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February 28, 2019

By: Bergstrom

An Act relating to public buildings and public works; amending Section 1, Chapter 252, O.S.L. 2017 (61 O.S. Supp. 2018, Section 139), which relates to the Public Competitive Bidding Act of 1974; specifying authority to enter into cooperative purchasing agreements; establishing authority to enter into certain cooperative purchasing agreements for the acquisition of certain commodities or services; providing definitions; modifying definitions; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 252, O.S.L.
2017 (61 O.S. Supp. 2018, Section 139), is amended to read as
follows:

Section 139. A. In addition to any authority to enter an agreement pursuant to the Interlocal Cooperation Act, any school district, including a technology school district, may either participate in, sponsor, conduct or administer a cooperative or piggybacking purchasing agreement for the acquisition of any commodities or services, including public construction contracts, with one or more public agencies, public agency procurement units or external procurement units in accordance with an agreement entered

1 into between the participants. Such cooperative purchasing may
2 include, but is not limited to, joint or multiparty contracts
3 between public agencies, public agency procurement units or external
4 procurement units and open-ended state public procurement contracts.
5 Any school district, including a technology school district, that
6 purchases any commodities and services, including public
7 construction contracts, under this section satisfies the requirement
8 of the school district or technology school district to seek
9 competitive bids or proposals for the purchase of the commodities
10 and services, including public construction contracts, provided that
11 the public agency procurement unit or external procurement unit
12 satisfied the laws of its jurisdiction in procurement of the
13 contract.

14 B. ~~Any local public procurement unit~~ In addition to any
15 authority to enter an agreement pursuant to the Interlocal
16 Cooperation Act, any public agency, other than a school district or
17 technology school district, may either participate in, sponsor,
18 conduct or administer a cooperative or piggybacking purchasing
19 agreement for the acquisition of any commodities or services,
20 including public construction ~~services~~ contracts, with one (1) or
21 more public agencies, public agency procurement units or external
22 procurement units in accordance with an agreement entered into
23 between the participants. Such cooperative purchasing may include,
24 but is not limited to, joint or multiparty contracts between public

1 agencies, public agency procurement units or external procurement
2 units and open-ended state public procurement unit contracts which
3 are made available to local public procurement units. Purchases
4 made in accordance with this subsection by a local public
5 procurement unit shall be required to satisfy any procurement
6 regulation, including The Central Purchasing Act, the Public
7 Competitive Bidding Act, the Finance Act, related administrative
8 rules and federal regulations that may apply due to the federal
9 source of the funding for the anticipated purchase. Any public
10 agency, other than a school district or a technology school
11 district, that purchases any commodities and services, including
12 public construction contracts, under this section satisfies the
13 requirement of the public agency to seek competitive bids or
14 proposals for the purchase of the commodities and services,
15 including public construction contracts, provided that the public
16 agency procurement unit or external procurement unit satisfied the
17 laws of its jurisdiction in procurement of the contract.

18 C. For purposes of this section, the following definitions
19 apply:

20 1. ~~"Local public procurement unit" shall mean, inter alia, any~~
21 ~~county, city, town, state agency, and any other subdivision of the~~
22 ~~state or public unit or agency thereof~~ "Public agency" means the
23 State of Oklahoma, and any county, city, town, school district,
24 including a technology school district, or other political

1 subdivision of the state, any public trust, any public entity
2 specifically created by the statutes of the State of Oklahoma or as
3 a result of statutory authorization therefor, and any department,
4 agency, board, bureau, commission, committee or authority of any of
5 the foregoing public entities;

6 2. "Public agency procurement unit" means the State of
7 Oklahoma, and any county, city, town, school district, including a
8 technology school district, or other political subdivision of the
9 state, any public trust, any public entity specifically created by
10 the statutes of the State of Oklahoma or as a result of statutory
11 authorization therefor, and any department, agency, board, bureau,
12 commission, committee or authority of any of the foregoing public
13 entities that procures commodities and services, including public
14 construction contracts for a public purpose;

15 3. "External procurement unit" shall mean any buying
16 organization in the United States not located in this state which,
17 if located in this state, would qualify as a public agency
18 procurement unit; and

19 ~~3.~~ 4. "Cooperative or piggybacking purchasing agreement" shall
20 mean an agreement between a ~~local~~ public agency procurement unit and
21 another ~~local~~ public agency procurement unit or an external
22 procurement unit to authorize the use of a contract procured by one
23 of the parties to the agreement to benefit the other party to the
24 agreement. This term shall also mean an agreement that provides

1 access to a product or service that is lower in price than a
2 comparable product or service that is available through the usage of
3 a statewide, multistate or multigovernmental contract issued by the
4 state Purchasing Division.

5 D. Nothing in this section shall supersede the obligation of a
6 state agency to adhere to rules regarding statewide contracts issued
7 by the state Purchasing Division. Neither shall any provision of
8 this section be construed to waive the obligation of a state agency
9 to utilize a mandatory purchasing contract as designated by the
10 State Purchasing Director.

11 SECTION 2. This act shall become effective November 1, 2019.

12 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
13 February 28, 2019 - DO PASS
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