

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1430

By: Hall of the Senate

and

Wallace of the House

8
9
10
11 COMMITTEE SUBSTITUTE

12 [central purchasing - Oklahoma Central Purchasing
13 Department - State Purchasing Director - State
14 Travel Office - controlling entity of fund -
15 controlling agency of account - surety required -
16 membership on Council - repealer - codification -
17 effective date]

18
19
20 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 34.3.2 of Title 62, unless there
23 is created a duplication in numbering, reads as follows:
24

1 A. There is hereby created the Oklahoma Central Purchasing
2 Department. The Central Purchasing Division of the Office of
3 Management and Enterprise Services shall be transferred to the
4 Oklahoma Central Purchasing Department. Any funds appropriated to,
5 in the possession of, or allocated to the Central Purchasing
6 Division of the Office of Management and Enterprise Services shall
7 be deemed to be funds of the Oklahoma Central Purchasing Department.

8 B. All functions, powers, duties, and obligations previously
9 assigned to the Central Purchasing Division of the Office of
10 Management and Enterprise Services are hereby transferred to the
11 Oklahoma Central Purchasing Department.

12 C. All rules, regulations, acts, orders, determinations, and
13 decisions of the Central Purchasing Division of the Office of
14 Management and Enterprise Services pertaining to the functions and
15 powers as transferred and assigned to the Oklahoma Central
16 Purchasing Department, in force at the time of such transfer,
17 assignment, assumption, or devolution shall continue in force and
18 effect as rules, regulations, acts, orders, determinations, and
19 decisions of the consolidated agencies until duly modified or
20 abrogated by the appropriate body or until otherwise provided by
21 law.

22 D. Personnel employed by the Central Purchasing Division of the
23 Office of Management and Enterprise Services on the effective date
24

1 of this act shall be transferred to the Oklahoma Central Purchasing
2 Department.

3 SECTION 2. AMENDATORY 74 O.S. 2021, Section 85.2, is
4 amended to read as follows:

5 Section 85.2. As used in the Oklahoma Central Purchasing Act,
6 unless the context otherwise requires:

7 1. "Acquisition" means items, products, materials, supplies,
8 services, and equipment a state agency acquires by purchase, lease-
9 purchase, lease with option to purchase, rental or value provided to
10 the state pursuant to the Oklahoma Central Purchasing Act unless the
11 items, products, supplies, services, or equipment are exempt
12 pursuant to the Oklahoma Central Purchasing Act or authority
13 exercised by the ~~Chief Information Officer~~ State Purchasing
14 Director;

15 2. "Best value criteria" means evaluation criteria which may
16 include, but is not limited to, the following:

- 17 a. the acquisition's operational cost a state agency
18 would incur,
- 19 b. the quality of the acquisition, or its technical
20 competency,
- 21 c. the reliability of the bidder's delivery and
22 implementation schedules,
- 23 d. the acquisition's facilitation of data transfer and
24 systems integration,

- e. the acquisition's warranties and guarantees and the bidder's return policy,
- f. the bidder's financial stability,
- g. the acquisition's adherence to the state agency's planning documents and announced strategic program direction,
- h. the bidder's industry and program experience and record of successful past performance with acquisitions of similar scope and complexity,
- i. the anticipated acceptance by user groups, and
- j. the acquisition's use of proven development methodology, and innovative use of current technologies that lead to quality results;

3. "Bid" or "proposal" means an offer a bidder submits in response to an invitation to bid or request for proposal;

4. "Bidder" means an individual or business entity that submits a bid or proposal in response to an invitation to bid or a request for proposal;

5. "Business entity" means individuals, partnerships, business trusts, cooperatives, associates, corporations, limited liability companies or any other firm, group or concern which functions as a separate entity for business purposes;

6. "Chief administrative officer" means an individual responsible for directing the administration of a state agency. The

1 term does not mean one or all of the individuals that make policy
2 for a state agency;

3 7. "Component" means any item supplied as part of an end item
4 or of another component;

5 8. "Contract" means a mutually binding legal relationship
6 obligating the seller to furnish an acquisition and the buyer to pay
7 for it or provide a potential financial incentive in lieu of
8 payment. It includes all types of commitments that obligate a state
9 agency to an expenditure of funds or action that, unless otherwise
10 authorized, is in writing. In addition to bilateral instruments,
11 contracts include, but are not limited to:

- 12 a. awards,
- 13 b. orders issued under basic ordering agreements,
- 14 c. letter agreements, and
- 15 d. orders under which the contract becomes effective by
16 written acceptance or performance;

17 9. "Contracting" means obtaining acquisitions from private
18 sources. Contracting includes description, but not determination,
19 of acquisitions required, selection and solicitation of sources,
20 preparation and award of contracts, and contract administration;

21 10. "Electronic commerce" means the use of electronic methods
22 to enable solicitation, supplier response, contract award, state
23 agency acquisition processes, or any other function to make an
24 acquisition;

1 11. "Electronic payment mechanism" means a method of electronic
2 payment for authorized acquisitions;

3 12. "Environmentally preferable products and services (EPPS)"
4 means acquisitions that best meet the requirements as defined in the
5 solicitation for human health and the environment;

6 13. "Local governmental entity" means any unit of local
7 government including, but not limited to, any school district,
8 county or municipality of this state;

9 14. "Lowest and best" means an acquisition based on criteria
10 which include, but are not limited to, the following:

- 11 a. the lowest total purchase price,
- 12 b. the quality and reliability of the product, and
- 13 c. the consistency of the proposed acquisition with the
14 state agency's planning documents and announced
15 strategic program direction;

16 15. "Multistate contract" or "multigovernmental contract" means
17 an agreement entered into between two or more entities of government
18 for acquisitions pursuant to a single contract;

19 16. "Nonprofessional services" means services which are
20 predominantly physical or manual in character and may involve the
21 supplying of products;

22 17. "Open market contract" means a contract for a one-time
23 acquisition not exceeding the acquisition amount, requiring a
24 competitive bid pursuant to Section 85.7 of this title;

1 18. "Political subdivision" means local governmental entities
2 and such other entities specified as political subdivisions pursuant
3 to The Governmental Tort Claims Act;

4 19. "Professional services" means services which are
5 predominantly mental or intellectual in character rather than
6 physical or manual and which do not involve the supplying of
7 products. Professional services include services to support or
8 improve state agency policy development, decision making,
9 management, administration or the operation of management systems;

10 20. "Purchase order" means an offer by a state agency to make
11 an acquisition utilizing simplified procedures;

12 21. "Purchasing cooperative" means an association of public
13 entities working together to provide leverage in achieving best
14 value and/or the best terms in contracts awarded through a
15 competitive bidding process;

16 22. "Requisition" means a written request by a state agency for
17 an acquisition;

18 23. "Sole brand acquisition" means an acquisition that by
19 specification restricts the acquisition to one manufacturer or brand
20 name;

21 24. "Sole source acquisition" means an acquisition which, by
22 specification, restricts the acquisition to one supplier;

23 25. "Solicitation" means a request or invitation by the State
24 Purchasing Director or a state agency for a supplier to submit a

1 priced offer to sell one or more acquisitions to the state. A
2 solicitation may be an invitation to bid, request for proposal or a
3 request for quotation;

4 26. "Split purchase" means dividing a known quantity or failing
5 to consolidate a known quantity of an acquisition for the purpose of
6 evading a competitive bidding requirement;

7 27. "State agency" includes any office, officer, bureau, board,
8 counsel, court, commission, department, institution, unit, division,
9 body or house of the executive or judicial branches of the state
10 government, whether elected or appointed, excluding only political
11 subdivisions of the state;

12 28. "State purchase card" means a type of commercial card that
13 allows state agencies to take advantage of existing credit card
14 infrastructure to make electronic payments for acquisitions;

15 29. "State Purchasing Director" includes any employee or agent
16 of the State Purchasing Director, acting within the scope of
17 delegated authority;

18 30. "Statewide contract" means a contract for specific
19 acquisitions for a specified period with a provision allowing some
20 or all state agencies and local governmental entities to place
21 orders as the acquisitions are needed for delivery during the period
22 specified; and
23
24

1 31. "Supplier" or "vendor" means an individual or business
2 entity that provides or desires to provide acquisitions to state
3 agencies.

4 SECTION 3. AMENDATORY 74 O.S. 2021, Section 85.3, is
5 amended to read as follows:

6 Section 85.3. A. ~~There is hereby created and established in~~
7 ~~the Office of Management and Enterprise Services a Purchasing~~
8 ~~Division, the~~ The administrative head of which the Oklahoma Central
9 Purchasing Department shall be the State Purchasing Director.

10 B. ~~The Director of the Office of Management and Enterprise~~
11 ~~Services shall hire~~ Governor shall appoint, with the advice and
12 consent of the Senate and the House of Representatives, the State
13 Purchasing Director, who shall hold office at the pleasure of the
14 Governor and shall continue to serve until a successor is duly
15 appointed and is qualified. The State Purchasing Director shall:

16 1. Have a thorough knowledge of office practices and buying
17 procedures in volume purchasing; and

18 2. Be a graduate of an accredited college or university with at
19 least five (5) years' experience in commercial or governmental
20 purchasing, or, in lieu of such education, have at least ten (10)
21 years' experience in commercial or governmental purchasing.

22 C. The State Purchasing Director, ~~with the approval of the~~
23 ~~Director of the Office of Management and Enterprise Services,~~ may
24

1 employ such personnel as may be necessary to exercise authority and
2 perform duties under the Oklahoma Central Purchasing Act.

3 D. All activities of any state agency, department, or
4 institution relating to purchasing shall be under the direction of
5 the Oklahoma Central Purchasing ~~Division~~ Department unless otherwise
6 provided by the Oklahoma Central Purchasing Act.

7 E. The Oklahoma Central Purchasing ~~Division~~ Department shall
8 provide qualified personnel to assist the purchasing activities of
9 state agencies, departments, and institutions, as required by the
10 Oklahoma Central Purchasing Act.

11 F. Each state agency, department, and institution shall
12 designate personnel to coordinate its purchasing functions with the
13 Oklahoma Central Purchasing ~~Division~~ Department.

14 G. The Oklahoma Central Purchasing ~~Division~~ Department may, if
15 the needs of a state agency, department, or institution are such as
16 to so require, employ, and establish a buyer within a state agency.
17 The state agency shall pay all expenses incurred for any buyer
18 required to be placed within its agency.

19 H. Except as provided in Section 34.36 of Title 62 of the
20 Oklahoma Statutes, no state agency subject to the Oklahoma Central
21 Purchasing Act shall have or maintain a purchasing section without
22 the prior approval in writing of the Oklahoma Central Purchasing
23 ~~Division~~ Department unless otherwise provided in the Oklahoma
24

1 Central Purchasing Act nor shall such purchasing section perform
2 purchasing functions for another state agency.

3 I. The Oklahoma Central Purchasing ~~Division~~ Department shall
4 make acquisitions from industries operated by the Department of
5 Corrections pursuant to the provisions of Section 549.1 of Title 57
6 of the Oklahoma Statutes.

7 J. None of the personnel authorized by this section shall:

8 1. Sell to or otherwise provide acquisitions to any state
9 agency subject to the Oklahoma Central Purchasing Act;

10 2. Be employees, partners, associates, officers, or
11 stockholders in or with any business entity that sells to or
12 otherwise provides acquisitions to any state agency subject to the
13 Oklahoma Central Purchasing Act;

14 3. Be employed in any of the positions authorized by this
15 section if a spouse or child owns any stock in any business entity
16 which sells to or otherwise provides acquisitions to any agency
17 subject to the Oklahoma Central Purchasing Act;

18 4. Be employed in any of the positions authorized by this
19 section if a relative within the third degree of consanguinity or
20 affinity sells to or otherwise provides acquisitions to any state
21 agency subject to the Oklahoma Central Purchasing Act or is
22 interested in any business entity which does so, except that such
23 relative, excluding a spouse or child, may own Twenty-five Thousand
24 Dollars (\$25,000.00) worth or less, or one percent (1%) or less,

1 whichever amount is the lesser amount, of the stock of a corporation
2 or any business entity which sells to or otherwise provides
3 acquisitions to any state agency subject to the Oklahoma Central
4 Purchasing Act; or

5 5. Violate applicable rules of the Ethics Commission
6 promulgated pursuant to Article XXIX of the Oklahoma Constitution
7 that relate to accepting gifts from a vendor or a vendor's agent.

8 SECTION 4. AMENDATORY 74 O.S. 2021, Section 85.5, is
9 amended to read as follows:

10 Section 85.5. A. Except as otherwise provided in this section,
11 the State Purchasing Director,~~under the supervision of the Director~~
12 ~~of the Office of Management and Enterprise Services,~~ shall have sole
13 and exclusive authority and responsibility for all acquisitions by
14 state agencies. In order to carry out the powers and duties of the
15 Chief Information Officer and the Information Services Division of
16 the Office of Management and Enterprise Services, the Chief
17 Information Officer shall have sole and exclusive authority and
18 responsibility for all acquisitions of information and
19 telecommunications technology, equipment, software, products and
20 related peripherals and services by state agencies. Public
21 construction contracts are awarded pursuant to Title 61 of the
22 Oklahoma Statutes and are not subject to the Oklahoma Central
23 Purchasing Act.

1 B. Every state agency shall determine its own quantitative
2 needs for acquisitions and the general class or nature of the
3 acquisitions. The State Purchasing Director, after consultation
4 with the requisitioning state agency, shall have authority to
5 determine the particular brand, model or other specific
6 classification of each acquisition and to draft or invoke pursuant
7 to the Oklahoma Central Purchasing Act specifications establishing
8 the requirements for all necessary contracts or purchase orders.

9 C. ~~The Director of the Office of Management and Enterprise~~
10 ~~Services~~ State Purchasing Director shall have authority and
11 responsibility to promulgate rules in connection with provisions of
12 the Oklahoma Central Purchasing Act for:

13 1. The time, manner, authentication and form of making
14 requisitions for acquisitions;

15 2. Inspection, analysis and testing of acquisitions or samples
16 bidders submit prior to contract award;

17 3. The form and manner of submission for bids or proposals a
18 bidder submits and the manner of accepting and opening bids or
19 proposals;

20 4. The conditions under which the ~~Office of Management and~~
21 ~~Enterprise Services~~ Oklahoma Central Purchasing Department shall
22 require written contracts for acquisitions, the conditions under
23 which acquisitions may be made on an open account basis, and the
24 conditions and manner of negotiating such contracts;

1 5. Obtaining acquisitions produced by state institutions;

2 6. Conditions under which any of the rules herein authorized
3 may be waived;

4 7. The amounts of and deposits on any bond or other surety
5 required to be submitted with a bid or contract for the furnishing
6 of acquisitions and the conditions under which such bond or other
7 surety shall be required;

8 8. The manner and conditions of delivery, which shall include
9 the designation of the common carrier of property to be used to
10 transport acquisitions whenever a common carrier is used, and the
11 acceptance, or rejection, including check of quantities, of any
12 acquisitions;

13 9. The form of any estimate, order or other information
14 required in connection with an acquisition;

15 10. State agency acquisitions not exceeding the acquisition
16 threshold amount requiring competitive bid to ensure
17 competitiveness, fairness, compliance with the Oklahoma Central
18 Purchasing Act and Section 3001 et seq. of this title, which relates
19 to the State Use ~~Committee~~ Advisory Council. The rules shall
20 include separate provisions based on acquisition amounts as follows:

- 21 a. state agencies shall make acquisitions not exceeding
22 Twenty-five Thousand Dollars (\$25,000.00), provided
23 the acquisition process is fair and reasonable and is
24

1 conducted pursuant to rules authorized pursuant to
2 this section, and

3 b. state agencies with certified procurement officers and
4 internal purchasing procedures found compliant by the
5 State Purchasing Director may make acquisitions in
6 excess of the fair and reasonable acquisition
7 threshold amount provided for in this section and not
8 exceeding Two Hundred Fifty Thousand Dollars
9 (\$250,000.00), pursuant to rules authorized by this
10 section;

11 11. Training by the State Purchasing Director of state agency
12 procurement officers;

13 12. Review and audit by the State Purchasing Director of state
14 agency acquisitions;

15 13. The conditions for increasing acquisition limits for state
16 agencies which have had a prior reduction in acquisition limit by
17 the ~~Director of the Office of Management and Enterprise Services~~
18 State Purchasing Director;

19 14. Use of a state purchase card to make acquisitions;

20 15. Any other matter or practice which relates to the
21 responsibilities of the State Purchasing Director;

22 16. Conditions for determination and authorization of
23 acquisition threshold amounts of state agencies;

1 17. The form and manner of verification by suppliers that the
2 supplier is eligible to do business in ~~the State of Oklahoma~~ this
3 state and has obtained all necessary permits and licenses, pursuant
4 to applicable provisions of law; and

5 18. Payment procedure rules for state agencies to adhere to
6 regarding statewide contracts.

