

1 ENGROSSED HOUSE  
2 BILL NO. 3344

By: Sims of the House

3 and

4 Kidd of the Senate

5  
6 An Act relating to counties and county officers;  
7 amending 19 O.S. 2021, Section 1501, which relates to  
8 duties of county purchasing agent; adding  
9 requirements for heavy equipment repairs; modifying  
10 dollar amount; amending 19 O.S. Section 1502, which  
11 relates to inventory system for county supplies,  
12 materials, and equipment; modifying inventory  
13 threshold; amending 19 O.S. 2021, Section 1505, which  
14 relates to procedure for requisition, purchase, and  
15 rental of supplies, materials, and equipment;  
16 directing that counties specify in notice of what  
17 bids shall be received; and providing an effective  
18 date.

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

20 SECTION 1. AMENDATORY 19 O.S. 2021, Section 1501, is  
21 amended to read as follows:

22 Section 1501. A. The county purchasing agent:

23 1. Shall, within the amount of the unencumbered balance, make  
24 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;

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

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

- 4            a. when the purchase does not exceed Twenty-five Thousand  
5                Dollars (\$25,000.00) by department. All purchases  
6                made pursuant to this subparagraph shall be by a  
7                single purchase order. Splitting purchase orders  
8                which would result in paying an amount in excess of  
9                the limitations specified in this subparagraph is  
10              expressly prohibited. Any person convicted of  
11              violating the provisions of this subparagraph shall be  
12              guilty of a misdemeanor and such person shall forfeit  
13              the person's position or office,
- 14            b. when the total payments of a rental or lease-purchase  
15                agreement do not exceed the current bid limit as  
16                established in subparagraph a of this paragraph,
- 17            c. when articles and items are covered by single-source  
18                contracts,
- 19            d. service or maintenance contracts on equipment or  
20                machinery which are entered into at the time of the  
21                purchase of the equipment or machinery,
- 22            e. purchases made pursuant to a blanket purchase order as  
23                provided for in Section 310.8 of Title 62 of the  
24                Oklahoma Statutes,

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

- 1 with the lowest and best bid from those accepted to be  
2 selected at the time of opening of any construction  
3 project. The selection of the bid shall be based upon  
4 availability, bid price, plus transportation costs,
- 5 k. when a vendor has been selected as the lowest and best  
6 bidder to furnish a particular item or items to the  
7 county during a specified time period and in the event  
8 the vendor is unable to perform, the purchasing agent  
9 may solicit telephone quotes for the item or items  
10 needed from the list of qualified bidders and provide  
11 for the purchase of the items at the lowest and best  
12 quote available,
- 13 l. when considering the purchase of an item or items from  
14 the state bid list as provided by the Office of  
15 Management and Enterprise Services or the General  
16 Services Administration, if the same exact item is  
17 available from a local vendor at or below the price  
18 listed on the state bid list or the General Services  
19 Administration list, the item may be obtained from the  
20 vendor,
- 21 m. any item or items bid by the Office of Management and  
22 Enterprise Services which may be purchased by the  
23 county, provided the vendor is willing to supply the  
24 item or items to the county at the bid price,

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

1           and other local jurisdictions or any other  
2           competitively bid nationwide purchasing program, or  
3       q.    when the Governor declares an emergency in a county,  
4           the district attorney of that county shall have the  
5           authority to temporarily waive competitive bidding  
6           procedures for purchases that may expedite a response  
7           to the emergency situation. This temporary waiver  
8           shall be in addition to any powers exercised pursuant  
9           to Section 683.11 of Title 63 of the Oklahoma  
10          Statutes.

