

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 73

By: Simpson

AS INTRODUCED

An Act relating to state purchasing procedures; amending 74 O.S. 2011, Section 85.3A, as last amended by Section 4, Chapter 98, O.S.L. 2020 (74 O.S. Supp. 2020, Section 85.3A), which relates to The Oklahoma Central Purchasing Act; modifying exempt agencies; establishing certain purchasing practice as an individual purchasing entity; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 85.3A, as last amended by Section 4, Chapter 98, O.S.L. 2020 (74 O.S. Supp. 2020, Section 85.3A), is amended to read as follows:

Section 85.3A. A. Compliance with the provisions of the Oklahoma Central Purchasing Act shall not be required of:

1. County government;
2. The Oklahoma State Regents for Higher Education, the institutions, centers, or other constituent agencies of The Oklahoma State System of Higher Education;
3. The telecommunications network known as OneNet;

1 4. The Department of Public Safety gun range;

2 5. The State Treasurer for the following purchases:

3 a. services, including, but not limited to, legal  
4 services to assist in the administration of the  
5 Uniform Unclaimed Property Act, as provided in Section  
6 668 of Title 60 of the Oklahoma Statutes, and

7 b. software, hardware and associated services to assist  
8 in the administration of funds and securities held by  
9 the state, as provided in Section 71.2 of Title 62 of  
10 the Oklahoma Statutes;

11 6. Statutorily allowed interagency agreements between state  
12 agencies;

13 7. The Oklahoma Department of Veterans Affairs, in accordance  
14 with Section 63.22 of Title 72 of the Oklahoma Statutes; ~~or~~

15 8. A transaction, wholly funded by monies other than state-  
16 derived funds, in which a state agency functions only as a pass-  
17 through conduit to fund an acquisition that is required by the  
18 funding source for the benefit of another entity or individuals and  
19 the state agency does not retain ownership of any part of the  
20 acquisition as a result of the transaction; or

21 9. The Military Department of the State of Oklahoma, in  
22 accordance with Section 2 of this act.

23 B. The State Purchasing Director may form an advisory committee  
24 consisting of representatives from entities exempted from the  
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1 provisions of the Oklahoma Central Purchasing Act. The purpose of  
2 the committee shall be to allow committee members to provide input  
3 into the development of shared state purchasing contracts,  
4 collaboratively participate in the integration of their purchasing  
5 platforms or electronic purchasing catalogs, analyze solutions that  
6 may be used by state government to meet the purchasing needs of the  
7 entities, explore joint purchases of general use items that result  
8 in mutual procurement of quality goods and services at the lowest  
9 reasonable cost and explore flexibility, administrative relief, and  
10 transformation changes through utilization of procurement  
11 technology.

12 C. At the invitation of the State Purchasing Director entities  
13 exempted from the provisions of the Oklahoma Central Purchasing Act  
14 shall participate in the advisory committee referenced in subsection  
15 B of this section.

16 D. The State Purchasing Director may invite representatives of  
17 political subdivisions, and local common education entities to  
18 participate as members of the advisory committee.

19 SECTION 2. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 29 of Title 44, unless there is  
21 created a duplication in numbering, reads as follows:

22 For the determination of compliance with limits set forth in the  
23 Oklahoma Central Purchasing Act, each federal program administered  
24 by the Military Department of the State of Oklahoma shall, if the  
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1 agency has a Certified Procurement Officer assigned to each program  
2 and makes purchases in compliance with internal purchasing  
3 procedures of the Military Department that are approved by the  
4 Office of Management and Enterprise Services, be regarded as an  
5 individual purchasing entity.

6 SECTION 3. This act shall become effective July 1, 2021.

7 SECTION 4. 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.

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