7 D. The State Purchasing Director shall provide training for
8 state agency procurement officials, and other procurement staff, and
9 is authorized to require retraining of such procurement personnel
10 found not to be in compliance with provisions of the Oklahoma
11 Central Purchasing Act or associated rules. The training may
12 include any matters related to state procurement practices. State
13 agency purchasing officials that demonstrate proficiency shall be
14 certified as "certified procurement officers" by the State
15 Purchasing Director and shall be authorized to make acquisitions
16 pursuant to provisions of the Oklahoma Central Purchasing Act and
17 associated rules. The State Purchasing Director may assess a fee to
18 state agencies for the training that does not exceed each state
19 agency's pro rata share of the costs the State Purchasing Director
20 incurs to provide the training.

21 E. The State Purchasing Director shall review state agency
22 acquisitions for the purposes of:

23 1. Ensuring state agency compliance with provisions of the
24 Oklahoma Central Purchasing Act;

1 2. Ensuring state agency compliance with rules promulgated by
2 the ~~Office of Management and Enterprise Services~~ Oklahoma Central
3 Purchasing Department pursuant to the Oklahoma Central Purchasing
4 Act;

5 3. Ensuring state agency compliance with provisions of Section
6 3001 et seq. of this title pertaining to the State Use ~~Committee~~
7 Advisory Council;

8 4. Reporting any acquisition by any state agency found not to
9 be in compliance with those sections or rules to the Director of the
10 Office of Management and Enterprise Services;

11 5. A determination by the State Purchasing Director to reduce a
12 state agency's acquisition authority amount when the state agency is
13 found not to be in compliance with the Oklahoma Central Purchasing
14 Act or associated rules or requirements of the State Purchasing
15 Director pursuant to this section; and

16 6. A determination by the State Purchasing Director to increase
17 a state agency's acquisition authority amount after the agency cures
18 deficiencies in connection with a prior reduction in the authority
19 amount by the State Purchasing Director.

20 F. Based on written findings ~~and when recommended by~~ employees
21 of the Oklahoma Central Purchasing Department, the State Purchasing
22 Director, ~~the Director of the Office of Management and Enterprise~~
23 ~~Services~~ may:

1 1. Transmit written findings by the ~~State~~ Oklahoma Central
2 Purchasing ~~Director~~ Department to the State Auditor and Inspector
3 for further investigation, indicating purchasing procedures that do
4 not conform to the Oklahoma Central Purchasing Act or associated
5 rules; or

6 2. Transmit electronically to the Attorney General or the State
7 Auditor and Inspector for further investigation a report made by the
8 ~~State~~ Oklahoma Central Purchasing ~~Director~~ Department that the
9 ~~Director of the Office of Management and Enterprise Services~~ State
10 Purchasing Director reasonably believes indicates that an action
11 that constitutes a criminal violation pursuant to the Oklahoma
12 Central Purchasing Act or other laws has been taken by any state
13 agency, state agency official, bidder or supplier.

14 G. 1. Pursuant to the requirements of the Oklahoma Central
15 Purchasing Act, the State Purchasing Director shall have authority
16 to enter into any statewide, multistate or multigovernmental
17 contract. The state entity designated by law, ~~as specified in~~
18 ~~Section 1010.3 of Title 56 of the Oklahoma Statutes,~~ shall
19 participate in the purchase of pharmaceuticals available through
20 such multistate or multigovernmental contracts entered into by the
21 State Purchasing Director.

22 2. Whenever it appears advantageous to the state or to any
23 state agency to purchase or otherwise acquire any acquisition which
24 may be offered for sale by the United States government or any

1 agency thereof, the State Purchasing Director may execute a contract
2 for the acquisition with the federal government or federal agency
3 and may also utilize contracts awarded by other governmental
4 agencies including, but not limited to, agencies of the United
5 States of America.

6 3. The State Purchasing Director may designate, for use by
7 state agencies, contracts described in this subsection and contracts
8 awarded on behalf of one or more state agencies.

9 4. Prior to exercising the authority to cancel a contract, the
10 State Purchasing Director may authorize renegotiation of an existing
11 contract with an incumbent supplier for the purposes of obtaining
12 more favorable terms for the state.

13 5. The State Purchasing Director shall have the authority to
14 designate certain contracts for state agencies as statewide
15 contracts and mandatory statewide contracts. In order to carry out
16 the powers and duties of the Chief Information Officer and
17 Information Services Division of the Office of Management and
18 Enterprise Services, the Chief Information Officer shall have the
19 authority to designate certain information technology and
20 telecommunication contracts as statewide contracts and mandatory
21 statewide contracts and may negotiate consolidation contracts,
22 enterprise agreements and high technology system contracts in lieu
23 of or in conjunction with competitive bidding procedures to reduce
24 acquisition cost.

1 6. The State Purchasing Director may publish such
2 specifications relating to materials, supplies, equipment and
3 services to be acquired for the state as may best promote
4 competition and apprise potential suppliers of the type of product
5 desired.

6 H. 1. The State Purchasing Director may develop and test new
7 contracting policies, procedures and innovations that hold potential
8 for making state procurement more effective and efficient and
9 identify, and make recommendations to the Legislature of, any
10 appropriate changes in law. Such development and testing, proof of
11 concept, pilot project or other similar test shall not be considered
12 an acquisition subject to the Oklahoma Central Purchasing Act.

13 2. The State Purchasing Director is authorized to explore and
14 investigate cost savings in energy, resource usage and maintenance
15 contracts and to identify and negotiate contract solutions
16 including, but not limited to, pilot projects to achieve cost
17 savings for this state.

18 I. The State Purchasing Director shall endeavor to satisfy
19 state agencies in terms of cost, quality and timeliness of the
20 delivery of acquisitions by using bidders who have a record of
21 successful past performance, promoting competition, minimizing
22 administrative operating costs and conducting business with
23 integrity, fairness and openness.

24 J. The State Purchasing Director shall undertake the following:

1 1. The use of electronic commerce pursuant to the Oklahoma
2 Online Bidding Act for solicitation, notification and other
3 purchasing processes;

4 2. Monitoring rules promulgated pursuant to the Oklahoma
5 Central Purchasing Act to ensure that the rules satisfy the
6 interests of the state, are clear and succinct and encourage
7 efficiency in purchasing processes;

8 3. A program to identify suppliers' performance records;

9 4. Development of criteria for the use of sealed bid
10 contracting procedures, negotiated contracting procedures, selection
11 of types of contracts, postaward administration of purchase orders
12 and contracts, addendums, termination of contracts and contract
13 pricing;

14 5. Continual improvement in the quality of the performance of
15 the Oklahoma Central Purchasing Division Department through training
16 programs, management seminars, development of benchmarks and key
17 management indicators, and development of standard provisions,
18 clauses and forms;

19 6. The State Purchasing Director shall prescribe standardized
20 contract forms and all other forms or certifications requisite or
21 deemed necessary by the State Purchasing Director to effectuate the
22 provisions of the Oklahoma Central Purchasing Act and associated
23 rules;

1 7. Development of programs to improve customer relations
2 through training, improved communications and appointment of
3 technical representatives;

4 8. Provide for public two-way communication between procurement
5 officers and potential bidders who have questions regarding a
6 request for proposal or invitation to bid; and

7 9. Determine whether and to what extent information included in
8 a bid or similar offer is confidential and reject all requests to
9 disclose the information so designated.

10 K. The State Purchasing Director may utilize and authorize
11 state agencies to utilize reverse auctions to obtain acquisitions.

12 L. Prior to the award of a contract to a supplier, the State
13 Purchasing Director shall verify, pursuant to applicable provisions
14 of law, that the supplier is eligible to do business in this state
15 by confirming registration with the Secretary of State and franchise
16 tax payment status pursuant to Sections 1203 and 1204 of Title 68 of
17 the Oklahoma Statutes. The provisions of this subsection shall be
18 applicable only if the contract amount is Two Hundred Fifty Thousand
19 Dollars (\$250,000.00) or greater.

20 M. On an annual basis, the State Purchasing Director shall
21 electronically transmit to the Governor, Speaker of the House of
22 Representatives and President Pro Tempore of the Senate a report
23 documenting the savings realized by each agency through the
24 application of best spend practices including the collection and

1 tracking of spend data, strategic sourcing programs and
2 implementation of managed and mandatory statewide contracts and
3 include in the report information regarding emergency acquisitions.

4 N. The acquisition threshold amount applicable to an
5 acquisition made pursuant to ~~this act~~ the Oklahoma Central
6 Purchasing Act or associated rules shall not apply to state agency
7 purchases; provided, the State Purchasing Director determines the
8 agency has subject matter experts on staff having the specialized
9 expertise to purchase goods or services, the agency possesses the
10 necessary legal and procurement staff to procure and monitor the
11 contracts, ~~and provided the Director of the Office of Management and~~
12 ~~Enterprise Services shall certify~~ the State Purchasing Director
13 certifies that the proposed purchase does not conflict with
14 consolidated statewide spend initiatives.

15 1. Nothing in this subsection shall give an agency authority to
16 issue statewide, multistate or multigovernmental contracts.

17 2. Agencies making purchases pursuant to this subsection shall:

18 a. be responsible for contracts awarded pursuant to this
19 subsection, which includes, but may not be limited to,
20 contract management, protest costs, all costs
21 connected with or incurred as a result of the
22 contract, including legal representation,
23
24

b. comply with rules and policies of the ~~Office of Management and Enterprise Services~~ Oklahoma Central Purchasing Department, and

c. report contracts issued pursuant to this subsection to the ~~Office of Management and Enterprise Services, Central Purchasing Division,~~ Oklahoma Central Purchasing Department on a quarterly basis.

3. Purchases made in accordance with this subsection shall be made pursuant to rules authorized by this section.

O. The State Purchasing Director, ~~with approval by the Director of the Office of Management and Enterprise Services,~~ is authorized to make use of any state laboratories for the tests and analyses authorized in this section wherever practicable and to use private laboratories or the laboratories of another government agency if it is impracticable to use state laboratories. The State Purchasing Director is further authorized to cooperate in test and analysis programs or agreements with other states or the United States government and to accept federal funds and funds donated by private endowments or foundations for the purpose of participation in such testing programs.

SECTION 5. AMENDATORY 74 O.S. 2021, Section 85.5.1, is amended to read as follows:

Section 85.5.1. A. Privatization Projects. The ~~Office of Management and Enterprise Services~~ Oklahoma Central Purchasing

1 Department shall establish a repository of the best privatization
2 practices, have expertise to select projects or services for
3 privatization, be capable of rapid evaluation and response to
4 privatization proposals and have the ability to oversee the
5 contracting for privatization opportunities.

6 B. ~~The Director of the Office of Management and Enterprise~~
7 ~~Services~~ State Purchasing Director shall report legislative
8 recommendations as ~~the Director deems~~ he or she deems necessary to
9 further implement the provisions of this section.

10 SECTION 6. AMENDATORY 74 O.S. 2021, Section 85.5a, is
11 amended to read as follows:

12 Section 85.5a. A. Except for the state fleet card, the state
13 purchase card program administered by the Oklahoma Central
14 ~~Purchasing Division~~ Department is the only card program authorized
15 for use by state agencies.

16 B. On a monthly basis ~~the State Purchasing Director and~~
17 institutions of higher education shall provide to the ~~Director of~~
18 ~~the Office of Management and Enterprise Services (OMES)~~ State
19 Purchasing Director a complete listing in electronic format of all
20 transactions paid by a state purchase card. The list shall contain
21 the name of the purchaser and purchasing agency, amount of purchase
22 and all available descriptions of items purchased.

23 C. Upon receipt of the list described in subsection B of this
24 section, the ~~Director of the OMES~~ State Purchasing Director shall

1 allow the public access to the list in searchable format through its
2 website defined in Section 46 of Title 62 of the Oklahoma Statutes.

3 D. The State Purchasing Director may authorize the use of a
4 state purchase card for acquisitions within the following
5 parameters:

6 1. No limit on the amount of the transaction for the following:

7 a. purchases from statewide contracts and from contracts
8 awarded by the State Purchasing Director for the
9 benefit of a state agency,

10 b. utilities,

11 c. interagency payments,

12 d. emergency acquisitions; provided, requirements to
13 establish an emergency pursuant to ~~Section 5 of this~~
14 ~~act or other~~ an applicable statute or rule have been
15 met, and

16 e. professional services as defined in Section 803 of
17 Title 18 of the Oklahoma Statutes; and

18 2. For any other transaction with a state purchase card, the
19 transaction shall not exceed the greater of Five Thousand Dollars
20 (\$5,000.00) or the limit determined by the State Purchasing
21 Director, not to exceed the fair and reasonable acquisition
22 threshold amount.

23 E. The State Purchasing Director may authorize personnel of the
24 Oklahoma Department of Commerce, upon a finding by the Secretary of

1 Commerce that such personnel have a legitimate need therefore, to
2 utilize a state purchase card for acquisitions for programs,
3 functions or services essential to the mission of the agency while
4 traveling on Oklahoma Department of Commerce business in foreign
5 locations with transaction limits not to exceed Thirty-five Thousand
6 Dollars (\$35,000.00). The purchase cardholders are required to sign
7 a purchase card agreement prior to becoming a cardholder and to
8 attend purchase card procedure training. The Oklahoma Department of
9 Commerce will conduct quarterly internal auditing on all purchase
10 card transactions associated with business and travel in foreign
11 locations.

12 SECTION 7. AMENDATORY 74 O.S. 2021, Section 85.7, as
13 amended by Section 1, Chapter 339, O.S.L. 2023 (74 O.S. Supp. 2023,
14 Section 85.7), is amended to read as follows:

15 Section 85.7. A. 1. Except as otherwise provided by the
16 Oklahoma Central Purchasing Act, or associated rules:

- 17 a. every state agency shall initiate all acquisitions by
18 the submission of a requisition to the Oklahoma
19 Central Purchasing ~~Division~~ Department, and
20 b. no state agency shall make an acquisition for an
21 amount exceeding Fifty Thousand Dollars (\$50,000.00)
22 or the limit determined by the State Purchasing
23 Director pursuant to rules authorized by Section 85.5
24 of this title, not to exceed Two Hundred Fifty

1 Thousand Dollars (\$250,000.00), without submission of
2 a requisition to the Oklahoma Central Purchasing
3 ~~Division~~ Department for issuance of a solicitation for
4 the acquisition on behalf of the agency. Any
5 exemption from competitive bid requirements of the
6 Oklahoma Central Purchasing Act further exempts the
7 acquisition from requisition requirements of the act.

8 2. The State Purchasing Director may request additional
9 information necessary to adequately review a requisition to ensure
10 compliance with the Oklahoma Central Purchasing Act and associated
11 rules. If the State Purchasing Director determines that an
12 acquisition is not necessary, excessive or not justified, the State
13 Purchasing Director shall deny the requisition.

14 3. The provisions of the Oklahoma Central Purchasing Act shall
15 not preclude a state agency from:

- 16 a. accepting gifts or donations in any manner authorized
- 17 by law, or
- 18 b. making an acquisition for itself without submitting a
- 19 requisition under this section when authorized in
- 20 writing by the State Purchasing Director.

21 4. Any acquisition a state agency makes shall be made pursuant
22 to the Oklahoma Central Purchasing Act and associated rules. No
23 agency shall use split purchasing for the purpose of evading the
24 requirement of competitive bidding or other requirement of the

1 Oklahoma Central Purchasing Act or associated rules. Violation of
2 this provision shall be cause for discipline of a state employee up
3 to and including termination.

4 5. The State Purchasing Director may waive or increase the
5 limit authorized for a state agency acquisition made pursuant to its
6 own competitive procedures. To perfect an otherwise valid
7 acquisition inadvertently exceeding the limit due to administrative
8 error by a state agency or unforeseeable circumstances, the state
9 agency shall request a limited waiver or increase upon the discovery
10 of the error or circumstance to the State Purchasing Director. The
11 State Purchasing Director shall report electronically requests for
12 waivers or increases, stating the amount and whether the request was
13 granted or denied, upon request by the Governor, President Pro
14 Tempore of the Senate or Speaker of the House of Representatives.