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

16        4.   Shall not furnish any supplies, materials, equipment, or  
17    other articles, except upon receipt of a requisition signed by a  
18    county officer. Written requisitions will not be required for  
19    blanket purchase orders as provided for in Section 310.8 of Title 62  
20    of the Oklahoma Statutes. Each county officer may designate not  
21    more than two employees who also shall be authorized to sign  
22    requisitions in the absence of the county officer. A written  
23    designation of the employees shall be filed with the county clerk  
24    and shall be entered in the minutes of the board of county

1 commissioners. The county may designate two individuals who are not  
2 county employees for each of the following entities within the  
3 county to act as receiving and requisitioning officers:

- 4 a. fire protection districts organized and operated  
5 pursuant to the provisions of Sections 901.1 through  
6 901.29 of this title,
- 7 b. fire protection services established pursuant to the  
8 provisions of Section 351 of this title,
- 9 c. volunteer or full-time fire departments established  
10 pursuant to Section 592 of Title 18 of the Oklahoma  
11 Statutes, and
- 12 d. municipal fire departments organized and operated  
13 pursuant to the provisions of Sections 29-101 through  
14 29-108 and Sections 29-201 through 29-204 of Title 11  
15 of the Oklahoma Statutes.

16 A written designation of these individuals shall be filed with  
17 the county clerk and shall be entered in the minutes of the board of  
18 county commissioners meeting in which the designations are made.  
19 Further, entities described in subparagraphs a, b, c and d of this  
20 paragraph, choosing to have any nonemployee of the county designated  
21 as a receiving and requisitioning officer shall provide evidence of  
22 blanket bond coverage or employee dishonesty liability insurance for  
23 each such designee;

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

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

17        B. Each department of county government needing repairs to  
18 equipment, machinery or vehicles shall make estimates and  
19 requisition a purchase order from the county purchasing agent for  
20 repairs not in excess of Ten Thousand Dollars (\$10,000.00). Repairs  
21 in excess of Ten Thousand Dollars (\$10,000.00) shall be submitted on  
22 a blanket purchase order as provided in Section 310.8 of Title 62 of  
23 the Oklahoma Statutes.  
24



1        C. Each department of county government needing repairs to  
2 heavy equipment, meaning equipment in excess of ten thousand  
3 (10,000) pounds, shall make estimates and requisition a purchase  
4 order from the county purchasing agent for repairs not in excess of  
5 Thirty Thousand Dollars (\$30,000.00). Repairs in excess of Thirty  
6 Thousand Dollars (\$30,000.00) shall be submitted on a blanket  
7 purchase order as provided in Section 310.8 of Title 62 of the  
8 Oklahoma Statutes.

9        SECTION 2.        AMENDATORY        19 O.S. 2021, Section 1502, is  
10 amended to read as follows:

11        Section 1502. A. 1. The board of county commissioners or a  
12 designated employee shall:

13            a.    prescribe a uniform identification system for all  
14                    supplies, materials and equipment of a county used in  
15                    the construction and maintenance of roads and bridges,  
16                    and

17            b.    create and administer an inventory system for all:

18                    (1)    equipment of a county having an original cost of  
19                            ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Five  
20                            Hundred Dollars (\$2,500.00) or more for use in  
21                            the construction and maintenance of roads and  
22                            bridges, and

23                    (2)    supplies and materials of a county purchased in  
24                            lots of ~~Five Hundred Dollars (\$500.00)~~ Two

1                    Thousand Five Hundred Dollars (\$2,500.00) or more  
2                    for use in the construction and maintenance of  
3                    roads and bridges.

4 Such person shall be the county road and bridge inventory officer.

5        2.    a.    In counties having a county budget board created  
6                    pursuant to Section 1402 et seq. of this title, said  
7                    board may, upon an affirmative vote of a majority of  
8                    all the board members then in office, appoint a county  
9                    road and bridge inventory officer who shall be  
10                   employed by the county and shall have such duties as  
11                   are provided in subparagraphs a and b of paragraph 1  
12                   of this subsection. In the event the board does not  
13                   appoint a county road and bridge inventory officer the  
14                   board of county commissioners or designee shall be the  
15                   county road and bridge inventory officer. The  
16                   appointed county road and bridge inventory officer  
17                   shall be under the general supervision and direction  
18                   of the appointing authority.

19                   b.    The appointed county road and bridge inventory officer  
20                   shall be authorized necessary assistants to carry out  
21                   the duties and responsibilities provided by law and as  
22                   may be delegated by the appointing authority.  
23                   Provided, the employment of such assistants shall be  
24                   upon the approval of the appointing authority. The

1 salary of the county road and bridge inventory officer  
2 and assistants shall be fixed by the appointing  
3 authority.

