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February 27, 2020

By: Paxton

An Act relating to counties and county officers; authorizing an online bidding process; providing requirements of the online bidding process; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1508 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. When a county purchasing agent determines that electronic or online bidding is more advantageous than other procurement methods provided by the laws of this state, the purchasing agent may use online bidding to obtain bids as authorized by The Oklahoma Central Purchasing Act or the Public Building Construction and Planning Act for the purchase of goods, services, construction or information services.

B. The online bidding process shall provide:

1. A designated opening and closing date and time. At the opening date and time, counties shall begin accepting online

1 electronic bids. Online bids shall be accepted until the designated
2 closing date and time;

3 2. The posting of all online bids electronically and updating
4 of bids on a real-time basis by counties;

5 3. The authorization for counties to require bidders to
6 register before the opening date and time and, as part of that
7 registration, require bidders to agree to any terms, conditions or
8 other requirements of the solicitation or applicable acts;

9 4. The authorization for counties to also require potential
10 bidders to prequalify as bidders and to restrict solicitations to
11 prequalified online bidders; and

12 5. The retention of the authority of counties to determine the
13 criteria that will be used as the basis for making awards.

14 C. The provisions of this section shall not apply to bid or
15 proposal sealing or opening provisions found in any state law other
16 than The Oklahoma Central Purchasing Act or the Public Bidding
17 Construction and Planning Act.

18 D. All bids submitted electronically through the online bidding
19 process pursuant to the provisions of this section are subject to
20 the same public disclosure laws that govern bids received pursuant
21 to sealed bid procurement procedures pursuant to The Oklahoma
22 Central Purchasing Act or the Public Building Construction and
23 Planning Act.

1 E. All remedies available to counties and suppliers through the
2 sealed bid process pursuant to The Oklahoma Central Purchasing Act
3 or the Public Building Construction and Planning Act are also
4 available to counties and online bidders in an online bidding
5 process.

6 SECTION 2. This act shall become effective July 1, 2020.

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
12 February 27, 2020 - DO PASS
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