15 6. Competitive bidding requirements of this section shall not
16 be required for the following:

17 a. contracts for master custodian banks or trust
18 companies, investment managers, investment
19 consultants, and actuaries for the state retirement
20 systems, and Oklahoma Employees Insurance and Benefits
21 Board, pension fund management consultants of the
22 Oklahoma State Pension Commission and the
23 Commissioners of the Land Office, examiners, experts,
24 or consultants for the Insurance Department whose job

1 duties are tied to ~~Market Conduct Exams~~ market conduct
2 exams, ~~Financial Exams~~ financial exams, and Insurance
3 Business Transfers, financial institutions to act as
4 depositories and managers of the Oklahoma College
5 Savings Plan accounts and other professional services
6 as defined in Section 803 of Title 18 of the Oklahoma
7 Statutes. When requested by the Oklahoma Employees
8 Insurance and Benefits Board or the governing board of
9 a state retirement system authorized to hire
10 investment managers, the Oklahoma Central Purchasing
11 ~~Division~~ Department shall assist in the process of
12 selecting investment managers,

13 b. a state agency making such an acquisition shall notify
14 the State Purchasing Director within fifteen (15) days
15 following completion of the acquisition. A list of
16 the exempt contracts shall be provided, upon request,
17 to a member of the Appropriations and Budget Committee
18 of the House of Representatives or Appropriations
19 Committee of the Senate,

20 c. purchases of postage by state agencies made pursuant
21 to Sections 90.1 through 90.4 of this title,

22 d. a sole source acquisition made in compliance with
23 Section 85.44D.1 of this title,
24

1 e. an acquisition for design, development, communication
2 or implementation of the state employees flexible
3 benefits plan; provided, procedures used for the
4 acquisition are consistent with competitive bid
5 requirements of the Oklahoma Central Purchasing Act
6 and associated rules,

7 f. any acquisition of a service which the ~~Office of~~
8 ~~Management and Enterprise Services~~ Oklahoma Central
9 Purchasing Department has approved as qualifying for a
10 fixed and uniform rate, subject to the following:

11 (1) the Oklahoma Central Purchasing ~~Division~~
12 Department shall establish criteria and
13 guidelines for those services which may qualify
14 for a fixed and uniform rate,

15 (2) fixed and uniform rate contracts authorized by
16 this subsection shall be limited to contracts for
17 those services furnished to persons directly
18 benefiting from such services and shall not be
19 used by a state agency to employ consultants or
20 to make other acquisitions,

21 (3) any state agency desiring to have a service
22 qualified for a fixed and uniform rate shall make
23 a request for service qualification to the State
24 Purchasing Director and submit documentation to

1 support the request. The State Purchasing
2 Director shall approve or deny the request. If
3 approved, the state agency shall establish a
4 fixed and uniform rate for the service. No
5 contracts shall be entered into by the state
6 agency until the rate has been approved by the
7 state agency in a public hearing. The proposed
8 rate shall be clearly and separately identified
9 in the agenda of the state agency for the hearing
10 and shall be openly and separately discussed
11 during such hearing. The state agency shall
12 notify the State Purchasing Director of its
13 pending consideration of the proposed rate at
14 least thirty (30) days before the state agency is
15 to meet on the proposed rate and deliver a copy
16 of the agenda items concerning the proposed rate
17 with supporting documentation. The State
18 Purchasing Director shall communicate any
19 observation, reservation, criticism or
20 recommendation to the agency, either in person at
21 the time of the hearing or in writing delivered
22 to the state agency before or at the time of the
23 hearing. The State Purchasing Director shall
24 specifically note in the written communications

1 whether the Director has determined the rate to
2 be excessive. Any written communication
3 presented in the absence of the State Purchasing
4 Director shall be presented orally during the
5 public hearing. Whether made in person or in
6 writing, any comment made by the State Purchasing
7 Director shall be made a part of the minutes of
8 the hearing in full,

- 9 (4) within two (2) weeks after the convening of the
10 Legislature, the administrative officer of the
11 state agency shall electronically furnish to the
12 Speaker of the House of Representatives, the
13 President Pro Tempore of the Senate and to any
14 member of the House or Senate, if requested by
15 the member, a complete list of all of the types
16 of services paid for by uniform fixed rates, the
17 amount of the rate last approved by the agency
18 for the service and the number of contracts then
19 in existence for each type of service. Any rate
20 which has been determined to be excessive by the
21 State Purchasing Director shall be specifically
22 identified in the list by the state agency, and
23 (5) at any time, the State Purchasing Director may
24 review, suspend or terminate a contract entered

1 into pursuant to the provisions of this paragraph
2 if the Director determines the contract is not
3 necessary, is excessive or is not justified,

4 g. an acquisition for a client of the State Department of
5 Rehabilitation Services; provided, the agency develops
6 and maintains standards for such an acquisition. The
7 agency may elect to utilize the Oklahoma Central
8 Purchasing ~~Division~~ Department for an acquisition.
9 The standards shall foster economy, provide a short
10 response time, include appropriate safeguards, require
11 written records, ensure appropriate competition for
12 economical and efficient purchasing and shall be
13 approved by the State Purchasing Director,

14 h. structured settlement agreements entered into by the
15 Attorney General's office in order to settle any
16 lawsuit involving the state, the Legislature, any
17 state agency or any employee or official of the state
18 if:

19 (1) prior to entering into any contract for the
20 services of an entity to administer a structured
21 settlement agreement, the Attorney General
22 receives proposals from at least three entities
23 engaged in providing such services, and
24

1 (2) the selection of a particular entity is made on
2 the basis of the response to the request which is
3 the most economical and provides the most
4 competent service which furthers the best
5 interests of the state,

6 i. an acquisition by a state agency pursuant to a
7 contract the State Purchasing Director enters into on
8 behalf of a state agency or awards and designates for
9 use by state agencies,

10 j. an acquisition by the Committee for Sustaining
11 Oklahoma's Energy Resources pursuant to a contract
12 with a local supplier for the purpose of holding a
13 special event or an exhibition throughout the state,
14 and

15 k. contracts for the study, analysis, and planning, as
16 reasonably necessary, to aid in determining the
17 feasibility of leasing, selling, or privately managing
18 or developing the property or facilities under control
19 of the Oklahoma Tourism and Recreation Commission.
20 The Commission shall be exempt from the competitive
21 bidding requirements of the Oklahoma Central
22 Purchasing Act for the purpose of soliciting,
23 negotiating, and effectuating such a contract or
24 contracts; provided, that the State Purchasing

Director shall review and audit all uses of the
exemptions provided in this subparagraph biannually.

7. Notwithstanding any other provision of law, an acquisition may be exempted from requirements of this section by the State Purchasing Director when in the State Purchasing Director's discretion unusual, time-sensitive, or unique circumstances exist which make such exemption in the best and immediate interest of the state. As used in this subsection, "State Purchasing Director" shall not mean a designee. Any such acquisitions shall be described in detail and publicly posted as a data feed. The description shall include the name of the supplier, cost of the acquisition, reason for exemption and, as applicable, detailed comparison of the acquisition with comparable items, any identified cost savings resulting from the acquisition and a description of benefits to the state. The State Purchasing Director shall take no action under the provisions of this subsection prior to such public posting.

B. Competitively bid acquisitions shall be awarded to the lowest and best, or best value, bidder or bidders.

C. Bids for an amount requiring submission of requisitions to the Oklahoma Central Purchasing Division ~~Department~~ shall be evaluated by the Oklahoma Central Purchasing Division ~~Department~~ and the state agency receiving the acquisition. At a minimum, cost and technical expertise shall be considered in determining the lowest and best, or best value, bid. Further, the state agency shall

1 present its evaluation and recommendation to the State Purchasing
2 Director. A documented evaluation report containing the evaluations
3 of the Oklahoma Central Purchasing ~~Division~~ Department or the state
4 agency shall be completed prior to the contract award and such
5 report shall be a matter of public record.

6 D. Except as otherwise specifically provided by law, the
7 acquisition of food items or food products by a state agency from a
8 public trust created pursuant to Sections 176 through 180.56 of
9 Title 60 of the Oklahoma Statutes shall comply with competitive
10 bidding requirements of this section.

11 E. Cooperative contracts shall not be utilized unless the
12 purchasing cooperative and its affiliated suppliers have complied
13 with competitive bid requirements of the Oklahoma Central Purchasing
14 Act and associated rules.

15 F. Notwithstanding any provision of the Oklahoma Central
16 Purchasing Act, in all cases where federal granted funds are
17 involved, the federal laws, rules and regulations thereto shall
18 govern to the extent necessary to inure to the benefit of such funds
19 to this state.

20 G. A court order requiring an acquisition by a state agency,
21 whether or not such state agency is subject to the Oklahoma Central
22 Purchasing Act, shall not invalidate competitive bidding procedures
23 required by this section if such court order does not specify a
24

1 specific supplier. Any such acquisition shall comply with
2 competitive bid procedures.

3 SECTION 8. AMENDATORY 74 O.S. 2021, Section 85.12, as
4 amended by Section 2, Chapter 339, O.S.L. 2023 (74 O.S. Supp. 2023,
5 Section 85.12), is amended to read as follows:

6 Section 85.12. A. The provisions of this section shall not be
7 construed to affect any law relating to fiscal or accounting
8 procedure except as they may be directly in conflict herewith; and
9 all claims, warrants, and bonds shall be examined, inspected, and
10 approved as now provided by law.

11 B. Except as otherwise provided by this section, the
12 acquisitions specified in this subsection shall be made in
13 compliance with Section 85.39 of this title and purchasing card
14 program requirements but are not subject to other provisions of the
15 Oklahoma Central Purchasing Act:

16 1. Food and other products produced by state institutions and
17 agencies;

18 2. The printing or duplication of publications or forms of
19 whatsoever kind or character by state agencies if the work is
20 performed upon their own equipment by their own employees. Pursuant
21 to this paragraph, the state agency may only use equipment owned or
22 leased by the agency and may only utilize that equipment for
23 printing services required by the agency in performing duties
24 imposed upon the agency or functions authorized to be performed by

1 the agency. Any use of the equipment by the agency pursuant to an
2 agreement or contract with any other entity resulting in delivery of
3 intermediate or finished products to the entity purchasing or using
4 the products shall be subject to the provisions of the Oklahoma
5 Central Purchasing Act and associated rules;

6 3. Department of Transportation and Transportation Commission
7 contractual services or right-of-way acquisitions, contracts awarded
8 pursuant to bids let by the Transportation Commission for the
9 maintenance or construction of streets, roads, highways, bridges,
10 underpasses or any other transportation facilities under the control
11 of the Department of Transportation, equipment or material
12 acquisitions accruing to the Department of Transportation required
13 in federal aid contracts and acquisitions for public-service-type
14 announcements initiated by the Department of Transportation, but not
15 acquisitions for advertising, public relations or employment
16 services;

17 4. Utility services regulated by a state or federal regulatory
18 commission, municipal ordinance or an Indian Tribal Council;

19 5. Acquisitions by the University Hospitals Authority. The
20 Authority shall develop standards for the acquisition of products
21 and services and may elect to utilize the Oklahoma Central
22 Purchasing ~~Division~~ Department. The standards shall foster economy
23 and short response time and shall include appropriate safeguards and
24

1 record-keeping requirements to ensure appropriate competition and
2 economical and efficient purchasing;

3 6. Custom harvesting by the Department of Corrections for the
4 Department or its institutions;

5 7. Subject to prior approval of the State Purchasing Director,
6 acquisitions from private prison suppliers which are subject to the
7 contracting procedures of Section 561 of Title 57 of the Oklahoma
8 Statutes;

9 8. Acquisitions by the Oklahoma Municipal Power Authority;

10 9. Acquisitions by the Grand River Dam Authority;

11 10. Acquisitions by rural water, sewer, gas or solid waste
12 management districts created pursuant to the Rural Water, Sewer, Gas
13 and Solid Waste Management Districts Act;

14 11. Acquisitions by the Oklahoma Ordnance Works Authority, the
15 Northeast Oklahoma Public Facilities Authority or the Midwestern
16 Oklahoma Development Authority;

17 12. Expenditure of monies appropriated to the State Board of
18 Education for local and state-supported financial support of public
19 schools, except monies allocated therefrom for the Administrative
20 and Support Functions of the State Department of Education;

21 13. Expenditure of monies appropriated to the State Department
22 of Rehabilitation Services for educational programs or educational
23 materials for the Oklahoma School for the Blind and the Oklahoma
24 School for the Deaf;

1 14. Contracts entered into by the Oklahoma Department of Career
2 and Technology Education for the development, revision or updating
3 of vocational curriculum materials, and contracts entered into by
4 the Oklahoma Department of Career and Technology Education for
5 training and supportive services that address the needs of new or
6 expanding industries;

7 15. Contracts entered into by the Oklahoma Center for the
8 Advancement of Science and Technology for professional services;

9 16. Contracts entered into by the Oklahoma Department of
10 Commerce pursuant to the provisions of Section 5066.4 of this title;

11 17. Acquisitions made by the Oklahoma Historical Society from
12 monies used to administer the White Hair Memorial;

13 18. Purchases of pharmaceuticals available through a multistate
14 or multigovernmental contract if such pharmaceuticals are or have
15 been on state contract within the last fiscal year, and the terms of
16 such contract are more favorable to the state or agency than the
17 terms of a state contract for the same products, as determined by
18 the State Purchasing Director. ~~The state entity designated by law,~~
19 ~~as specified in Section 1010.3 of Title 56 of the Oklahoma Statutes,~~
20 ~~shall participate in the purchase of pharmaceuticals available~~
21 ~~through such contracts;~~

22 ~~19. Contracts for managed health care services entered into by~~
23 ~~the state entity designated by law or the Department of Human~~
24

1 ~~Services, as specified in paragraph 1 of subsection A of Section~~
2 ~~1010.3 of Title 56 of the Oklahoma Statutes;~~

3 ~~20.~~ 19. Acquisitions by a state agency through a General
4 Services Administration contract or other federal contract if the
5 acquisitions are not on current statewide contract or the terms of
6 the federal contract are more favorable to the agency than the terms
7 of a statewide contract for the same products;

8 ~~21.~~ 20. Acquisitions of clothing for clients of the Department
9 of Human Services and acquisitions of food for group homes operated
10 by the Department of Human Services;

11 ~~22.~~ 21. Acquisitions by the Oklahoma Energy Resources Board;

12 ~~23.~~ 22. Acquisitions of clothing for juveniles in the custody
13 of the Office of Juvenile Affairs and acquisitions of food for group
14 homes operated by the Office of Juvenile Affairs;

15 ~~24.~~ 23. State contracts for flexible benefits plans pursuant to
16 the Oklahoma State Employees Benefits Act, Section 1361 et seq. of
17 this title;

18 ~~25.~~ 24. Acquisitions by the Oklahoma Department of Securities
19 to investigate, initiate, or pursue administrative, civil or
20 criminal proceedings involving potential violations of the acts
21 under the Department's jurisdiction and acquisitions by the Oklahoma
22 Department of Securities for its investor education program;

23 ~~26.~~ 25. Acquisitions for resale in and through canteens
24 operated pursuant to Section 537 of Title 57 of the Oklahoma

1 Statutes and canteens established at an institution or facility
2 operated by the Office of Juvenile Affairs;

3 ~~27.~~ 26. Acquisitions by the Oklahoma Boll Weevil Eradication
4 Organization for employment and personnel services, and for
5 acquiring sprayers, blowers, traps and attractants related to the
6 eradication of boll weevils in this state or as part of a national
7 or regional boll weevil eradication program;

8 ~~28.~~ 27. Contracts entered into by the Oklahoma Indigent Defense
9 System for expert services pursuant to the provisions of subsection
10 D of Section 1355.4 of Title 22 of the Oklahoma Statutes;

11 ~~29.~~ 28. Acquisitions by the Oklahoma Correctional Industries
12 and the Agri-Services programs of the Department of Corrections of
13 raw materials, component parts and other products, any equipment
14 excluding vehicles, and any services excluding computer consultant
15 services used to produce goods or services for resale and for the
16 production of agricultural products;

17 ~~30.~~ 29. Contracts entered into by the Department of Human
18 Services for provision of supported living services to members of
19 the plaintiff class in Homeward Bound, Inc., et al. v. The Hisson
20 Memorial Center, et al., Case Number 85-C-437-E, United States
21 District Court for the Northern District of Oklahoma;

22 ~~31.~~ 30. Contracts negotiated by the Office of Juvenile Affairs
23 with designated Youth Services Agencies and the Oklahoma Association
24 of Youth Services, or another Oklahoma nonprofit corporation whose

1 membership consists solely of Youth Services Agencies and of whom at
2 least a majority of Youth Services Agencies are members, pursuant to
3 the provisions of Section 2-7-306 of Title 10A of the Oklahoma
4 Statutes and contracts entered into by the Department of Human
5 Services pursuant to Section 1-9-110 of Title 10A of the Oklahoma
6 Statutes with designated Youth Services Agencies;

7 ~~32.~~ 31. Contracts for annuities for structured settlements
8 provided for in Section 158 of Title 51 of the Oklahoma Statutes;

9 ~~33.~~ 32. Subject to subsection E of this section, purchases made
10 from funds received by local offices administered by the Department
11 of Human Services or administered by the Office of Juvenile Affairs
12 for fund-raising activities and donations for the benefit of clients
13 and potential clients at the local offices where such purchases may
14 not otherwise be paid for from appropriated funds;

15 ~~34.~~ 33. Acquisitions by the Oklahoma Historical Society for
16 restoration of historical sites and museums although the agency may
17 elect to utilize the Oklahoma Central Purchasing Division Department
18 for an acquisition with supplier and bid selection being the
19 prerogative of the agency, based on the supplier's documented
20 qualifications and experience; and

21 ~~35.~~ 34. Acquisitions of clothing and food for patients in the
22 care of the J.D. McCarty Center for Children with Developmental
23 Disabilities.
24

1 C. Pursuant to the terms of a contract the State Purchasing
2 Director enters into or awards, a state agency, common school,
3 municipality, rural fire protection district, county officer or any
4 program contract, purchase, acquisition or expenditure that is not
5 subject to the provisions of the Oklahoma Central Purchasing Act,
6 may, unless acting pursuant to a contract with the state that
7 specifies otherwise, make use of statewide contracts and the
8 services of the Oklahoma Central Purchasing ~~Division~~ Department and
9 the State Purchasing Director. Any political subdivision or rural
10 fire protection district may designate the State Purchasing Director
11 as its agent for any acquisition from a statewide contract or
12 otherwise available to the state.

