

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 79

By: Bergstrom

AS INTRODUCED

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 1964; 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, Chapter, O.S.L. 2017, as amended by 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

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

15 B. ~~Any local public procurement unit~~ In addition to any  
16 authority to enter an agreement pursuant to the Interlocal  
17 Cooperation Act, any public agency, other than a school district or  
18 technology school district, may either participate in, sponsor,  
19 conduct or administer a cooperative or piggybacking purchasing  
20 agreement for the acquisition of any commodities or services,  
21 including public construction ~~services~~ contracts, with one (1) or  
22 more public agencies, public agency procurement units or external  
23 procurement units in accordance with an agreement entered into  
24 between the participants. Such cooperative purchasing may include,

1 but is not limited to, joint or multiparty contracts between public  
2 agencies, public agency procurement units or external procurement  
3 units and open-ended state public procurement unit contracts which  
4 ~~are made available to local public procurement units. Purchases~~  
5 ~~made in accordance with this subsection by a local public~~  
6 ~~procurement unit shall be required to satisfy any procurement~~  
7 ~~regulation, including The Central Purchasing Act, the Public~~  
8 ~~Competitive Bidding Act, the Finance Act, related administrative~~  
9 ~~rules and federal regulations that may apply due to the federal~~  
10 ~~source of the funding for the anticipated purchase. Any public~~  
11 agency, other than a school district or a technology school  
12 district, that purchases any commodities and services, including  
13 public construction contracts, under this section satisfies the  
14 requirement of the public agency to seek competitive bids or  
15 proposals for the purchase of the commodities and services,  
16 including public construction contracts, provided that the public  
17 agency procurement unit or external procurement unit satisfied the  
18 laws of its jurisdiction in procurement of the contract.

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

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

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

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

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

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

1 agreement. This term shall also mean an agreement that provides  
2 access to a product or service that is lower in price than a  
3 comparable product or service that is available through the usage of  
4 a statewide, multistate or multigovernmental contract issued by the  
5 state Purchasing Division.

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

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

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