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February 13, 2020

**AS AMENDED**

SENATE BILL NO. 1613

By: Stanislawski of the Senate

and

# Bush of the House

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 county purchasing agents; establishing that counties may lease or lease-purchase road machinery equipment from the state contract; 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). All purchases made pursuant to  
9                this subparagraph shall be by a single purchase order.  
10              Splitting purchase orders which would result in paying  
11              an amount in excess of the limitations specified in  
12              this subparagraph is expressly prohibited. Any person  
13              convicted of violating the provisions of this  
14              subparagraph shall be guilty of a misdemeanor and such  
15              person shall forfeit the person's position or office,  
16            b. when the total payments of a rental or lease-purchase  
17                agreement do not exceed the current bid limit as  
18                established in subparagraph a of this paragraph,  
19            c. when articles and items are covered by single-source  
20                contracts,  
21            d. service or maintenance contracts on equipment or  
22                machinery which are entered into at the time of the  
23                purchase of the equipment or machinery,  
24

- 1 e. purchases made pursuant to a blanket purchase order as  
2 provided for in Section 310.8 of Title 62 of the  
3 Oklahoma Statutes,
- 4 f. when materials for road or bridge improvements do not  
5 exceed Seven Dollars (\$7.00) per yard or per ton,
- 6 g. purchases of fuel if the county purchasing agent  
7 obtains ~~telephone~~ quotes from at least three vendors  
8 prior to the purchase and the lowest and best quote is  
9 selected. Documentation of these quotes shall be  
10 recorded in the permanent records of the clerk,
- 11 h. purchases of tools, apparatus, machinery or equipment  
12 from a state agency or a political subdivision of the  
13 state as provided for in subsection C of Section 421.1  
14 of this title,
- 15 i. purchases of food for prisoners incarcerated in the  
16 county jail; provided, in counties having a population  
17 in excess of one hundred thousand (100,000) persons,  
18 the county purchasing agent shall follow bidding  
19 procedures as provided by law unless the county  
20 purchasing agent obtains ~~telephone~~ quotes pursuant to  
21 the whole total of food items requisitioned prior to  
22 the purchase and the lowest and best quote is  
23 selected. Documentation of these quotes shall be  
24 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,

- 1           m.    any item or items bid by the Office of Management and  
2                Enterprise Services which may be purchased by the  
3                county, provided the vendor is willing to supply the  
4                item or items to the county at the bid price,
- 5           n.    when a county obtains proceeds from the sale of its  
6                property at a public auction, that county may use  
7                those proceeds to acquire items previously identified  
8                as needed by the county at the same public auction  
9                pursuant to subsection D of Section 1505 of this  
10              title,
- 11          o.    when an item or items have been competitively bid by a  
12                county, or on behalf of a group of counties, provided:
- 13              (1)   the notice to bidders shall list each county  
14                    which may participate in the purchase of the item  
15                    or items being bid,
- 16              (2)   the notice of bid is advertised, as provided by  
17                    law, in each of the counties which may  
18                    participate in the purchase of the item or items,
- 19              (3)   all vendors on the list of qualified bidders of  
20                    each participating county who offer the item or  
21                    items for sale received notice of the bid  
22                    request, and
- 23              (4)   the vendor awarded the bid is willing and able to  
24                    provide the item or items at the bid price,

1           p.    counties may participate in a nationwide purchasing  
2                   program sponsored by the national association  
3                   representing counties and local cooperative  
4                   procurement agreements entered into by the counties  
5                   and other local jurisdictions or any other  
6                   competitively bid nationwide purchasing program, or

7           q.    when the Governor declares an emergency in a county,  
8                   the district attorney of that county shall have the  
9                   authority to temporarily waive competitive bidding  
10                  procedures for purchases that may expedite a response  
11                  to the emergency situation. This temporary waiver  
12                  shall be in addition to any powers exercised pursuant  
13                  to Section 683.11 of Title 63 of the Oklahoma  
14                  Statutes.

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

20           4.    Shall not furnish any supplies, materials, equipment, or  
21   other articles, except upon receipt of a requisition signed by a  
22   county officer. Written requisitions will not be required for  
23   blanket purchase orders as provided for in Section 310.8 of Title 62  
24   of the Oklahoma Statutes. Each county officer may designate not

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

8       a. fire protection districts organized and operated  
9           pursuant to the provisions of Sections 901.1 through  
10          901.29 of this title,

11       b. fire protection services established pursuant to the  
12          provisions of Section 351 of this title,

13       c. volunteer or full-time fire departments established  
14          pursuant to Section 592 of Title 18 of the Oklahoma  
15          Statutes, and

16       d. municipal fire departments organized and operated  
17          pursuant to the provisions of Sections 29-101 through  
18          29-108 and Sections 29-201 through 29-204 of Title 11  
19          of the Oklahoma Statutes.

20       A written designation of these individuals shall be filed with  
21       the county clerk and shall be entered in the minutes of the board of  
22       county commissioners meeting in which the designations are made.  
23       Further, entities described in subparagraphs a, b, c and d of this  
24       paragraph, choosing to have any nonemployee of the county designated

1 as a receiving and requisitioning officer shall provide evidence of  
2 blanket bond coverage or employee dishonesty liability insurance for  
3 each such designee;

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

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

20 B. Each department of county government needing repairs to  
21 equipment, machinery or vehicles shall make estimates and  
22 requisition a purchase order from the county purchasing agent for  
23 repairs not in excess of Ten Thousand Dollars (\$10,000.00). Repairs  
24 in excess of Ten Thousand Dollars (\$10,000.00) shall be submitted on



1 a blanket purchase order as provided in Section 310.8 of Title 62 of  
2 the Oklahoma Statutes.

3 C. Notwithstanding any other provision of law, counties may  
4 lease or lease-purchase road machinery equipment from the state  
5 contract.

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

7 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
8 February 13, 2020 - DO PASS AS AMENDED  
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