13 D. The State Purchasing Director shall review and audit all the
14 purchasing procedures of acquisitions listed in subsection B of this
15 section to ensure that the procedures are being followed. Nothing
16 in this section shall be construed to authorize bid splitting as
17 prohibited by the Oklahoma Central Purchasing Act.

18 E. With respect to the Department of Human Services or the
19 Office of Juvenile Affairs, as applicable, monies received by
20 fundraising activities or donations from the local office, vending
21 operations administered by employees of the agency and all other
22 nonrestricted cash and cash-equivalent items received by employees
23 of the agency shall be deposited in the agency special account
24

1 established for this purpose. The deposits shall be made at local
2 banking institutions approved by the State Treasurer.

3 F. With respect to the Oklahoma Tourism and Recreation
4 Department, no exemption provided in this section shall be construed
5 for the use of leasing or contracting for state-owned restaurants in
6 Oklahoma state parks. The Department shall not be required to
7 purchase furniture, fixtures, equipment, and soft goods associated
8 with decor of the state parks, lodges, golf courses, and tourism
9 information centers from Oklahoma prisons or reformatories.

10 Additionally, the Department shall not be required to make
11 purchases pursuant to a statewide contract for materials, supplies,
12 and services necessary for the efficient and economical operation of
13 revenue-generating, Department-operated facilities, including those
14 made to maintain or improve guest perception of quality and service;
15 provided, that the State Purchasing Director shall review and audit
16 all uses of the exemptions provided in this subsection biannually.

17 SECTION 9. AMENDATORY 74 O.S. 2021, Section 85.17a, is
18 amended to read as follows:

19 Section 85.17a. A. State agencies shall not discriminate
20 against bidders from states or nations outside Oklahoma, except as
21 provided by this section. State agencies shall reciprocate the
22 bidding preference given by other states or nations to bidders
23 domiciled in their jurisdictions for acquisitions pursuant to the
24 Oklahoma Central Purchasing Act. The Oklahoma Central Purchasing

1 ~~Division~~ Department shall provide to certified procurement officers
2 information regarding the reciprocity provided by other states.

3 This information shall be used by state agencies in evaluating bids.

4 B. For purposes of awarding contracts state agencies shall:

5 1. Give preference to goods and services that have been
6 manufactured or produced in this state if the price, fitness,
7 availability and quality are otherwise equal;

8 2. Give preference to goods and services from another state
9 over foreign goods or services if goods or services manufactured or
10 produced in this state are not equal in price, fitness, availability
11 or quality; and

12 3. Add a percent increase to the bid of a nonresident bidder
13 equal to the percent, if any, of the preference given to the bidder
14 in the state in which the bidder resides.

15 SECTION 10. AMENDATORY 74 O.S. 2021, Section 85.33, is
16 amended to read as follows:

17 Section 85.33. A. There is hereby created in the State
18 Treasury a revolving fund for the ~~Office of Management and~~
19 ~~Enterprise Services~~ Oklahoma Central Purchasing Department to be
20 designated the "Registration of State Vendors Revolving Fund". The
21 fund shall consist of any monies received from fees collected in
22 accordance with subsection B of this section. The revolving fund
23 shall be a continuing fund, without legislative appropriation, not
24 subject to fiscal year limitations, and shall be under the control

1 and management of the ~~Office of Management and Enterprise Services~~
2 Oklahoma Central Purchasing Department. Expenditures from the
3 Registration of State Vendors Revolving Fund shall be budgeted and
4 expended pursuant to the laws of the state and the statutes relating
5 to public finance. The fund shall be used to defray the costs of
6 the Oklahoma Central Purchasing Division Department. Warrants for
7 expenditures from the fund shall be drawn by the State Treasurer,
8 based on claims signed by an authorized employee or employees of the
9 ~~Office Department~~, and approved for payment by the Director of the
10 Office of Management and Enterprise Services.

11 B. The ~~Office of Management and Enterprise Services~~ Oklahoma
12 Central Purchasing Department may collect a fee of Twenty-five
13 Dollars (\$25.00) to register suppliers that desire to do business
14 with this state through the ~~Purchasing Division~~ Department. The
15 suppliers shall register separately for each commodity list. Each
16 registration shall entitle the supplier to be on that list for one
17 (1) year, to receive all bid notices in that classification for that
18 period. All fees collected in accordance with this subsection shall
19 be deposited in the revolving fund created in subsection A of this
20 section.

21 SECTION 11. AMENDATORY 74 O.S. 2021, Section 85.33A, is
22 amended to read as follows:

23 Section 85.33A. A. There is hereby created in the State
24 Treasury a revolving fund for the ~~Office of Management and~~

1 ~~Enterprise Services~~ Oklahoma Central Purchasing Department to be
2 designated the "Contract Management Revolving Fund". The fund shall
3 consist of any monies received from fees, levies or rebates the
4 ~~Office~~ Department receives in accordance with subsection B of this
5 section. The revolving fund shall be a continuing fund, without
6 legislative appropriation, not subject to fiscal year limitations,
7 and shall be under the control and management of the ~~Office of~~
8 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
9 Department. Expenditures from the Contract Management Revolving
10 Fund shall be budgeted and expended pursuant to the laws of the
11 state and the statutes relating to public finance. The fund shall
12 be used to defray the costs of the ~~Purchasing Division~~ Department.
13 Warrants for expenditures from the fund shall be drawn by the State
14 Treasurer, based on claims signed by an authorized employee or
15 employees of the ~~Office~~ Department, and approved for payment by the
16 Director of the Office of Management and Enterprise Services.

17 B. The State Purchasing Director may enter into or award
18 contracts that provide a contract management fee, levy or rebate to
19 the ~~Office of Management and Enterprise Services~~ Oklahoma Central
20 Purchasing Department. The State Purchasing Director shall ensure
21 that a contract that provides a management fee, levy or rebate
22 provides value to acquiring agencies exceeding open market
23 acquisition costs.
24

1 SECTION 12. AMENDATORY 74 O.S. 2021, Section 85.41A, is
2 amended to read as follows:

3 Section 85.41A. A. Emergency acquisitions shall be made in
4 compliance with Section 85.39 of Title 74 of the Oklahoma Statutes
5 regarding internal purchasing procedures, Section 85.5a of Title 74
6 of the Oklahoma Statutes regarding the purchasing card program and
7 applicable rules but are not subject to other provisions of the
8 Oklahoma Central Purchasing Act. The following are emergency
9 acquisitions:

10 1. An acquisition declared as an emergency by a state agency;

11 2. An acquisition to alleviate a serious environmental
12 emergency if, upon receiving a request from the Chair of the
13 Corporation Commission and after having examined the facts and
14 circumstances of the case, the Governor certifies in writing the
15 existence of a serious environmental emergency. For the purposes of
16 this subsection, "serious environmental emergency" means a situation
17 within the jurisdiction of the Commission:

18 a. in which serious damage to the environment will
19 quickly occur if immediate action is not taken and the
20 damage will be so significant that the urgent need for
21 action outweighs the need for competitive bids, or

22 b. a situation in which human life or safety is in
23 imminent danger or significant property interests are
24 threatened with imminent destruction;

1 3. An acquisition of livestock through a market agency, dealer,
2 commission house or livestock auction market bonded or licensed
3 under federal or state law for the acquisition or collection of
4 semen or embryos, and for the placement of embryos into recipient
5 livestock;

6 4. An acquisition by a state agency pursuant to a contract with
7 the United States Army Corps of Engineers for emergency response or
8 to protect the public health, safety or welfare;

9 5. An acquisition declared by the Office of Management and
10 Enterprise Services (OMES) Risk Management Administrator pursuant to
11 Section 85.58A of Title 74 of the Oklahoma Statutes; or

12 6. A condition certified by the Governor as an emergency.

13 B. Notwithstanding a state agency's exemption from requisition
14 and competitive bidding requirements, a state agency making an
15 emergency acquisition shall timely provide the Oklahoma Central
16 Purchasing Division within OMES Department all information required
17 by the State Purchasing Director.

18 SECTION 13. AMENDATORY 74 O.S. 2021, Section 85.44D.1,
19 is amended to read as follows:

20 Section 85.44D.1. A. 1. A sole source acquisition is exempt
21 from competitive bidding procedures as a sole source or requirements
22 of ~~this act~~ the Oklahoma Central Purchasing Act, but a sole brand
23 acquisition is subject to such competitive bidding requirements.
24

1 2. For each sole source or sole brand acquisition, the state
2 agency shall retain in the state agency's acquisition file and
3 attach to the requisition, a certification signed by the chief
4 administrative officer of the state agency, in the following form:

5 SOLE SOURCE OR SOLE BRAND ACQUISITION

6 CERTIFICATION

7 STATE AGENCY _____

8 SUPPLIER NAME _____

9 SUPPLIER ADDRESS _____

10 SUPPLIER CONTACT INFORMATION _____

11 In connection with the attached requisition or contract, I
12 hereby affirm that

13 (Name of Supplier)

14 is the only business entity singularly qualified to provide the
15 acquisition, or is the only brand satisfying the acquisition
16 requirements, for the following reasons:

17 _____
18 _____
19 _____
20 _____
21 _____

22 The following is a brief description of all efforts made to
23 verify that the acquisition qualifies as a sole source or sole brand
24 acquisition:

1 _____
2 _____
3 _____
4 _____
5 _____

6 I understand that the signing of this certification knowing such
7 information to be false may result in forfeiture of my position and
8 ineligibility for appointment to or employment in state service for
9 a period of five (5) years following forfeiture of position.

10 _____

11 (Chief administrative officer)

12 3. A court order requiring a particular acquisition, but which
13 does not specify a brand or supplier shall not substitute for the
14 certification required by this section or otherwise invalidate
15 acquisition procedures required by the Oklahoma Central Purchasing
16 Act.

17 4. Upon a determination by the ~~Director of the Office of~~
18 ~~Management and Enterprise Services~~ State Purchasing Director that
19 there are reasonable grounds to believe that a violation of this
20 section has occurred, the State Purchasing Director shall send
21 findings to the Attorney General that support the determination.
22 The Attorney General shall review the findings and determine whether
23 to investigate or prosecute the person.

1 5. Prior to approving a requisition for a sole source or sole
2 brand acquisition, the Oklahoma Central Purchasing ~~Division~~
3 Department shall require the signed certification documenting the
4 need for a sole source or sole brand acquisition and shall retain
5 the certification in accordance with state record retention
6 requirements.

7 6. For a sole source or sole brand acquisitions exceeding the
8 fair and reasonable acquisition threshold amount and not requiring
9 submission of a requisition to the Oklahoma Central Purchasing
10 ~~Division~~ Department, the state agency's certified procurement
11 officer shall retain, in the acquisition file, the signed
12 certification documenting the need for the sole source or sole brand
13 acquisition in accordance with state record retention requirements.

14 B. By the fifteenth day of each month, or the first working day
15 thereafter, the ~~Office of Management and Enterprise Services~~
16 Oklahoma Central Purchasing Department shall electronically provide
17 a report to:

18 1. The Speaker of the House of Representatives and the
19 President Pro Tempore of the Senate; and

20 2. Any member of the Legislature requesting the report.

21 The report shall detail sole source and sole brand acquisitions
22 by state agencies for the month prior to the month preceding the
23 submission of the report. The report shall be titled "Monthly Sole
24 Source and Sole Brand Contracting Report of Oklahoma State Agencies"

1 and indicate the time period of the report. The report shall be
2 provided by the ~~Director of the Office of Management and Enterprise~~
3 ~~Services~~ State Purchasing Director of the Oklahoma Central
4 Purchasing Department or the Director's designee. The report shall
5 be in columnar database format and shall include at least the
6 following fields of information: state agency number; state agency
7 name; date created by the ~~Office of Management and Enterprise~~
8 ~~Services~~ Oklahoma Central Purchasing Department for the requisition;
9 date of either approval or disapproval of the requisition; if
10 disapproved, the reason why such contract requisition was
11 disapproved; estimated amount of the requisition acquisition;
12 purchase order amount; purchase order number; actual business name
13 of supplier; supplier federal employer identification number; and
14 the commodity classification listing at the appropriate level to
15 distinguish between similar acquisitions. Information required by
16 this subsection shall be reported and maintained on each report
17 through the next reporting period after an acquisition is made. The
18 applicable data in the fields of information specified in this
19 subsection shall be listed even if the state agency requisition is
20 disapproved.

21 SECTION 14. AMENDATORY 74 O.S. 2021, Section 85.44E, is
22 amended to read as follows:

23 Section 85.44E. A. Disabled Veteran Businesses. As used in
24 this section:

1 1. "Service-disabled veteran" means any individual that is
2 disabled as certified by the appropriate federal agency responsible
3 for the administration of veterans' affairs; and

4 2. "Service-disabled veteran business" means a business:

- 5 a. not less than fifty-one percent (51%) of which is
6 owned by one or more service-disabled veterans or, in
7 the case of any publicly owned business, not less than
8 fifty-one percent (51%) of the stock of which is owned
9 by one or more service-disabled veterans, and
10 b. the management and daily business operations of which
11 are controlled by one or more service-disabled
12 veterans.

13 B. In awarding contracts for the performance of any job or
14 service, all agencies, departments, institutions and other entities
15 of this state and of each political subdivision of this state shall
16 give a three-percentage point bonus preference to service-disabled
17 veteran businesses doing business as Oklahoma firms, corporations or
18 individuals, or which maintain Oklahoma offices or places of
19 business.

20 C. In implementing the provisions of subsection B of this
21 section, the following shall apply:

22 1. The State Purchasing Director of the ~~Office of Management~~
23 ~~and Enterprise Services~~ Oklahoma Central Purchasing Department shall

1 have the goal of three percent (3%) of all such contracts described
2 in subsection B of this section to be awarded to such veterans; and

3 2. If an insufficient number of such veterans doing business in
4 this state submit a bid or proposal for a contract by an agency,
5 department, institution or other entity of the state or a political
6 subdivision, such goal shall not be required and the provisions of
7 paragraph 1 of this subsection shall not apply.

8 D. The State Purchasing Director of the ~~Office of Management~~
9 ~~and Enterprise Services~~ Oklahoma Central Purchasing Department may
10 promulgate rules in order to implement the provisions of this
11 section.

12 SECTION 15. AMENDATORY 74 O.S. 2021, Section 85.45j.11,
13 is amended to read as follows:

14 Section 85.45j.11. A. There is hereby created the "Oklahoma
15 Supplier Diversity Initiative", which shall be a state-sponsored
16 supplier diversity program to provide a resource for state agencies
17 and private businesses to utilize diverse firms in procurement
18 opportunities to encourage growth in the economy of the state. The
19 program shall provide convenience for qualified and certified small
20 business enterprises and minority business enterprises in
21 contracting projects in underserved areas.

22 B. The program shall allow diverse business enterprises to
23 register with the ~~Office of Management and Enterprise Services~~
24 Oklahoma Central Purchasing Department and allow registered vendors

1 to be automatically notified of opportunities to do business with
2 the state for specific commodities. The program shall provide for
3 simplified vendor registration processes.

4 C. The program shall authorize the Oklahoma Department of
5 Commerce to develop a diversity certification program to qualify and
6 certify diverse business enterprises for the state.

7 D. To qualify for the program, businesses shall have less than
8 five hundred total employees, an annual revenue equal to or less
9 than Twenty-five Million Dollars (\$25,000,000.00) and be certified
10 as one of the following:

11 1. ~~An Oklahoma~~ A Department of Transportation Disadvantaged
12 Business Enterprise;

13 2. Any of the following entities certified by the United States
14 Small Business Administration:

- 15 a. Woman-Owned Small Business,
- 16 b. Minority-Business Enterprise,
- 17 c. Small Disadvantaged Business,
- 18 d. Service-disabled Veteran-Owned Small Business,
- 19 e. HUBZone Small Business Concern, and
- 20 f. 8(a) Business Development Program;

21 3. A Native American-owned Business; or

22 4. A Veteran-owned Business.

