number to the purchase
22 order;

3. If there is an unencumbered balance in the appropriation made for that purpose by the county excise board, the county clerk shall so certify in the following form:

"I hereby certify that the amount of this encumbrance has been entered against the designated appropriation accounts and that this encumbrance is within the authorized available balance of ~~said~~ the appropriation.

Dated this _____ day of _____, 20__.

County Clerk/Deputy

of _____ County."

In instances where it is impossible to ascertain the exact amount of the indebtedness sought to be incurred at the time of recording the encumbrance, an estimated amount may be used. No purchase order shall be valid unless signed by the county purchasing agent and certified by the county clerk; and

4. The county clerk shall file the original purchase order and return three copies to the county purchasing agent who shall file a copy, retain a copy for the county road and bridge inventory officer if the purchase order is for the purchase of equipment, supplies, or materials for the construction or maintenance of roads and bridges, and submit the other copy to the receiving officer of the requesting department.

1 D. 1. The procedure for the purchase of supplies, materials,
2 equipment and information technology and telecommunication goods and
3 services at public auction or by sealed bid to be used by a county
4 shall be as follows:

5 a. the county purchasing agent shall prepare a purchase
6 order in quadruplicate and submit it with a copy of
7 the requisition to the county clerk,

8 b. the county clerk shall then encumber the amount stated
9 on the purchase order and assign a sequential number
10 to the purchase order,

11 c. if there is an unencumbered balance in the
12 appropriation made for that purpose by the county
13 excise board, the county clerk shall so certify in the
14 following form:

15 "I hereby certify that the amount of this encumbrance
16 has been entered against the designated appropriation
17 accounts and that this encumbrance is within the
18 authorized available balance of ~~said~~ the
19 appropriation.

20 Dated this _____ day of _____, 20__.

21 _____
22 County Clerk/Deputy

23 of _____ County."
24

1 In instances where it is impossible to ascertain the
2 exact amount of the indebtedness sought to be incurred
3 at the time of recording the encumbrance, an estimated
4 amount may be used. No purchase order shall be valid
5 unless signed by the county purchasing agent and
6 certified by the county clerk, and

7 d. the county clerk shall file the original purchase
8 order and return three copies to the county purchasing
9 agent who shall file a copy, retain a copy for the
10 county road and bridge inventory officer if the
11 purchase order is for the purchase of equipment,
12 supplies, or materials for the construction or
13 maintenance of roads and bridges, and submit the other
14 copy to the receiving officer of the requesting
15 department.

16 2. The procedure for the purchase of supplies, materials and
17 equipment at a public auction when the purchase will be made with
18 the proceeds from the sale of county property at the same public
19 auction are as follows:

20 a. the purchasing agent shall cause such items being sold
21 to be appraised in the manner determined in Section
22 421.1 of this title,
23
24

- 1 b. the county purchasing agent shall prepare a purchase
2 order in quadruplicate and submit it with a copy of
3 the requisition to the county clerk,
- 4 c. the county clerk shall then encumber the amount of the
5 appraised value and any additional funds obligated by
6 the county on the purchase order and assign a
7 sequential number to the purchase order,
- 8 d. the county clerk shall certify that the amount of the
9 encumbrance is equal to the appraised value of the
10 item being sold plus any additional funds obligated by
11 the county. In effect the recording of the
12 encumbrance is an estimate that is authorized by law.
13 No purchase order shall be valid unless signed by the
14 county purchasing agent and certified by the county
15 clerk,
- 16 e. the county clerk shall file the original purchase
17 order and return three copies to the county purchasing
18 agent who shall file a copy, retain a copy for the
19 county road and bridge inventory officer if the
20 purchase order is for the purchase of equipment,
21 supplies or materials for the construction or
22 maintenance of roads and bridges, and submit the other
23 copy to the receiving officer of the requesting
24 department, and

1 f. a purchase shall not be bid until such time that the
2 appraised item or items are sold. Any item or items
3 purchased shall not exceed the appraised value plus
4 any additional funds obligated by the county or the
5 actual selling price of the item or items, whichever
6 is the lesser amount.

7 E. The procedure for the receipt of items shall be as follows:

8 1. A receiving officer for the requesting department shall be
9 responsible for receiving all items delivered to that department;

10 2. Upon the delivery of an item, the receiving officer shall
11 determine if a purchase order exists for the item being delivered;

12 3. If no such purchase order has been provided, the receiving
13 officer shall refuse delivery of the item;

14 4. If a purchase order is on file, the receiving officer shall
15 obtain a delivery ticket, bill of lading, or other delivery document
16 and compare it with the purchase order. If any item is back-
17 ordered, the back order and estimated date of delivery shall be
18 noted in the receiving report;

19 5. The receiving officer shall complete a receiving report in
20 quadruplicate which shall state the quantity and quality of goods
21 delivered. The receiving report form shall be prescribed by the
22 State Auditor and Inspector. The person delivering the goods shall
23 acknowledge the delivery by signature, noting the date and time;

1 6. The receiving officer shall file the original receiving
2 report and submit:

- 3 a. a copy of the purchase order and a copy of the
4 receiving report to the county purchasing agent, and
- 5 b. a copy of the receiving report with the delivery
6 documentation to the county clerk;