4 c. The appointed county road and bridge inventory officer  
5 shall, at the expense of the county, be authorized  
6 adequate office space, furnishings, equipment and  
7 supplies to carry out the duties and responsibilities  
8 of the county road and bridge inventory officer as  
9 provided by law and as may be delegated by the  
10 appointing authority. Provided, the acquisition of  
11 such furnishings, equipment and supplies shall be upon  
12 the approval of the appointing authority and the  
13 acquisition of office space shall be upon the approval  
14 of the board of county commissioners.

15 B. The board of county commissioners shall:

16 1. Prescribe a uniform identification system for all supplies,  
17 materials, equipment and information technology and  
18 telecommunication goods of a county not used in the construction and  
19 maintenance of roads and bridges; and

20 2. Create and administer an inventory system for all:

21 a. equipment, ~~information technology~~ and  
22 telecommunication goods of a county having an original  
23 cost of ~~Five Hundred Dollars (\$500.00)~~ Two Thousand  
24 Five Hundred Dollars (\$2,500.00) or more and not used

1 in the construction and maintenance of roads and  
2 bridges, and

3 b. information technology hardware and software of a  
4 county having an original cost of Five Hundred Dollars  
5 (\$500.00) or more and not used in the construction and  
6 maintenance of roads and bridges, and

7 c. supplies and materials of a county purchased in lots  
8 of ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Five  
9 Hundred Dollars (\$2,500.00) or more and not used in  
10 the construction and maintenance of roads and bridges.

11 The board of county commissioners may designate an employee of that  
12 office to administer such inventory system.

13 SECTION 3. AMENDATORY 19 O.S. 2021, Section 1505, is  
14 amended to read as follows:

15 Section 1505. The following procedures shall be used by  
16 counties for the requisition, purchase, lease-purchase, rental, and  
17 receipt of supplies, materials, road and bridge construction  
18 services, equipment and information technology and telecommunication  
19 goods and services for the maintenance, operation, and capital  
20 expenditures of county government unless otherwise provided for by  
21 law.

22 A. The procedure for requisitioning items for county offices  
23 shall be as follows:  
24

1        1. The requesting department shall prepare a requisition form  
2 in triplicate. The requisition shall contain any specifications for  
3 an item as deemed necessary by the requesting department. The form  
4 shall be prescribed by the State Auditor and Inspector;

5        2. The requesting department shall retain a copy of the  
6 requisition and forward the original requisition and a copy to the  
7 county purchasing agent; and

8        3. Upon receipt of the requisition, the county purchasing  
9 agent, within two (2) working days, shall begin the bidding and  
10 purchasing process as provided for in this section. Nothing in this  
11 section shall prohibit the transfer of supplies, materials, or  
12 equipment between county departments upon a written agreement  
13 between county officers.

14        B. The bid procedure for selecting a vendor for the purchase,  
15 lease-purchase, or rental of supplies, materials, equipment and  
16 information technology and telecommunication goods and services used  
17 by a county shall be as follows:

18        1. The county purchasing agent shall request written  
19 recommendations from all county officers pertaining to needed or  
20 commonly used supplies, materials, road and bridge construction  
21 services, equipment and information technology and telecommunication  
22 goods and services. From such recommendations and available  
23 requisition, purchase, or inventory records, the county purchasing  
24 agent shall prepare a list of items needed or commonly used by

1 county officers. The county purchasing agent shall request from the  
2 Purchasing Division or from the Information Services Division in the  
3 case of information technology and telecommunication goods and  
4 services of the Office of Management and Enterprise Services all  
5 contracts quoting the price the state is paying for the items. The  
6 county purchasing agent shall either request the Purchasing Division  
7 or the Information Services Division of the Office of Management and  
8 Enterprise Services, as applicable, to make the purchase for the  
9 county or the county purchasing agent shall solicit bids for unit  
10 prices on the items for periods of not to exceed twelve (12) months  
11 in the manner described in paragraph 2 of this subsection. If the  
12 county purchasing agent receives a requisition for an item for which  
13 the county purchasing agent does not have a current bid, the county  
14 purchasing agent shall request from the Purchasing Division or the  
15 Information Services Division of the Office of Management and  
16 Enterprise Services, as applicable, all contracts quoting the price  
17 the state is paying for the item. The county purchasing agent shall  
18 either request the Purchasing Division or the Information Services  
19 Division of the Office of Management and Enterprise Services, as  
20 applicable, to make the purchase for the county or the county  
21 purchasing agent shall solicit bids in the manner described in  
22 paragraph 2 of this subsection. Nothing in this paragraph shall  
23 prohibit bids from being taken on an item currently on a twelve-  
24 month bid list, at any time deemed necessary by the county