23 E. The Oklahoma ~~Central Purchasing Division of the Office of~~
24 ~~Management and Enterprise Services~~ Department shall:

1 1. Amend the vendor registration process to require diversity
2 certification check off and size standard information; and

3 2. Create a search tool for all state agencies and public or
4 private entities to utilize to obtain contact information for
5 diverse firms for the purpose of promoting procurement opportunities
6 within the state.

7 F. On or before September 1 of each year, the State Purchasing
8 Director shall electronically submit a report to the Governor, the
9 Speaker of the House of Representatives and the President Pro
10 Tempore of the Senate on the status of the percentile of state funds
11 expended on contracts awarded to a certified ~~Oklahoma~~ Department of
12 Transportation Disadvantaged Business Enterprise and all of the
13 entities certified by the United States Small Business
14 Administration mentioned in subsection D of this section in the
15 preceding fiscal year. The report may include related economic
16 impacts when applicable. The report, statistics or other
17 information concerning the participation in the program shall be
18 retained by the ~~Office of Management and Enterprise Services~~
19 Oklahoma Central Purchasing Department.

20 G. The Oklahoma Department of Commerce shall promulgate rules
21 to create and administer the Oklahoma Supplier Diversity Initiative.

22 SECTION 16. AMENDATORY 74 O.S. 2021, Section 85.45k, is
23 amended to read as follows:
24

1 Section 85.45k. A. There is hereby created the State Travel
2 Office within the Oklahoma Central Purchasing ~~Division of the Office~~
3 ~~of Management and Enterprise Services~~ Department.

4 B. All state agencies and departments of this state may make
5 arrangements for all air travel on scheduled commercial airlines for
6 state employees required to travel in the course of their official
7 duties and for all other persons traveling at state expense through
8 the State Travel Office, except when the state agency determines
9 that:

10 1. The air travel services can be secured at a cost less than
11 that which can be secured by the State Travel Office; ~~or~~

12 2. The air travel originates from a location outside the state
13 and it would be impractical to arrange for the air travel through
14 the State Travel Office; ~~or~~

15 3. The air travel is necessitated by an emergency and time does
16 not permit utilization of the State Travel Office's services; or

17 4. The air travel is part of a package arrangement made by the
18 organization scheduling the meeting or conference.

19 C. All claims made for reimbursement shall contain a statement
20 showing the reason for the exemption.

21 D. The State Travel Office shall promulgate rules and contract
22 specifications to which the contract travel agencies shall be
23 subject. The rules and specifications shall be drawn with the
24

1 intent of obtaining the lowest available fares for scheduled
2 commercial air travel.

3 E. At the end of each month the contract travel agencies shall
4 furnish a statement, if requested, in a form approved by the State
5 Travel Office, showing certain details of all travel arrangements
6 handled to each state agency for which the contract travel agencies
7 have furnished their services and shall also furnish copies of the
8 statements to the State Travel Office.

9 SECTION 17. AMENDATORY 74 O.S. 2021, Section 85.451, is
10 amended to read as follows:

11 Section 85.451. A. Each state agency, board, commission or
12 other entity organized within the executive department of state
13 government shall use the Trip Optimizer system of the ~~Office of~~
14 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
15 Department in computing the optimum method and cost for travel by
16 state employees using a motor vehicle where the travel will exceed
17 one hundred (100) miles per day and the employee is not driving a
18 state-owned or -leased dedicated vehicle. For purposes of this
19 section, "dedicated vehicle" means a vehicle that has been assigned
20 to the employee.

21 B. The provisions of this section shall be used to determine
22 the most cost-effective method of travel by motor vehicles, whether
23 such vehicles are owned by the agency, leased by the agency or by
24 the employee, and shall be applicable for purposes of determining

1 the maximum authorized amount of any travel reimbursement for
2 employees of such agencies related to vehicle usage.

3 C. A nonappropriated state agency, that employs persons who use
4 personal vehicles as part of their regular duties and who are
5 reimbursed for travel expenses by the agency shall not be required
6 to utilize the Trip Optimizer system with regard to the travel
7 expenses of such employees. As used in this section,
8 "nonappropriated state agency" means an entity within the executive
9 branch of government that does not receive any of its funding
10 through the annual legislative appropriations process.

11 D. The maximum authorized amount of travel reimbursement
12 related to vehicle usage shall be the lowest cost option as
13 determined by the Trip Optimizer system. All travel claims
14 submitted for reimbursement shall include the results of the Trip
15 Optimizer system indicating the lowest cost option for travel by the
16 state employee.

17 E. State employees may be exempt from the reimbursement
18 requirements of the Trip Optimizer system, provided the state
19 employees utilize a personally owned vehicle and seek reimbursement
20 according to the schedule referenced in subsection F of this
21 section.

22 F. ~~The Office of Management and Enterprise Services~~ Oklahoma
23 Central Purchasing Department shall publish a schedule of
24 reimbursement rates for state employee travel. The schedule may

1 apply to exemptions claimed under subsection E of this section. The
2 schedule may categorize reimbursement rates by type of vehicle and
3 shall not exceed standard mileage reimbursement rates as established
4 by the Internal Revenue Service.

5 G. In providing a calculation of rates, the Trip Optimizer
6 system shall account for the distance that an employee must travel
7 to pick up a rental or state fleet vehicle.

8 H. In providing a calculation of rates, the Trip Optimizer
9 system shall account for the long-term rate discounts offered
10 through the state's purchasing contract for vehicle rentals.

11 SECTION 18. AMENDATORY 74 O.S. 2021, Section 85.45s, is
12 amended to read as follows:

13 Section 85.45s. The State Purchasing Director of the ~~Office of~~
14 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
15 Department shall promulgate rules to implement the Oklahoma Online
16 Bidding Act.

17 SECTION 19. AMENDATORY 74 O.S. 2021, Section 85.47a, is
18 amended to read as follows:

19 Section 85.47a. 1. "Administrator" means the Small Business
20 Surety Bond Guaranty Program Administrator;

21 2. "Fund" means the Small Business Surety Bond Guaranty Fund;

22 3. "Indemnity fund" means a fund established through the ~~Office~~
23 ~~of Management and Enterprise Services~~ Oklahoma Central Purchasing
24

1 Department to underwrite the Small Business Surety Bond Guaranty
2 Program;

3 4. "Principal" means a small business entity as defined
4 pursuant to Section 3 of the Small Business Act, 16 U.S.C. Section
5 632;

6 5. "Program" means the Small Business Surety Bond Guaranty
7 Program; and

8 6. "Surety" means a corporation granted authority by the
9 Insurance Commissioner to write bonds or insurance in this state
10 guaranteeing the performance of contracts.

11 SECTION 20. AMENDATORY 74 O.S. 2021, Section 85.47b, is
12 amended to read as follows:

13 Section 85.47b. The Administrator shall be authorized to:

14 1. Use the services of other governmental agencies and public
15 trusts which are necessary to carry out the provisions of ~~this act~~
16 the Oklahoma Small Business Surety Bond Guaranty Program Act;

17 2. Contract for and accept, for use in carrying out the
18 provisions of this program, loans and grants from the federal
19 government and any of its agencies and instrumentalities and from
20 public trusts;

21 3. Acquire, manage, operate, dispose of, or otherwise deal with
22 property, take assignments of rentals and leases, and make
23 contracts, leases, agreements and arrangements that are necessary or
24 incidental to the performance of his duties;

1 4. Prescribe or approve the form of and terms and conditions in
2 applications, guarantee agreements or any other documents entered
3 into by the Administrator, principals or sureties in connection with
4 the program;

5 5. Acquire or take assignments of documents executed, obtained
6 or delivered in connection with any assistance provided under this
7 program; and

8 6. Fix, determine, charge and collect any premiums and fees
9 pursuant to rules promulgated by the State Purchasing Director of
10 the ~~Office of Management and Enterprise Services~~ Oklahoma Central
11 Purchasing Department.

12 SECTION 21. AMENDATORY 74 O.S. 2021, Section 85.47c, is
13 amended to read as follows:

14 Section 85.47c. A. There is hereby created in the State
15 Treasury a revolving fund for the Small Business Surety Bond
16 Guaranty Program to be designated the "Small Business Surety Bond
17 Guaranty Fund". The fund shall be a continuing fund, not subject to
18 fiscal year limitations and shall consist of:

19 1. Premiums, fees, and any other amounts received with respect
20 to bonding assistance provided under this program;

21 2. Proceeds from the sale, lease, or other disposition of
22 property or contracts held or acquired by the ~~Office of Management~~
23 ~~and Enterprise Services~~ Oklahoma Central Purchasing Department
24 pursuant to this program;

1 3. Income from investments that the State Treasurer makes from
2 monies in the fund; and

3 4. Any other monies made available under this program.

4 B. The fund shall be used:

5 1. For the purposes provided for in this program; and

6 2. To pay part or all of the expenses of administering the
7 program.

8 C. All monies accruing to the credit of the fund shall be
9 deposited with the State Treasurer and invested and reinvested in
10 the same manner as other state funds, and any investment earnings
11 shall be paid into the fund. All monies accruing to the credit of
12 the fund are hereby appropriated and may be budgeted and expended
13 for the purposes provided in subsection B of this section.
14 Expenditures from said fund shall be made upon warrants issued by
15 the State Treasurer against claims filed as prescribed by law with
16 the Director of the Office of Management and Enterprise Services for
17 approval and payment.

18 SECTION 22. AMENDATORY 74 O.S. 2021, Section 85.47d, is
19 amended to read as follows:

20 Section 85.47d. A. Subject to the restrictions of the Oklahoma
21 Small Business Surety Bond Guaranty Program Act, the Administrator,
22 on application, may guarantee any surety which qualifies pursuant to
23 ~~this act~~ the Oklahoma Small Business Surety Bond Guaranty Program
24 Act for any losses incurred as a result of a principal's breach of a

1 bid bond, a payment bond, a defect or maintenance bond, or a
2 performance bond required for a public construction contract for the
3 state, federal agencies and political subdivisions of ~~the State of~~
4 ~~Oklahoma~~ this state. Provided, the guaranty shall not be extended
5 to any bond with a face value in excess of Two Hundred Fifty
6 Thousand Dollars (\$250,000.00), nor shall the total face value of
7 the bonds to which the guaranty is extended for any one principal
8 exceed Five Hundred Thousand Dollars (\$500,000.00). Provided
9 further, the guaranty shall not be granted to an issuer of a letter
10 of credit used in lieu of said bonds.

11 B. The terms of a guaranty under the Oklahoma Small Business
12 Surety Bond Guaranty Program Act shall not exceed the terms of the
13 contract for which bonding is obtained.

14 C. ~~The Office of Management and Enterprise Services~~ Oklahoma
15 Central Purchasing Department shall establish an indemnity fund for
16 this program using a public trust or other entity capable of
17 creating a fund which is not subject to the constitutional
18 prohibitions of Sections 15 and 23 of Article X of the Oklahoma
19 Constitution.

20 SECTION 23. AMENDATORY 74 O.S. 2021, Section 85.47f, is
21 amended to read as follows:

22 Section 85.47f. A. The Administrator may set reasonable
23 premiums and fees, not to exceed limits established by rules
24 promulgated by the State Purchasing Director of the ~~Office of~~

1 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
2 Department, to be paid for the purpose of providing bonding
3 assistance under this program.

4 B. The premiums and fees set by the Administrator shall be
5 payable in the amounts, at the time and in the manner that the
6 Administrator requires.

7 C. The premiums and fees need not be uniform among
8 transactions, and may vary in amount:

9 1. Among transactions; and

10 2. At different stages during the terms of transactions.

11 SECTION 24. AMENDATORY 74 O.S. 2021, Section 85.47g, is
12 amended to read as follows:

13 Section 85.47g. The Small Business Surety Bond Guaranty Program
14 shall be a program of the ~~Office of Management and Enterprise~~
15 ~~Services~~ Oklahoma Central Purchasing Department. The State
16 Purchasing Director of the ~~Office of Management and Enterprise~~
17 ~~Services~~ Oklahoma Central Purchasing Department is authorized to
18 hire a Small Business Surety Bond Guaranty Program Administrator to
19 administer the Small Business Surety Bond Guaranty Program. The
20 Administrator shall hold a bachelor's degree or higher degree in
21 business, accounting, mathematics, economics or engineering and
22 shall have previous experience as a surety underwriter. The
23 Administrator shall be in the unclassified service of this state.
24

1 SECTION 25. AMENDATORY 74 O.S. 2021, Section 85.47i, is
2 amended to read as follows:

3 Section 85.47i. The State Purchasing Director of the ~~Office of~~
4 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
5 Department shall promulgate and adopt rules necessary to carry out
6 the provisions of the Oklahoma Small Business Surety Bond Guaranty
7 Program Act.

8 SECTION 26. AMENDATORY 74 O.S. 2021, Section 85.51, is
9 amended to read as follows:

10 Section 85.51. As used in the Oklahoma State Recycling and
11 Recycled Materials Procurement Act:

12 1. ~~"Office"~~ "Department" means the ~~Office of Management and~~
13 ~~Enterprise Services~~ Oklahoma Central Purchasing Department;

14 2. "Paper recycling" means the processing of scrap paper or
15 other such recoverable waste paper into reusable products. Such
16 collection and recycling of recoverable waste paper shall be done in
17 an environmentally acceptable manner;

18 3. "State public entity" means the State Legislature, any
19 bureau, agency, board, commission, or authority of the state, the
20 office of the Governor, the judiciary, or any state university,
21 school district, or county of the state which is supported in whole
22 or in part by state funds;

23 4. "Recoverable waste paper" generated by businesses or
24 consumers, which has served its intended use and has been separated

1 from solid waste for purposes of collection and recycling, shall
2 include, but is not limited to, such paper as computer cards,
3 computer print-out papers, copy paper, white office papers, colored
4 office papers, corrugated boxes, newspapers, envelope coatings,
5 bindery trimmings, printing scrap and butt rolls. Mill broke
6 repulped internally within a paper manufacturing facility shall not
7 be considered recoverable waste paper;

8 5. "Director" means the State Purchasing Director of the ~~Office~~
9 ~~of Management and Enterprise Services~~ Oklahoma Central Purchasing
10 Department;

11 6. ~~"Division" means the Purchasing Division of the Office of~~
12 ~~Management and Enterprise Services;~~

13 ~~7.~~ "Recycled paper products" means all paper products
14 manufactured from recoverable waste paper with not less than ten
15 percent (10%) of their total weight consisting of waste paper;
16

17 ~~8.~~ 7. "Products manufactured with recycled materials" means
18 products that contain at least a minimum percentage of specified
19 materials recovered from the recycling of post-consumer products as
20 defined in rules and regulations promulgated by the ~~Division~~
Department;

21 ~~9.~~ 8. "Recyclable materials" means materials or products which
22 are capable of being recycled, including but not limited to paper,
23 glass, plastics, metals, automobile oil, and batteries. Refuse-

1 derived fuel or other material that is destroyed by incineration is
2 not a recyclable material; and

3 ~~10.~~ 9. "Uncoated" means not coated with plastic, clay, or other
4 material used to create a glossy finish.

5 SECTION 27. AMENDATORY 74 O.S. 2021, Section 85.52, is
6 amended to read as follows:

7 Section 85.52. A. It is the intent of the Legislature that all
8 state public entities comply with the provisions of the Oklahoma
9 State Recycling and Recycled Materials Procurement Act. All
10 political subdivisions of this state are encouraged to collect and
11 recycle recoverable waste paper and recyclable materials to the
12 greatest extent possible. ~~The Office of Management and Enterprise~~
13 ~~Services~~ Oklahoma Central Purchasing Department shall coordinate
14 recycling efforts among the state public entities. The State
15 Purchasing Director of the ~~Office of Management and Enterprise~~
16 ~~Services~~ Oklahoma Central Purchasing Department shall adopt such
17 rules, regulations, and orders as are necessary for the
18 implementation of the Oklahoma State Recycling and Recycled
19 Materials Procurement Act. The rules and regulations at a minimum
20 shall establish procedures for:

21 1. The identification, handling, hauling, storing, safety
22 factors, and disposition of recoverable waste paper and recyclable
23 materials;

1 2. The separation of recoverable waste paper and recyclable
2 materials from solid waste generated by state public entities;

3 3. A system for the collection of recoverable waste paper and
4 recyclable materials from solid waste generated by state public
5 entities;

6 4. Assuring that the recoverable waste paper and recyclable
7 materials are made available to private industries for collection
8 and recycling at the greatest economic value and to the greatest
9 extent feasible. The ~~Office~~ Department may execute multiple
10 contracts as necessary for purposes including but not limited to
11 serving other government entities and different geographic areas of
12 the state. In addition to the preference provisions of Section
13 85.53 of this title, rules and regulations governing availability of
14 recyclable materials shall give preference to private recyclable
15 materials industries that operate in Oklahoma, and that will employ
16 residents of the state to handle, transport and sort such materials;

17 5. The purchase of uncoated office paper and printed paper
18 whenever practicable; and

19 6. Separating for the purpose of recycling all recyclable
20 materials including but not limited to lead acid batteries, waste
21 oil and major appliances that are generated as solid waste by state
22 public entities.