7 7. The county purchasing agent shall file a copy of the
8 purchase order and a copy of the receiving report;

9 8. Upon receipt of the original receiving report and the
10 delivery documentation, the county clerk shall maintain a file until
11 such time as an invoice is received from the vendor;

12 9. The invoice shall state the name and address of the vendor
13 and must be sufficiently itemized to clearly describe each item
14 purchased, the unit price when applicable, the number or volume of
15 each item purchased, the total price, the total purchase price, and
16 the date of the purchase;

17 10. Upon receipt of an invoice, the county clerk shall compare
18 the following documents:

- 19 a. requisition,
- 20 b. purchase order,
- 21 c. invoice with noncollusion affidavit as required by
22 law,
- 23 d. receiving report, and
- 24 e. delivery document.

1 The documents shall be available for public inspection during
2 regular business hours; and

3 11. If the documents conform as to the quantity and quality of
4 the items, the county clerk shall prepare a warrant for payment
5 according to procedures provided for by law.

6 F. The following procedures are for the processing of purchase
7 orders:

8 1. The purchasing agent shall be allowed up to three (3) days
9 to process purchase orders to be presented to the board of county
10 commissioners for consideration and payment. Nothing herein shall
11 prevent the purchasing agent from processing or the board of county
12 commissioners from consideration and payment of utilities, travel
13 claims and payroll claims;

14 2. The board of county commissioners shall consider the
15 purchase orders so presented and act upon the purchase orders, by
16 allowing in full or in part or by holding for further information or
17 disallowing the same. The disposition of purchase orders shall be
18 indicated by the board of county commissioners, showing the amounts
19 allowed or disallowed and shall be signed by at least two members of
20 the board of county commissioners. Any claim held over for further
21 information shall be acted upon by allowing or disallowing same at
22 any future meeting of the board held within seventy-five (75) days
23 from the date of filing of the purchase order. Any purchase order
24 not acted upon within the seventy-five (75) days from the date of

1 filing shall be deemed to have been disallowed, but such
2 disallowance shall not prevent the refiling of the purchase order at
3 the proper time; and

4 3. Whenever any allowance, either in whole or in part, is made
5 upon any purchase order presented to the board of county
6 commissioners and is accepted by the person making the claim, such
7 allowance shall be a full settlement of the entire purchase order
8 and provided that the cashing of warrant shall be considered as
9 acceptance by the claimant.

10 G. The procedure upon consumption or disposal of supplies,
11 materials, or equipment shall be as follows:

12 1. For consumable road or bridge items or materials, a
13 quarterly report of the road and bridge projects completed during
14 such period shall be prepared and kept on file by the consuming
15 department. The quarterly report may be prepared and kept
16 electronically by the consuming department. The report shall
17 contain a record of the date, the place, and the purpose for the use
18 of the road or bridge items or materials. For purposes of
19 identifying county bridges, the board of county commissioners shall
20 number each bridge subject to its jurisdiction; and

21 2. For disposal of all equipment and information technology and
22 telecommunication goods which originally cost more than Five Hundred
23 Dollars (\$500.00), resolution of disposal shall be submitted by the
24 officer on a form prescribed by the State Auditor and Inspector's

1 Office to the board of county commissioners. The approval of the
2 resolution of disposal shall be entered into the minutes of the
3 board.

4 H. Inventory forms and reports shall be retained for not less
5 than two (2) years after all audit requirements for the state and
6 federal government have been fulfilled and after any pending
7 litigation involving the forms and reports has been resolved.

8 I. The procedures provided for in this section shall not apply
9 when a county officer certifies that an emergency exists requiring
10 an immediate expenditure of funds. Such an expenditure of funds
11 shall not exceed Five Thousand Dollars (\$5,000.00). The county
12 officer shall give the county purchasing agent a written explanation
13 of the emergency. The county purchasing agent shall attach the
14 written explanation to the purchase order. The purchases shall be
15 paid by attaching a properly itemized invoice, as described in this
16 section, to a purchase order which has been prepared by the county
17 purchasing agent and submitting them to the county clerk for filing,
18 encumbering, and consideration for payment by the board of county
19 commissioners.

20 J. The county purchasing agent may authorize county purchasing
21 officers to make acquisitions through the state purchase card
22 program as authorized by the State Purchasing Director in accordance
23 with Section 85.5 of Title 74 of the Oklahoma Statutes and defined
24 in Section 85.2 of Title 74 of the Oklahoma Statutes. Purchase

1 cardholders shall sign a purchase card agreement prior to becoming a
2 cardholder and attend purchase card procedure training as required
3 by the State Purchasing Director. Complete descriptions of
4 purchases made by county government entities shall be published
5 through the state transparency portal pursuant to Section 85.33B of
6 Title 74 of the Oklahoma Statutes, and as warrants required to be
7 published pursuant to Sections 444 and 445 of this title.

8 K. Nothing in this section shall prohibit counties from
9 providing material and/or services bids on the twelve-month bid list
10 to all road and bridge projects and contracts. All non-road and
11 bridge related construction contracts shall refer to subsection A of
12 Section 103 of Title 61 of the Oklahoma Statutes.

13 SECTION 3. This act shall become effective November 1, 2020.
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