1 purchasing agent. Whenever the county purchasing agent deems it  
2 necessary to take a bid on an item currently on a twelve-month bid  
3 list, the reason for the bid shall be entered into the minutes of  
4 the board of county commissioners;

5 2. Bids shall be solicited by mailing or emailing a notice to  
6 all persons or firms who have made a written request of the county  
7 purchasing agent that they be notified of such bid solicitation and  
8 to all other persons or firms who might reasonably be expected to  
9 submit bids. Notice of solicitation of bids shall also be published  
10 one time in a newspaper of general circulation in the county.

11 Notices shall be mailed and published at least ten (10) days prior  
12 to the date on which the bids are opened. Proof of the mailing or  
13 emailing shall be made by the affidavit of the person mailing or  
14 emailing the request for bids and shall be made a part of the  
15 official records of the county purchasing agent. The notice shall  
16 specify whether the county will consider written bids, electronic  
17 bids, or both; the decision to exclusively consider either written  
18 bids or electronic bids shall be determined pursuant to an  
19 affirmative vote of the board of county commissioners. Whenever any  
20 prospective supplier or vendor dealing in or listing for sale any  
21 particular item or article required to be purchased or acquired by  
22 sealed bids fails to enter or offer a sealed bid for three  
23 successive bid solicitations, the name of the supplier or vendor may  
24

1 be dropped from the mailing lists of the board of county  
2 commissioners;

3 3. The sealed bids received from vendors and the state contract  
4 price received from the applicable Division of the Office of  
5 Management and Enterprise Services shall be given to the county  
6 clerk by the county purchasing agent. The county clerk shall  
7 forward the sealed bids and state contract price, if any, to the  
8 board of county commissioners;

9 4. The board of county commissioners, in an open meeting, shall  
10 open the sealed bids and compare them to the state contract price.  
11 The board of county commissioners shall select the lowest and best  
12 bid based upon, if applicable, the availability of material and  
13 transportation cost to the job site within thirty (30) days of the  
14 meeting. For any special item not included on the list of needed or  
15 commonly used items, the requisitioning official shall review the  
16 bids and submit a written recommendation to the board before final  
17 approval. The board of county commissioners shall keep a written  
18 record of the meeting as required by law, and any time the lowest  
19 bid was not considered to be the lowest and best bid, the reason for  
20 such conclusion shall be recorded. Whenever the board of county  
21 commissioners rejects the written recommendation of the  
22 requisitioning official pertaining to a special item, the reasons  
23 for the rejection shall be entered in their minutes and stated in a  
24 letter to the requisitioning official and county purchasing agent;



1        5. The county purchasing agent shall notify the successful  
2 bidders and shall maintain a copy of the notification. The county  
3 purchasing agent shall prepare and maintain a vendors list  
4 specifying the successful bidders and shall notify each county  
5 officer of the list. The county purchasing agent may remove any  
6 vendor from such list who refuses to provide goods or services as  
7 provided by contract if the removal is authorized by the board of  
8 county commissioners. The county purchasing agent may make  
9 purchases from the successful bidders for a price at or below the  
10 bid price. If a vendor who is the low bidder cannot or will not  
11 sell goods or services as required by a county bid contract, the  
12 county purchasing agent may make a one-time purchase from the next  
13 lowest or best quote or take quotations as provided in paragraph 6  
14 of this subsection; provided, however, such purchase does not exceed  
15 Twenty-five Thousand Dollars (\$25,000.00) as the amount specified in  
16 subparagraph a of paragraph 3 of subsection A of Section 1501 of  
17 this title; and

18        6. When bids have been solicited as provided for by law and no  
19 bids have been received, the procedure shall be as follows:

- 20            a. the county purchasing agent shall determine if  
21                potential vendors are willing to commit to a firm  
22                price for a reduced period of time, and, if such is  
23                the case, the bid procedure described in this  
24                subsection shall be followed,

- b. if vendors are not willing to commit to a firm price for a reduced period, the purchasing agent shall solicit and record at least three quotes of current prices available to the county and authorize the purchase of goods or services based on the lowest and best quote as it becomes necessary to acquire such goods or services. The quotes shall be recorded on a form prescribed by the State Auditor and Inspector and shall be attached to the purchase order and filed with the county clerk's copy of the purchase order. Any time the lowest quote was not considered to be the lowest and best quote, the reason for this conclusion shall be recorded by the county purchasing agent and transmitted to the county clerk, or
- c. if three quotes are not available, a memorandum to the county clerk from the county purchasing agent shall describe the basis upon which a purchase is authorized. The memorandum shall state the reasons why the price for such a purchase is the lowest and best under the circumstances. The county clerk shall then attach the memorandum to the county clerk's copy of the purchase order and file both in the office of the county clerk.

1 C. After selection of a vendor, the procedure for the purchase,  
2 lease-purchase, or rental of supplies, materials, road and bridge  
3 construction services, equipment and information technology and  
4 telecommunication goods and services used by a county shall be as  
5 follows:

6 1. The county purchasing agent shall prepare a purchase order  
7 in quadruplicate and submit it with a copy of the requisition to the  
8 county clerk;

9 2. The county clerk shall then encumber the amount stated on  
10 the purchase order and assign a sequential number to the purchase  
11 order;

12 3. If there is an unencumbered balance in the appropriation  
13 made for that purpose by the county excise board, the county clerk  
14 shall so certify in the following form:

15 "I hereby certify that the amount of this encumbrance has been  
16 entered against the designated appropriation accounts and that this  
17 encumbrance is within the authorized available balance of the  
18 appropriation.

19 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

20 \_\_\_\_\_

21 County Clerk/Deputy

22 of \_\_\_\_\_ County."

23 In instances where it is impossible to ascertain the exact amount of  
24 the indebtedness sought to be incurred at the time of recording the

1 encumbrance, an estimated amount may be used. No purchase order  
2 shall be valid unless signed by the county purchasing agent and  
3 certified by the county clerk; and

4 4. The county clerk shall file the original purchase order and  
5 return three copies to the county purchasing agent who shall file a  
6 copy, retain a copy for the county road and bridge inventory officer  
7 if the purchase order is for the purchase of equipment, supplies, or  
8 materials for the construction or maintenance of roads and bridges,  
9 and submit the other copy to the receiving officer of the requesting  
10 department.

11 D. 1. The procedure for the purchase of supplies, materials,  
12 equipment and information technology and telecommunication goods and  
13 services at public auction or by sealed bid to be used by a county  
14 shall be as follows:

15 a. the county purchasing agent shall prepare a purchase  
16 order in quadruplicate and submit it with a copy of  
17 the requisition to the county clerk,

18 b. the county clerk shall then encumber the amount stated  
19 on the purchase order and assign a sequential number  
20 to the purchase order,

21 c. if there is an unencumbered balance in the  
22 appropriation made for that purpose by the county  
23 excise board, the county clerk shall so certify in the  
24 following form:

1 "I hereby certify that the amount of this encumbrance  
2 has been entered against the designated appropriation  
3 accounts and that this encumbrance is within the  
4 authorized available balance of the appropriation.

5 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

6 \_\_\_\_\_  
7 County Clerk/Deputy

8 of \_\_\_\_\_ County."

9 In instances where it is impossible to ascertain the  
10 exact amount of the indebtedness sought to be incurred  
11 at the time of recording the encumbrance, an estimated  
12 amount may be used. No purchase order shall be valid  
13 unless signed by the county purchasing agent and  
14 certified by the county clerk, and

- 15 d. the county clerk shall file the original purchase  
16 order and return three copies to the county purchasing  
17 agent who shall file a copy, retain a copy for the  
18 county road and bridge inventory officer if the  
19 purchase order is for the purchase of equipment,  
20 supplies, or materials for the construction or  
21 maintenance of roads and bridges, and submit the other  
22 copy to the receiving officer of the requesting  
23 department.