1 B. All state public entities shall comply with the procedures
2 and systems established pursuant to the Oklahoma State Recycling and
3 Recycled Materials Procurement Act.

4 C. 1. The State Purchasing Director may exempt any single
5 activity or facility of any state public entity from compliance with
6 rules promulgated pursuant to the Oklahoma State Recycling and
7 Recycled Materials Procurement Act if the State Purchasing Director
8 determines there is a lack of market availability or that it is not
9 economically feasible to follow and comply with the procedures and
10 systems established by the State Purchasing Director.

11 2. The exemption shall be for a period not in excess of one (1)
12 year, but additional exemptions may be granted for periods not to
13 exceed one (1) year.

14 3. The State Purchasing Director shall make public all
15 exemptions together with the reasons for granting such exemptions.

16 SECTION 28. AMENDATORY 74 O.S. 2021, Section 85.53, is
17 amended to read as follows:

18 Section 85.53. A. It is the intent of the Legislature that all
19 state public entities procure products or materials with the
20 recycled content levels required or specified by rules promulgated
21 pursuant to the provisions of this section when such products or
22 materials are available.

23 B. By July 1, 1993, the ~~Division~~ Oklahoma Central Purchasing
24 Department when accepting bids for state purchases of supplies,

1 equipment and materials shall give preference to the suppliers of
2 paper products or products manufactured with recycled materials if:

3 1. The price for recycled products and materials is not
4 substantially higher than the price for nonrecycled products and
5 materials. ~~The Office of Management and Enterprise Services~~
6 Oklahoma Central Purchasing Department shall establish by rule the
7 annual percentage over and above the price of nonrecycled products
8 and materials which will be allowed for the purchase of recycled
9 products and materials; and

10 2. The quality and grade requirements are otherwise comparable.

11 C. By July 1, 1993, any state public entity not subject to ~~The~~
12 the Oklahoma Central Purchasing Act when accepting bids for
13 purchases of supplies, equipment and materials, shall give
14 preference to the suppliers of recycled paper products and products
15 manufactured from recycled materials if:

16 1. The price for recycled products and materials is not
17 substantially higher than the price for nonrecycled products and
18 materials. The price paid for recycled products and materials shall
19 not exceed the percentage over the price for nonrecycled products
20 and materials established by the ~~Office~~ Department; and

21 2. The quality and grade requirements are otherwise comparable.

22 D. ~~The Purchasing Division~~ Department and any state public
23 entity not subject to ~~The~~ the Oklahoma Central Purchasing Act shall
24 ensure, to the greatest extent economically practical and possible,

1 that the recycled or recovered content of all paper purchased by the
2 ~~Division~~ Department or agency, measured as a proportion, by weight,
3 of paper products purchased in a calendar year, is not less than the
4 following:

5 1. By 1995, ten percent (10%) of all purchased paper;

6 2. By 1997, twenty-five percent (25%) of all purchased paper;

7 and

8 3. By 1999, forty percent (40%) of all purchased paper.

9 E. 1. By July 1, 1993, the ~~Division~~ Department shall
10 promulgate rules and implement a program for extending state
11 procurement specifications to products manufactured with recycled
12 materials and identifying recycled products.

13 2. By July 1, 1993, any state public entity not subject to ~~The~~
14 the Oklahoma Central Purchasing Act shall implement a program for
15 extending agency procurement specifications to products manufactured
16 with recycled materials.

17 F. In writing specifications under this section, the ~~Office~~
18 Department and any other state public entity shall incorporate
19 requirements relating to the recyclability and ultimate disposition
20 of products and, wherever possible, shall write the specifications
21 so as to minimize the amount of solid waste generated by the state.
22 All specifications under this section shall discourage the purchase
23 of single-use, disposable products and require, whenever practical,
24 the purchase of multiple-use, durable products.

1 G. For materials that are not otherwise recycled, the ~~Division~~
2 Department and each state public entity not subject to ~~The the~~
3 Oklahoma Central Purchasing Act shall, to the extent practicable,
4 enter into agreements to purchase products made from recyclable
5 materials from vendors who agree to purchase like materials
6 separated from solid waste generated by the state for reuse or use
7 as a raw material in manufacturing.

8 SECTION 29. AMENDATORY 74 O.S. 2021, Section 85.54, is
9 amended to read as follows:

10 Section 85.54. A. The Oklahoma Central Purchasing ~~Division~~
11 Department shall review the procurement specifications currently
12 used by ~~the Office of Management and Enterprise Services the~~
13 Department in order to eliminate, wherever economically feasible,
14 discrimination against the procurement of recycled paper and other
15 products manufactured with recycled materials.

16 B. The ~~Division~~ Department shall establish purchasing practices
17 which, to the maximum extent economically feasible, assure purchase
18 of recycled paper products.

19 C. The State Purchasing Director ~~of the Office of Management~~
20 ~~and Enterprise Services~~ shall review and incorporate, where
21 appropriate, guidelines published in the Federal Register.

22 D. The State Purchasing Director shall promulgate rules to
23 encourage recycling and conservation of purchased products.
24

1 SECTION 30. AMENDATORY 74 O.S. 2021, Section 85.55, is
2 amended to read as follows:

3 Section 85.55. A. Each state public entity whether or not
4 subject to the Oklahoma Central Purchasing Act shall:

5 1. Be subject to the rules promulgated by the Oklahoma Central
6 Purchasing ~~Division~~ Department regarding the purchase of recycled
7 products;

8 2. Establish management practices in accordance with the
9 provisions of the Oklahoma State Recycling and Recycled Materials
10 Procurement Act; and

11 3. ~~Report~~ Electronically report by November 1 of each year to
12 the State Purchasing Director of Oklahoma Central ~~Services~~
13 Purchasing Department the following:

- 14 a. the total amount of waste paper and other recyclable
15 materials sold during the previous fiscal year,
16 b. the amount of procured recycled paper products and
17 other products manufactured with recycled materials,
18 and
19 c. the total amount of monies collected and expended to
20 implement the Oklahoma State Recycling and Recycled
21 Materials Procurement Act.

22 B. It is the intention of the Legislature that all state public
23 entities and other governmental subdivisions of this state
24 aggressively pursue procurement practices that encourage solid waste

1 reduction and development of markets for recyclable materials and
2 compost and shall, whenever practical, procure products containing
3 recycled materials.

4 SECTION 31. AMENDATORY 74 O.S. 2021, Section 85.55a, is
5 amended to read as follows:

6 Section 85.55a. A. ~~The Office of Management and Enterprise~~
7 ~~Services~~ Oklahoma Central Purchasing Department shall maintain a
8 clearinghouse of information regarding products made from recycled
9 paper products and products manufactured with recycled materials for
10 purchase by state public entities. The clearinghouse shall include
11 information concerning the availability, price and quality of
12 products made from recycled paper products and products manufactured
13 with recycled materials. The clearinghouse shall also include
14 information concerning vendors and other persons willing to purchase
15 recyclable materials from state public entities. The ~~Office~~
16 Department shall develop a mechanism to make this information
17 available to all state public entities.

18 B. The ~~Office~~ Department may enter into agreements with
19 purchasing agents of any other state, local governments, or the
20 federal government under which any of the parties may agree to
21 participate in, administer, sponsor or conduct purchasing
22 transactions under a joint contract for the purchase of materials,
23 supplies, equipment, permanent personal property, miscellaneous
24

1 capital or contractual services consistent with ~~this act~~ Section
2 85.51 through 85.55a of this title.

3 C. The ~~Office~~ Department may cooperate with purchasing agents
4 and other interested parties of any other state, local governments,
5 or the federal government to develop uniform purchasing
6 specifications on a regional or national level to facilitate
7 cooperative interstate purchasing transactions.

8 SECTION 32. AMENDATORY 74 O.S. 2021, Section 85.56, is
9 amended to read as follows:

10 Section 85.56. A. There is hereby created in the State
11 Treasury a revolving fund for the ~~Office of Management and~~
12 ~~Enterprise Services~~ Oklahoma Central Purchasing Department, to be
13 designated the "State Recycling Revolving Fund". The fund shall be
14 administered in accordance with standard revolving fund procedures.
15 The ~~Office~~ Department shall direct to the State Recycling Revolving
16 Fund any federal or private grants which may qualify. The ~~Office~~
17 Department shall have the authority to expend monies from the fund
18 for the purpose of implementing the Oklahoma State Recycling and
19 Recycled Materials Procurement Act and to defray expenses the ~~Office~~
20 Department incurs to support recycling operations.

21 B. Revenues received from the sale of waste materials which can
22 be recycled through any recycling programs operated by the ~~Office~~
23 Department shall be used to implement the Oklahoma State Recycling
24

1 and Recycled Materials Procurement Act and to defray expenses the
2 ~~Office~~ Department incurs to support recycling operations.

3 SECTION 33. AMENDATORY 74 O.S. 2021, Section 85.58A, is
4 amended to read as follows:

5 Section 85.58A. A. ~~The Office of Management and Enterprise~~
6 ~~Services (OMES)~~ Oklahoma Central Purchasing Department shall
7 establish for all state agencies, whether or not subject to the
8 Oklahoma Central Purchasing Act, and other entities as provided by
9 law a comprehensive professional risk management program which
10 shall:

11 1. Identify and evaluate risks of loss and exposures to loss to
12 officers, employees and properties;

13 2. Minimize risks through loss-prevention and loss-control
14 programs;

15 3. Transfer risks, if economically advantageous to the state,
16 by acquiring commercial insurance, contractual pass through of
17 liability, or by other means;

18 4. Consolidate and administer risk management plans and
19 programs including self-insurance programs, except ~~State~~ the
20 Oklahoma Employees Group Insurance Plan;

21 5. Determine feasibility of and, if feasible, establish self-
22 insurance programs, considering whether a program may be self-
23 supporting to remain financially and actuarially sound;

1 6. Provide a system to allocate insurance and program costs to
2 determine payment for insurance coverage and program expenses
3 provided by the ~~Office of Management and Enterprise Services~~
4 Oklahoma Central Purchasing Department;

5 7. When requested by a state retirement system or the ~~State and~~
6 ~~Education~~ Oklahoma Employees ~~Group~~ Insurance and Benefits Board,
7 assist in obtaining insurance authorized by law. If requested by
8 the Oklahoma State Regents for Higher Education, assist trust funds
9 for which the State Regents serve as trustees in obtaining insurance
10 authorized by law;

11 8. Assist state agencies and officers, employees, and members
12 thereof, charged with licensing authority, in obtaining insurance
13 for liability for judgments, based on the licensing authority,
14 rendered by any court pursuant to federal law;

15 9. When requested by a public trust established pursuant to
16 Title 60 of the Oklahoma Statutes of which the State of Oklahoma is
17 the beneficiary, obtain, provide or assist the public trust in
18 obtaining insurance authorized by law or trust indenture covering
19 any board member, trustee, official, officer, employee or volunteer
20 for errors and omissions or liability risks arising from the
21 performance of official duties pursuant to law or trust indenture;

22 10. When requested by the Oklahoma State Regents for Higher
23 Education, for the purpose of insuring real property required
24 pursuant to Section 4018 of Title 70 of the Oklahoma Statutes, of

1 which the Oklahoma State Regents for Higher Education is the
2 beneficiary, obtain, provide or assist the Oklahoma State Regents
3 for Higher Education in obtaining insurance for the real property
4 pursuant to the provisions of this section; and

5 11. Authorize the Risk Management Administrator to declare an
6 emergency for the purpose of mitigating damages to any state-owned
7 property insured under the comprehensive professional risk
8 management program administered by ~~OMES~~ the Oklahoma Central
9 Purchasing Department.

10 B. The State Purchasing Director of the ~~Office of Management~~
11 ~~and Enterprise Services~~ Oklahoma Central Purchasing Department may
12 hire or contract for the services of a Risk Management Administrator
13 to supervise the ~~Comprehensive Professional Risk Management Program~~
14 comprehensive professional risk management program established
15 pursuant to this section. If appointed by the State Purchasing
16 Director as a state employee, the Risk Management Administrator
17 shall be in the unclassified service.

18 C. The Risk Management Administrator shall evaluate insurance
19 coverage needs and in force for state agencies, whether or not
20 subject to the Oklahoma Central Purchasing Act, and other entities
21 as provided by law. All entities shall submit to the Risk
22 Management Administrator all information which the Risk Management
23 Administrator deems necessary to perform this duty.

1 D. The Risk Management Administrator in conjunction with the
2 State Purchasing Director ~~under the authority of the Director of the~~
3 ~~Office of Management and Enterprise Services~~ may negotiate insurance
4 coverage and insurance-related services including, but not limited
5 to, insurance brokerage and consulting services. The State
6 Purchasing Director shall ensure open processes for solicitation and
7 qualification of insurance coverage and services providers. The
8 State Purchasing Director shall award contracts for insurance
9 coverage and services to the provider or providers which offer the
10 best and final terms and conditions. The State Purchasing Director
11 may authorize the Risk Management Administrator to bind for
12 insurance coverage with providers.

13 E. The school districts of this state may request the Risk
14 Management Administrator to advise for the purchase of insurance
15 coverage for the school districts.

16 F. A state agency, whether or not subject to the Oklahoma
17 Central Purchasing Act, that contemplates purchase of property and
18 casualty insurance, shall provide details of the proposed purchase
19 to the Risk Management Administrator for approval or disapproval
20 prior to the purchase.

21 G. The State Purchasing Director of the ~~Office of Management~~
22 ~~and Enterprise Services~~ Oklahoma Central Purchasing Department shall
23 promulgate rules to effect the provisions of the comprehensive
24 professional risk management program.

1 H. 1. a. Any community action agency established pursuant to
2 Sections 5035 through 5040 of this title may
3 participate in the comprehensive professional risk
4 management program established pursuant to this
5 section for risks incurred as a result of operating a
6 Head Start program or providing transportation
7 services to the public. The Risk Management
8 Administrator shall obtain or provide for insurance
9 coverage for such community action agencies or bonding
10 for employees of such community action agencies. Any
11 liability insurance coverage obtained or provided
12 shall include expenses for administrative and legal
13 services obtained or provided by the Risk Management
14 Administrator.

15 b. The Risk Management Administrator shall determine
16 criteria for participation in the risk management
17 program by such community action agencies. In
18 addition, the Risk Management Administrator may
19 require each such community action agency to:

20 (1) provide adequate qualified personnel and suitable
21 facilities and equipment for operating a Head
22 Start program or providing transportation
23 services to the public, and
24

1 (2) comply with such standards as are necessary for
2 the protection of the clients it serves.

3 2. To receive coverage pursuant to this section, a community
4 action agency shall make payments for any insurance coverage and
5 shall otherwise comply with the provisions of this section and rules
6 promulgated by the ~~Office~~ Department pursuant to the provisions of
7 this section.

8 3. Requests for the insurance coverage provided pursuant to the
9 provisions of this subsection shall be submitted in writing to the
10 Risk Management Administrator by the community action agencies.

11 I. The Risk Management Administrator may provide or obtain for
12 any state agency, public trust with the state as a beneficiary and a
13 director, officer, employee or member thereof, insurance for
14 liability for loss, including judgments, awards, settlements, costs
15 and legal expenses, resulting from violations of rights or
16 privileges secured by the Constitution or laws of the United States
17 of America which occur while a director, officer, employee or member
18 is acting within the scope of service to ~~the State of Oklahoma~~ this
19 state. The insurance shall be for coverage in excess of the limits
20 on liability established by The Governmental Tort Claims Act but
21 shall not limit or waive any immunities now or hereafter available
22 to ~~the State of Oklahoma~~ this state or any state agency, any public
23 trust with the state as a beneficiary, or any director, officer,
24 employee or member thereof including, but not limited to, any

1 immunities under the Eleventh Amendment to the Constitution of the
2 United States, state sovereign immunity, and any absolute or
3 qualified immunity held by any director, officer, employee or
4 member.

