

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1095, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Stanislawski

Stanislawski-MR-FS-Req#4031
3/10/2020 3:05 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 1095

By: Stanislawski of the Senate

and

Gann of the House

FLOOR SUBSTITUTE

An Act relating to counties and county officers;
amending 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), which relates to purchasing;
modifying certain limitation on purchases that may be
made without following certain bidding procedures;
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
institutions, departments, officers, and employees of the county,
except at public auctions and as otherwise provided for by law;

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

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

7 a. when the purchase does not exceed Fifteen Thousand
8 Dollars (\$15,000.00), or Fifty Thousand Dollars
9 (\$50,000.00) in counties having a population in excess
10 of one hundred thousand (100,000) persons. All
11 purchases made pursuant to this subparagraph shall be
12 by a single purchase order. Splitting purchase orders
13 which would result in paying an amount in excess of
14 the 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 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

- 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

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

5 SECTION 2. This act shall become effective November 1, 2020.

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