1        2. The procedure for the purchase of supplies, materials and  
2 equipment at a public auction when the purchase will be made with  
3 the proceeds from the sale of county property at the same public  
4 auction are as follows:

5            a. the purchasing agent shall cause such items being sold  
6                to be appraised in the manner determined in Section  
7                421.1 of this title,

8            b. the county purchasing agent shall prepare a purchase  
9                order in quadruplicate and submit it with a copy of  
10               the requisition to the county clerk,

11           c. the county clerk shall then encumber the amount of the  
12                appraised value and any additional funds obligated by  
13                the county on the purchase order and assign a  
14                sequential number to the purchase order,

15           d. the county clerk shall certify that the amount of the  
16                encumbrance is equal to the appraised value of the  
17                item being sold plus any additional funds obligated by  
18                the county. In effect the recording of the  
19                encumbrance is an estimate that is authorized by law.  
20                No purchase order shall be valid unless signed by the  
21                county purchasing agent and certified by the county  
22                clerk,

23           e. the county clerk shall file the original purchase  
24                order and return three copies to the county purchasing

1 agent who shall file a copy, retain a copy for the  
2 county road and bridge inventory officer if the  
3 purchase order is for the purchase of equipment,  
4 supplies or materials for the construction or  
5 maintenance of roads and bridges, and submit the other  
6 copy to the receiving officer of the requesting  
7 department, and

8 f. a purchase shall not be bid until such time that the  
9 appraised item or items are sold. Any item or items  
10 purchased shall not exceed the appraised value plus  
11 any additional funds obligated by the county or the  
12 actual selling price of the item or items, whichever  
13 is the lesser amount.

14 E. The procedure for the receipt of items shall be as follows:

15 1. A receiving officer for the requesting department shall be  
16 responsible for receiving all items delivered to that department;

17 2. Upon the delivery of an item, the receiving officer shall  
18 determine if a purchase order exists for the item being delivered;

19 3. If no such purchase order has been provided, the receiving  
20 officer shall refuse delivery of the item;

21 4. If a purchase order is on file, the receiving officer shall  
22 obtain a delivery ticket, bill of lading, or other delivery document  
23 and compare it with the purchase order. If any item is back-

1 ordered, the back order and estimated date of delivery shall be  
2 noted in the receiving report;

3 5. The receiving officer shall complete a receiving report in  
4 quadruplicate which shall state the quantity and quality of goods  
5 delivered. The receiving report form shall be prescribed by the  
6 State Auditor and Inspector. The person delivering the goods shall  
7 acknowledge the delivery by signature, noting the date and time;

8 6. The receiving officer shall file the original receiving  
9 report and submit:

- 10 a. a copy of the purchase order and a copy of the  
11 receiving report to the county purchasing agent, and
- 12 b. a copy of the receiving report with the delivery  
13 documentation to the county clerk;

14 7. The county purchasing agent shall file a copy of the  
15 purchase order and a copy of the receiving report;

16 8. Upon receipt of the original receiving report and the  
17 delivery documentation, the county clerk shall maintain a file until  
18 such time as an invoice is received from the vendor;

19 9. The invoice shall state the name and address of the vendor  
20 and must be sufficiently itemized to clearly describe each item  
21 purchased, the unit price when applicable, the number or volume of  
22 each item purchased, the total price, the total purchase price, and  
23 the date of the purchase;



1        10. Upon receipt of an invoice, the county clerk shall compare  
2 the following documents:

- 3            a. requisition,
- 4            b. purchase order,
- 5            c. invoice with noncollusion affidavit as required by  
6                law,
- 7            d. receiving report, and
- 8            e. delivery document.

9 The documents shall be available for public inspection during  
10 regular business hours; and

11        11. If the documents conform as to the quantity and quality of  
12 the items, the county clerk shall prepare a warrant for payment  
13 according to procedures provided for by law.