5 SECTION 34. AMENDATORY 74 O.S. 2021, Section 85.58D, is
6 amended to read as follows:

7 Section 85.58D. There is hereby created in the State Treasury a
8 revolving fund for the ~~Office of Management and Enterprise Services~~
9 Oklahoma Central Purchasing Department, to be designated the "Risk
10 Management Fire Protection Revolving Fund". The fund shall be a
11 continuing fund, not subject to fiscal year limitations, and shall
12 consist of any monies transferred thereto by an act of the
13 Legislature and any fees collected by the ~~Office of Management and~~
14 ~~Enterprise Services~~ Oklahoma Central Purchasing Department in
15 accordance with the provisions of Section 85.58B of this title. All
16 monies accruing to the credit of the fund are hereby appropriated
17 and may be budgeted and expended by the ~~Office of Management and~~
18 ~~Enterprise Services~~ Oklahoma Central Purchasing Department for the
19 purposes of the Comprehensive Professional Risk Management Program
20 provided for in Section 85.58A of this title, including the salaries
21 and administrative expenses of support staff responsible for
22 administering the fund and expenses the ~~Office~~ Department incurs to
23 support program operations. Expenditures from said fund shall be
24 made upon warrants issued by the State Treasurer against claims

1 filed as prescribed by law with the Director of the Office of
2 Management and Enterprise Services for approval and payment.

3 SECTION 35. AMENDATORY 74 O.S. 2021, Section 85.58G, is
4 amended to read as follows:

5 Section 85.58G. There is hereby created in the State Treasury a
6 revolving fund for the ~~Office of Management and Enterprise Services~~
7 Oklahoma Central Purchasing Department, to be designated the "Risk
8 Management Elderly and Handicapped Transportation Revolving Fund".

9 The fund shall be a continuing fund, not subject to fiscal year
10 limitations, and shall consist of any monies transferred thereto by
11 an act of the Legislature and any fees collected by the ~~Office of~~
12 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
13 Department in accordance with the provisions of Section 85.58E of
14 this title. All monies accruing to the credit of said fund are
15 hereby appropriated and may be budgeted and expended by the ~~Office~~
16 ~~of Management and Enterprise Services~~ Oklahoma Central Purchasing
17 Department for the purposes of the Comprehensive Professional Risk
18 Management Program provided for in Section 85.58A of this title,
19 including the salaries and administrative expenses of support staff
20 responsible for administering said fund and expenses the Department
21 incurs to support program operations. Expenditures from said fund
22 shall be made upon warrants issued by the State Treasurer against
23 claims filed as prescribed by law with the Director of the Office of
24 Management and Enterprise Services for approval and payment.

1 SECTION 36. AMENDATORY 74 O.S. 2021, Section 85.58H, as
2 amended by Section 240, Chapter 282, O.S.L. 2022 (74 O.S. Supp.
3 2023, Section 85.58H), is amended to read as follows:

4 Section 85.58H. A. Upon written certification by the State
5 Purchasing Director of the ~~Office of Management and Enterprise~~
6 ~~Services~~ Oklahoma Central Purchasing Department that errors and
7 omissions liability insurance for licensed operators and their
8 employees is not reasonably available in the private market at
9 competitive rates, after taking into account the administrative
10 costs associated with such insurance, the Risk Management
11 Administrator pursuant to Section 85.58A of this title may obtain or
12 provide limited indemnity coverage for licensed operators and the
13 employees who are employed by such licensed operators for any errors
14 and omissions liability risks arising from the performance of their
15 official duties pursuant to law. Any such certification by the
16 State Purchasing Director of the ~~Office of Management and Enterprise~~
17 ~~Services~~ Oklahoma Central Purchasing Department shall be effective
18 for a period of two (2) years. Any such limited indemnity coverage
19 shall be obtained or provided solely from funds available in the
20 shared risk pool authorized by this section and subject to the
21 limitations set out herein. The Risk Management Administrator shall
22 establish liability limits for such errors and omissions coverage on
23 an annual basis. Any such limits shall be based on the liquidity of
24 the shared risk pool resulting from the annual payments made

1 pursuant to subsection C of this section and any interest accrued
2 thereon, after deduction of such sums as may be necessary to pay all
3 overhead and administrative expenses associated with administering
4 the pool.

5 B. The Risk Management Administrator is authorized to determine
6 eligibility criteria for participation in the Risk Management
7 Program for such licensed operators and employees of such licensed
8 operators. Any limited indemnity coverage provided for errors and
9 omissions pursuant to the provisions of this subsection shall only
10 cover errors or omissions made by a licensed operator or any
11 employee of such licensed operator occurring after July 1, 1990.

12 C. Except as otherwise provided in subsection G of this
13 section, licensed operators shall be required to make annual
14 payments of Forty Dollars (\$40.00) per licensed operator and Forty
15 Dollars (\$40.00) per employee of the licensed operator for such
16 limited indemnity coverage. The Risk Management Administrator is
17 authorized to assess an additional payment per year, not to exceed
18 Forty Dollars (\$40.00) per licensed operator and per employee of
19 such licensed operator, if the shared risk pool resulting from the
20 payment of the fees made pursuant to this subsection is not adequate
21 to cover any liability incurred.

22 D. Requests for the limited indemnity coverage provided
23 pursuant to the provisions of this section shall be submitted in
24

1 writing to the Risk Management Administrator by the licensed
2 operators.

3 E. All fees collected in accordance with the provisions of this
4 section shall be deposited in the Oklahoma Licensed Operator
5 Indemnity Fund.

6 F. In providing risk management services for any licensed
7 operator or employee of such licensed operator, it is the intention
8 of the Legislature to provide limited indemnification of licensed
9 operators or employees of such licensed operators for errors and
10 omissions, solely to the extent of assets in the shared risk pool
11 created by this section. The State of Oklahoma is not liable,
12 directly or indirectly, for the errors and omissions of any licensed
13 operator or any employee of such licensed operator in the
14 performance of official duties pursuant to law. The Risk Management
15 Administrator shall determine the extent of indemnification for
16 losses incurred by any such licensed operator or employee of such
17 licensed operator based upon the liquidity of the shared risk pool.

18 G. The Risk Management Administrator is authorized to establish
19 a system under which the extent of indemnity coverage may be
20 extended or reduced based upon an increase or decrease in the amount
21 of the payment required in subsection C of this section. Said
22 system shall only be established when the liquidity of the shared
23 risk pool is such that the system is feasible in the judgment of the
24 Risk Management Administrator. Upon establishment of such a system,

1 a licensed operator may elect to increase or decrease the amount of
2 the payment required in subsection C of this section and
3 correspondingly extend or reduce coverage for losses incurred by the
4 licensed operator or employee of such licensed operator.

5 SECTION 37. AMENDATORY 74 O.S. 2021, Section 85.58J, is
6 amended to read as follows:

7 Section 85.58J. A. 1. The Risk Management Administrator may
8 obtain or otherwise provide for the insurance coverage specified by
9 this section for a foster family home providing foster care services
10 for children in the custody of the Department of Human Services
11 pursuant to the Oklahoma Children's Code or the ~~Department~~ Office of
12 Juvenile ~~Justice~~ Affairs pursuant to the Oklahoma Juvenile ~~Justice~~
13 Code.

14 2. Pursuant to the provisions of this section and Section
15 85.58A of this title, the Risk Management Administrator may obtain
16 or otherwise provide for property and casualty insurance for
17 injuries or damages arising from the foster care relationship and
18 the provision of foster care services, property damage or bodily
19 injury, as a result of the activities of the foster child, and
20 reasonable and necessary legal fees incurred in defense of civil
21 claims filed pursuant to this section, ~~the Oklahoma Foster Care and~~
22 ~~Out-of-Home Placement Act,~~ the Oklahoma Children's Code or the
23 Oklahoma Juvenile ~~Justice~~ Code, and any judgments awarded as a
24 result of such claims. Any insurance coverage obtained or provided

1 pursuant to the provisions of this section shall include expenses
2 for legal services obtained or provided by the Risk Management
3 Administrator.

4 B. The Risk Management Administrator is authorized to establish
5 qualifications for coverage and to determine eligibility criteria
6 and other standards for participation in the Risk Management Program
7 by the foster family homes. A foster family shall be approved for
8 participation in the Risk Management Program by the Risk Management
9 Administrator if the foster family meets the standards and
10 eligibility requirements established by the Risk Management
11 Administrator.

12 C. 1. A request for the insurance coverage provided pursuant
13 to this section shall be submitted in writing to the Department of
14 Human Services and the ~~Department~~ Office of Juvenile ~~Justice~~ Affairs
15 by a foster care family. The Department of Human Services and the
16 ~~Department~~ Office of Juvenile ~~Justice~~ Affairs shall provide a list
17 of the names of all foster family homes which wish to obtain
18 insurance coverage specified by this section to the Risk Management
19 Administrators.

20 2. Upon obtaining insurance coverage as provided by this
21 section, the Department of Human Services and the ~~Department~~ Office
22 of Juvenile ~~Justice~~ Affairs shall provide notice to all foster
23 family homes with whom the state agencies contract for foster care
24 services.

1 D. The Risk Management Administrator shall establish liability
2 limits for the insurance coverage authorized by this section on an
3 annual basis based on the insurance carrier requirements or based on
4 the liquidity of the shared risk pool in the Foster Families
5 Protection Account resulting from the annual payments made pursuant
6 to Section 85.58M of this title and any interest accrued thereon,
7 after deduction of such sums as may be necessary to pay all overhead
8 and administrative expenses associated with administering the pool.

9 E. A foster family shall be required to make payments for such
10 insurance coverage or payments may be made from funds deposited on
11 behalf of foster families by the Department of Human Services or the
12 ~~Department~~ Office of Juvenile ~~Justice~~ Affairs if such funds are
13 available. All fees collected in accordance with the provisions of
14 this section shall be deposited in the Foster Families Protection
15 Account. Claims against the insurance carrier or the pool shall be
16 filed with either the Department of Human Services or the ~~Department~~
17 Office of Juvenile ~~Justice~~ Affairs, as appropriate, and shall be
18 forwarded to the Risk Management Administrator.

19 F. 1. Any insurance or indemnity coverage shall be provided
20 solely from funds in the Foster Families Protection Account and to
21 the extent of assets available in the shared risk pool established
22 pursuant to the provisions of this section. The Risk Management
23 Administrator shall determine the extent of indemnification for
24

1 losses incurred by any foster families based upon the liquidity of
2 the shared risk pool in the Foster Families Protection Account.

3 2. The State of Oklahoma is not liable, directly or indirectly,
4 for any liability incurred by a foster family in the performance of
5 foster care services.

6 G. 1. There is hereby created in the State Treasury a
7 revolving fund for the ~~Office of Management and Enterprise Services~~
8 Oklahoma Central Purchasing Department, to be designated the "Foster
9 Families Protection Account". The account shall be a continuing
10 fund, not subject to fiscal year limitations, and shall consist of
11 any monies transferred thereto by the Department of Human Services,
12 the ~~Department~~ Office of Juvenile ~~Justice~~ Affairs or any child-
13 placing agency, and any fees collected by the ~~Office of Management~~
14 ~~and Enterprise Services~~ Oklahoma Central Purchasing Department and
15 deposited pursuant to law.

16 2. All monies accruing to the credit of said fund shall be
17 expended by the ~~Office of Management and Enterprise Services~~
18 Oklahoma Central Purchasing Department for the specific purposes
19 specified by this section and the salaries and administrative
20 expenses of support staff responsible for administering the fund.

21 3. Expenditures from the fund shall be made upon warrants
22 issued by the State Treasurer against claims filed as prescribed by
23 law with the State Purchasing Director of the ~~Office of Management~~
24 ~~and Enterprise Services~~ Oklahoma Central Purchasing Department for

1 approval and payment. The Foster Families Protection Account shall
2 consist of:

- 3 a. all fees and other monies received pursuant to this
- 4 section, and
- 5 b. interest attributable to investment of monies in the
- 6 account.

7 H. 1. The monies deposited in the account shall at no time
8 become monies of the state and shall not become part of the general
9 budget of the ~~Office of Management and Enterprise Services~~ Oklahoma
10 Central Purchasing Department or any other state agency. Except as
11 otherwise authorized by this subsection, no monies from the account
12 shall be transferred for any purpose to any other state agency or
13 any account of the ~~Office of Management and Enterprise Services~~
14 Oklahoma Central Purchasing Department or be used for the purpose of
15 contracting with any other state agency or reimbursing any other
16 state agency for any expense.

17 2. Monies in the account shall only be expended for:

- 18 a. the purposes specified by this section, and
- 19 b. costs incurred by the Comprehensive Professional Risk
- 20 Management Program for the administration of this
- 21 section.

22 I. Any costs incurred by the ~~Office of Management and~~
23 ~~Enterprise Services~~ Oklahoma Central Purchasing Department pursuant
24 to the provisions of this section shall not exceed the actual

1 expenditures made by the ~~Office of Management and Enterprise~~
2 ~~Services~~ Oklahoma Central Purchasing Department to implement the
3 provisions of this section.

4 J. Payment of claims from the Foster Families Protection
5 Account shall not become or be construed to be an obligation of this
6 state. No claims submitted for reimbursement or payment from the
7 account shall be paid with state monies.

8 SECTION 38. AMENDATORY 74 O.S. 2021, Section 85.58K, is
9 amended to read as follows:

10 Section 85.58K. A. There is hereby created in the State
11 Treasury a revolving fund for the ~~Office of Management and~~
12 ~~Enterprise Services~~ Oklahoma Central Purchasing Department, to be
13 designated the "Risk Management Revolving Fund". The fund shall be
14 a continuing fund, not subject to fiscal year limitations, and shall
15 consist of any monies transferred thereto by act of the Legislature
16 and any monies which may be deposited thereto by the ~~Office of~~
17 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
18 Department as provided for by law. All interest earned by the State
19 Treasurer on monies deposited in the Risk Management Revolving Fund
20 shall be deposited to the Risk Management Revolving Fund.

21 B. Within the Risk Management Revolving Fund, there is hereby
22 created the Property and Casualty Account, the Motor Vehicle
23 Liability Account and the General Tort Liability Account. The State
24 Purchasing Director of the ~~Office of Management and Enterprise~~

1 ~~Services~~ Oklahoma Central Purchasing Department is authorized to
2 establish such additional accounts within the Risk Management
3 Revolving Fund deemed necessary. The monies in each account shall
4 be maintained actuarially separate to ensure that premiums or fees
5 paid for specific insurance coverage are adequate to pay the
6 expenses and claims for that coverage.

7 C. All monies accruing to the credit of said fund are hereby
8 appropriated and may be budgeted and expended by the ~~Office of~~
9 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
10 Department for the purposes of the Comprehensive Professional Risk
11 Management Program provided for in Section 85.58A of this title,
12 including but not limited to the salaries and administrative
13 expenses of the Risk Management Administrator and support staff and
14 expenses the Department incurs to support program operations.
15 Expenditures from said fund shall be made upon warrants issued by
16 the State Treasurer against claims filed as prescribed by law with
17 the Director of the Office of Management and Enterprise Services for
18 approval and payment.

19 SECTION 39. AMENDATORY 74 O.S. 2021, Section 85.58L, is
20 amended to read as follows:

21 Section 85.58L. A. There is hereby created in the State
22 Treasury a revolving fund for the ~~Office of Management and~~
23 ~~Enterprise Services~~ Oklahoma Central Purchasing Department, to be
24 designated the "Risk Management Political Subdivision Participation

1 Revolving Fund". The fund shall be a continuing fund, not subject
2 to fiscal year limitations, and shall consist of any monies
3 transferred thereto by an act of the Legislature and any fees
4 collected by the ~~Office of Management and Enterprise Services~~
5 Oklahoma Central Purchasing Department and deposited pursuant to
6 law. All monies accruing to the credit of said fund shall be
7 expended by the ~~Office of Management and Enterprise Services~~
8 Oklahoma Central Purchasing Department for the purposes specified by
9 this section and the salaries and administrative expenses of support
10 staff responsible for administering the fund and expenses the ~~Office~~
11 Department incurs to support program operations. Expenditures from
12 the fund shall be made upon warrants issued by the State Treasurer
13 against claims filed as prescribed by law with the Director of the
14 Office of Management and Enterprise Services for approval and
15 payment.

16 B. Within the Risk Management Political Subdivision
17 Participation Revolving Fund, there is hereby created the
18 Conservation District Protection Account. The account shall be set
19 apart as a separate, permanent and perpetual account not subject to
20 fiscal year limitations and shall consist of:

- 21 1. All fees and other monies received pursuant to Section
22 85.58I of this title; and
- 23 2. Interest attributable to investment of monies in the
24 account.

1 C. 1. The monies deposited in the Risk Management Political
2 Subdivision Participation Revolving Fund shall at no time become
3 monies of any other state agency. Except as otherwise authorized by
4 this subsection, no monies from the Risk Management Political
5 Subdivision Participation Revolving Fund shall be transferred for
6 any purpose to any other state agency or be used for the purpose of
7 contracting with any other state agency or reimbursing any other
8 state agency for any expense.

9 2. Monies in the Risk Management Political Subdivision
10 Participation Revolving Fund shall only be expended for:

- 11 a. the purposes specified by this section, and
- 12 b. costs incurred by the Comprehensive Professional Risk
13 Management Program for the administration of duties
14 this section specifies and expenses the Department
15 incurs to support program operations.