14        F. The following procedures are for the processing of purchase  
15 orders:

16        1. The purchasing agent shall be allowed up to three (3) days  
17 to process purchase orders to be presented to the board of county  
18 commissioners for consideration and payment. Nothing herein shall  
19 prevent the purchasing agent from processing or the board of county  
20 commissioners from consideration and payment of utilities, travel  
21 claims and payroll claims;

22        2. The board of county commissioners shall consider the  
23 purchase orders so presented and act upon the purchase orders, by  
24 allowing in full or in part or by holding for further information or

1 disallowing the same. The disposition of purchase orders shall be  
2 indicated by the board of county commissioners, showing the amounts  
3 allowed or disallowed and shall be signed by at least two members of  
4 the board of county commissioners. Any claim held over for further  
5 information shall be acted upon by allowing or disallowing same at  
6 any future meeting of the board held within seventy-five (75) days  
7 from the date of filing of the purchase order. Any purchase order  
8 not acted upon within the seventy-five (75) days from the date of  
9 filing shall be deemed to have been disallowed, but such  
10 disallowance shall not prevent the refiling of the purchase order at  
11 the proper time; and

12 3. Whenever any allowance, either in whole or in part, is made  
13 upon any purchase order presented to the board of county  
14 commissioners and is accepted by the person making the claim, such  
15 allowance shall be a full settlement of the entire purchase order  
16 and provided that the cashing of warrant shall be considered as  
17 acceptance by the claimant.

18 G. The procedure upon consumption or disposal of supplies,  
19 materials, or equipment shall be as follows:

20 1. For consumable road or bridge items or materials, a  
21 quarterly report of the road and bridge projects completed during  
22 such period shall be prepared and kept on file by the consuming  
23 department. The quarterly report may be prepared and kept  
24 electronically by the consuming department. The report shall

1 contain a record of the date, the place, and the purpose for the use  
2 of the road or bridge items or materials. For purposes of  
3 identifying county bridges, the board of county commissioners shall  
4 number each bridge subject to its jurisdiction; and

5 2. For disposal of all equipment and information technology and  
6 telecommunication goods which originally cost more than Five Hundred  
7 Dollars (\$500.00), resolution of disposal shall be submitted by the  
8 officer on a form prescribed by the State Auditor and Inspector's  
9 Office to the board of county commissioners. The approval of the  
10 resolution of disposal shall be entered into the minutes of the  
11 board.

12 H. Inventory forms and reports shall be retained for not less  
13 than two (2) years after all audit requirements for the state and  
14 federal government have been fulfilled and after any pending  
15 litigation involving the forms and reports has been resolved.

16 I. The procedures provided for in this section shall not apply  
17 when a county officer certifies that an emergency exists requiring  
18 an immediate expenditure of funds. Such an expenditure of funds  
19 shall not exceed Five Thousand Dollars (\$5,000.00). The county  
20 officer shall give the county purchasing agent a written explanation  
21 of the emergency. The county purchasing agent shall attach the  
22 written explanation to the purchase order. The purchases shall be  
23 paid by attaching a properly itemized invoice, as described in this  
24 section, to a purchase order which has been prepared by the county

1 purchasing agent and submitting them to the county clerk for filing,  
2 encumbering, and consideration for payment by the board of county  
3 commissioners.

4 J. The county purchasing agent may authorize county purchasing  
5 officers to make acquisitions through the state purchase card  
6 program as authorized by the State Purchasing Director in accordance  
7 with Section 85.5 of Title 74 of the Oklahoma Statutes and defined  
8 in Section 85.2 of Title 74 of the Oklahoma Statutes. Purchase  
9 cardholders shall sign a purchase card agreement prior to becoming a  
10 cardholder and attend purchase card procedure training as required  
11 by the State Purchasing Director. Complete descriptions of  
12 purchases made by county government entities shall be published  
13 through the state transparency portal pursuant to Section 85.33B of  
14 Title 74 of the Oklahoma Statutes, and as warrants required to be  
15 published pursuant to Sections 444 and 445 of this title.

16 K. Nothing in this section shall prohibit counties from  
17 providing material and/or services bids on the twelve-month bid list  
18 to all road and bridge projects and contracts. All non-road and  
19 bridge related construction contracts shall refer to subsection A of  
20 Section 103 of Title 61 of the Oklahoma Statutes.

21 SECTION 4. This act shall become effective November 1, 2022.  
22  
23  
24

1 Passed the House of Representatives the 7th day of March, 2022.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

6  
7  
8 \_\_\_\_\_  
Presiding Officer of the Senate