16 D. Any costs incurred by the ~~Office of Management and~~
17 ~~Enterprise Services~~ Oklahoma Central Purchasing Department pursuant
18 to the provisions of this section shall not exceed the actual
19 expenditures made by the ~~Office of Management and Enterprise~~
20 ~~Services~~ Oklahoma Central Purchasing Department to implement the
21 provisions of this section.

22 E. Payment of claims from the Risk Management Political
23 Subdivision Participation Revolving Fund shall not become or be
24 construed to be an obligation of this state. No claims submitted

1 for reimbursement or payment from the fund shall be paid with state
2 monies.

3 SECTION 40. AMENDATORY 74 O.S. 2021, Section 85.58M, is
4 amended to read as follows:

5 Section 85.58M. A. ~~The Office of Management and Enterprise~~
6 ~~Services~~ Oklahoma Central Purchasing Department shall levy and
7 collect reasonable fees and premiums from state agencies and other
8 entities as provided by law covered by the Comprehensive
9 Professional Risk Management Program for the purpose of providing
10 insurance coverage.

11 B. All fees and premiums shall be promptly paid when due. Fees
12 and premiums collected in accordance with the provisions of this
13 section shall be deposited in the appropriate risk management fund.

14 C. If a state agency fails to pay the insurance fees and
15 premiums within forty-five (45) days of due date, the ~~Office of~~
16 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
17 Department shall consider the invoice delinquent. The ~~Office of~~
18 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
19 Department shall pay the invoice from monies available to the
20 delinquent agency for the general operations of the agency which are
21 not specifically prohibited for such use by federal or state law.
22 If funds of the delinquent agency are not available to pay the
23 invoice in full, the ~~Office of Management and Enterprise Services~~
24 Oklahoma Central Purchasing Department shall submit claims as

1 necessary to pay the invoice as soon as funds are available from the
2 funds of the delinquent agency.

3 SECTION 41. AMENDATORY 74 O.S. 2021, Section 85.58N, is
4 amended to read as follows:

5 Section 85.58N. The Special Agency Account Board shall create
6 in the official depository of the State Treasury an agency special
7 account for the ~~Office of Management and Enterprise Services~~
8 Oklahoma Central Purchasing Department to be designated as the
9 "Quick Settlement Account". The purpose of the account shall be the
10 payment of liability claims against the state after a determination
11 by the Risk Management Administration that such payments are in the
12 best interest of the state, are in accordance with the laws and
13 regulations governing the Comprehensive Professional Risk Management
14 Program, and are in an amount not exceeding Ten Thousand Dollars
15 (\$10,000.00). No monies shall be expended from the Quick Settlement
16 Account except as provided for in this section.

17 The ~~Office of Management and Enterprise Services~~ Oklahoma
18 Central Purchasing Department shall transfer funds as necessary from
19 the Risk Management Revolving Fund to the Quick Settlement Account,
20 provided that the maximum sum held in the Quick Settlement Account
21 shall not exceed Ten Thousand Dollars (\$10,000.00), excluding funds
22 in transit. Expenditures from the Quick Settlement Account shall be
23 exempt from the provisions of ~~The~~ the Oklahoma Central Purchasing
24 Act.

1 SECTION 42. AMENDATORY 74 O.S. 2021, Section 85.58P, is
2 amended to read as follows:

3 Section 85.58P. There is hereby created in the State Treasury a
4 revolving fund for the ~~Office of Management and Enterprise Services~~
5 Oklahoma Central Purchasing Department, to be designated the "Risk
6 Management Public Transit Revolving Fund". The fund shall be a
7 continuing fund, not subject to fiscal year limitations, and shall
8 consist of any monies transferred thereto by an act of the
9 Legislature and any fees collected by the ~~Office of Management and~~
10 ~~Enterprise Services~~ Oklahoma Central Purchasing Department in
11 accordance with the provisions of Section 85.580 of this title. All
12 monies accruing to the credit of the fund are hereby appropriated
13 and may be budgeted and expended by the ~~Office of Management and~~
14 ~~Enterprise Services~~ Oklahoma Central Purchasing Department for the
15 purposes of the Comprehensive Professional Risk Management Program
16 provided for in Section 85.58A of this title, including the salaries
17 and administrative expenses of support staff responsible for
18 administering the fund and expenses the ~~Office~~ Department incurs to
19 support program operations. Expenditures from said fund shall be
20 made upon warrants issued by the State Treasurer against claims
21 filed as prescribed by law with the Director of the Office of
22 Management and Enterprise Services for approval and payment.

23 SECTION 43. AMENDATORY 74 O.S. 2021, Section 85.58Q, is
24 amended to read as follows:

1 Section 85.58Q. The Oklahoma Central Purchasing ~~Division of the~~
2 ~~Office of Management and Enterprise Services~~ Department is directed
3 to purchase from the lowest bidder a surety contract or contracts in
4 the form known as a "blanket bond" to cover all elective state
5 officers, appointive officers, and employees in the manner provided
6 in this section. No other bond shall be acceptable as surety for
7 any elected or appointed officer or employee of this state in lieu
8 of said blanket bond. For purposes of Sections ~~85.26~~ 85.58Q through
9 ~~85.31~~ 85.58V of this title, a "blanket bond" is defined as a public
10 employees' blanket position bond which covers all employees up to
11 the penalty of the bond for each employee and the full penalty of
12 the bond is always in force during its term and no restoration is
13 necessary and there is no additional premium after a loss is paid.

14 SECTION 44. AMENDATORY 74 O.S. 2021, Section 85.58T, is
15 amended to read as follows:

16 Section 85.58T. The amount of surety required for each state
17 officer or employee pursuant to Sections ~~85.26~~ 85.58Q through ~~85.31~~
18 85.58V of this title is as follows:

19 DEPARTMENT	AMOUNT OF BOND
20 Office of the State Treasurer	\$300,000.00
21 Oklahoma Employment Security	
22 Commission	\$150,000.00

23

24

1	Central Services Division of the	
2	Office of Management and Enterprise	
3	Services	100,000.00
4	<u>Oklahoma Central Purchasing Department</u>	<u>100,000.00</u>
5	Insurance Commission	100,000.00
6	Office of the State Auditor and	
7	Inspector	50,000.00
8	Finance Division of the Office of	
9	Management and Enterprise Services	50,000.00
10	Bank Commissioner	50,000.00
11	Commissioners of the Land Office	50,000.00
12	Oklahoma Securities Commission	50,000.00
13	Oklahoma Tax Commission	50,000.00
14	Department of Human Services	50,000.00
15	Oklahoma Public Employees Retirement	
16	System	50,000.00
17	Corporation Commission	50,000.00
18	State Board of Education	50,000.00
19	Finance Division	150,000.00
20	All Others	25,000.00
21	Department of Transportation	25,000.00
22	Boards of Regents of Oklahoma	
23	Universities and Colleges	50,000.00
24	Office of Attorney General	10,000.00

1	The University Hospitals	50,000.00
2	All Other State Departments, Agencies,	
3	Institutions, Commissions,	
4	Authorities, and other bodies of	
5	state government	10,000.00

6 Provided, however, that nothing in ~~The~~ the Oklahoma Central
7 Purchasing Act shall prohibit any head of a department, institution,
8 agency, commission, authority or other body of state government from
9 requiring the Oklahoma Central Purchasing ~~Division~~ Department to
10 purchase increased amounts of blanket bond coverage for his or her
11 employees up to a total maximum coverage of Fifty Thousand Dollars
12 (\$50,000.00) when the listed amount is deemed inadequate. The cost
13 of increased coverage shall be borne by the department, institution,
14 agency, commission, authority or other body of state government
15 requesting the increased coverage.

16 SECTION 45. AMENDATORY 74 O.S. 2021, Section 85.58V, is
17 amended to read as follows:

18 Section 85.58V. A. Whenever any officer, statutory board,
19 commission, committee, department, authority, or any state agent or
20 agency by whatever name called, is authorized by any law of this
21 state to purchase any official bond, surety bond, blanket bond, or
22 surety contract upon any state officer or employee, the authority is
23 hereby transferred and conferred upon the Oklahoma Central
24 Purchasing ~~Division of the Office of Management and Enterprise~~

1 ~~Services~~ Department. The authority shall be exercised by the
2 Oklahoma Central Purchasing ~~Division~~ Department in the manner
3 pursuant to the provisions and requirements prescribed by Section
4 85.58A of this title.

5 B. The premium for a bond will be invoiced to the ~~Purchasing~~
6 ~~Division~~ Department and paid for by legislative appropriation set
7 aside for that specific purpose.

8 C. If the legislative appropriation is insufficient to meet the
9 cost of a bond, the State Purchasing Director in conjunction with
10 the State Risk Administrator shall assess each entity covered by the
11 bond a pro rata share of the excess cost amount.

12 D. A blanket bond shall be approved as to form and legal
13 sufficiency by the general counsel of the ~~Office of Management and~~
14 ~~Enterprise Services~~ Oklahoma Central Purchasing Department and shall
15 be filed with the State Purchasing Director of the ~~Office of~~
16 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
17 Department.

18 SECTION 46. AMENDATORY 74 O.S. 2021, Section 85.60, is
19 amended to read as follows:

20 Section 85.60. A. Except as otherwise provided by Section
21 3206.3 of Title 70 of the Oklahoma Statutes, the ~~Office of~~
22 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
23 Department shall be the exclusive agency to negotiate and contract
24 for the retention of patents and copyrights on material and property

1 developed through state contracts subject to ~~The~~ the Central
2 Purchasing Act, unless an agency has been given specific authority
3 to make such agreements by statute.

4 B. Except as otherwise provided by Section 3206.3 of Title 70
5 of the Oklahoma Statutes ~~and Section 1365 of this title~~, any
6 patented property or copyrighted material developed by contracts
7 subject to ~~The~~ the Central Purchasing Act, shall be the property of
8 the State of Oklahoma under the sole management of the ~~Office of~~
9 ~~Management and Enterprise Services~~ Oklahoma Central Purchasing
10 Department. Such property or material may be licensed or sold by
11 the ~~Office of Management and Enterprise Services~~ Oklahoma Central
12 Purchasing Department using similar procedures governing the sale of
13 other state property but without declaring such property to be
14 surplus.

15 C. Proceeds from the sale of such property or material under
16 the jurisdiction of the ~~Office of Management and Enterprise Services~~
17 Oklahoma Central Purchasing Department shall be deposited to the
18 General Revenue Fund of the State of Oklahoma.

19 D. The ~~Office of Management and Enterprise Services~~ Oklahoma
20 Central Purchasing Department may contract with legal counsel
21 experienced in the field of patent and copyright law to advise and
22 assist that agency in carrying out its duties and responsibilities
23 under this section for intellectual property under the jurisdiction
24

1 of the ~~Office of Management and Enterprise Services~~ Oklahoma Central
2 Purchasing Department.

3 SECTION 47. AMENDATORY 74 O.S. 2021, Section 3001, as
4 amended by Section 1, Chapter 252, O.S.L. 2022 (74 O.S. Supp 2023,
5 Section 3001) is amended to read as follows:

6 Section 3001. A. There is hereby created in the Office of
7 Management and Enterprise Services an advisory council to be known
8 as the "State Use Advisory Council". The Council shall consist of
9 seven (7) members:

10 1. A private citizen conversant with the employment needs of
11 people with significant disabilities who shall be appointed by and
12 serve at the pleasure of the Governor to act as an advocate for the
13 employment needs of people with significant disabilities;

14 2. The Director of the Office of Management and Enterprise
15 Services or designee;

16 3. The Director of the Department of Rehabilitation Services,
17 or designee;

18 4. One member who shall be a state use provider who shall be
19 appointed by the President Pro Tempore of the Senate;

20 5. An individual or a parent or guardian of an individual with
21 significant disabilities who participates in vocational programming
22 through a qualified nonprofit agency for individuals with
23 disabilities, to be appointed by the Speaker of the House of
24 Representatives;

1 6. The Director of Human Services, or designee; and

2 7. A person employed by the ~~Office of Management and Enterprise~~
3 ~~Services~~ Oklahoma Central Purchasing Division Department as a
4 contracting officer, appointed by the State Purchasing Director.

5 B. The private citizens on the Council shall serve for a period
6 of two (2) years and may be reappointed by the appointing authority.
7 Any private citizen appointed pursuant to this section to fill a
8 vacancy occurring prior to the expiration of the term for which the
9 predecessor was appointed shall be appointed only for the remainder
10 of the term.

11 The State Use Advisory Council shall meet a minimum of twice a
12 year for the purpose of exchanging ideas to market and improve the
13 State Use Program.

14 SECTION 48. AMENDATORY Section 2, Chapter 252, O.S.L.
15 2022 (74 O.S. Supp. 2023, Section 3001.1), is amended to read as
16 follows:

17 Section 3001.1. The State Purchasing Director, ~~under the~~
18 ~~supervision of the Director of the Office of Management and~~
19 ~~Enterprise Services,~~ shall have authority and responsibility to
20 administer and oversee the State Use Program including but not
21 limited to:

- 22 1. Promulgating rules relating to the program;
23 2. Qualification of organizations participating in the program;
24

1 3. Contracting with qualified organizations for products and
2 services to be included on the procurement schedule;

3 4. Determination of fair market price of all products and
4 services to be included on the procurement schedule; and

5 5. Designation and publication of a procurement schedule.

6 SECTION 49. AMENDATORY 74 O.S. 2021, Section 3003, as
7 amended by Section 3, Chapter 252, O.S.L. 2022 (74 O.S. Supp 2023,
8 Section 3003) is amended to read as follows:

9 Section 3003. As used in Section 3001 et seq. of this title:

10 1. "Blind person" means a person having a visual acuity not to
11 exceed 20/200 in the better eye, with correcting lenses, or visual
12 acuity greater than 20/200 but with limitation in the field of
13 vision such that the widest diameter of visual field subtends an
14 angle no greater than twenty (20) degrees;

15 2. "Council" means the State Use Advisory Council;

16 3. "Qualified nonprofit agency for the employment of people
17 with significant disabilities" means a nonprofit agency employing
18 persons with significant disabilities who constitute at least
19 seventy-five percent (75%) of the direct labor hours engaged in
20 direct production, manufacturing, processing and/or assembling of
21 products or services offered by the agency for procurement by this
22 state or who meet the definition of blind person as provided for in
23 paragraph 1 of this section, or which is certified as a sheltered
24

workshop by the Wage and Hour Division of the United States
Department of Labor;

4. "Person with significant disabilities" means an individual
with a physical or mental disability constituting a substantial
handicap to employment and preventing the person from engaging in
normal competitive employment and/or includes any blind person;

5. "Qualified organization" means a blind person or qualified
nonprofit agency for the employment of people with significant
disabilities contracting to supply goods or services;

6. "Manufactured" means goods made by manual labor;

7. "Produced" means to have brought into existence or created
from raw materials;

8. "Processed" means the action of taking something through an
established and mostly routine set of procedures or steps to
substantially convert a potential product from one form to another.
This action involves a sequence of multiple steps each requiring a
distinct decision-making process to evolve a potential product to
the next step;

9. "Assemble" means to put or fit together or put together the
parts of a potential product;

10. "Central nonprofit agency (CNA)" means a qualified 501(c)3
nonprofit entity meeting the qualifications in the Request for
Procurement (RFP) issued by the Office of Management and Enterprise

Services selected to administer and oversee the State Use Program;
and

11. "Procurement schedule" means a designated schedule of
products and services currently approved by the ~~Office of Management
and Enterprise Services~~ Oklahoma Central Purchasing Division
Department as suitable to procure from qualified organizations
participating in the State Use Program.

SECTION 50. AMENDATORY 74 O.S. 2021, Section 3004, as
amended by Section 4, Chapter 252, O.S.L. 2022 (74 O.S. Supp 2023,
Section 3004) is amended to read as follows:

Section 3004. The ~~Office of Management and Enterprise Services~~
Oklahoma Central Purchasing Division Department shall designate and
distribute by regulation a schedule, hereinafter referred to as the
procurement schedule, of the products directly manufactured,
produced, processed or assembled or services directly performed,
offered or provided by any person with significant disabilities or
qualified nonprofit agency for the employment of people with
significant disabilities, as defined in Section 3003 of this title,
which the State Purchasing Director determines are suitable for
procurement by the state. The products and services on contract
will be published on the procurement schedule and will be designated
as mandatory. The ~~Office of Management and Enterprise Services~~
Oklahoma Central Purchasing Division Department shall have the
authority to qualify organizations for inclusion in the State Use

1 Program, monitor qualified organizations for continued compliance to
2 remain active in the program, and remove organizations from the
3 program. ~~Central Purchasing~~ The Department shall have the authority
4 to award and manage contracts to the qualified organizations as well
5 as to renegotiate or cancel contracts when appropriate.

6 SECTION 51. AMENDATORY 74 O.S. 2021, Section 3004.1, as
7 amended by Section 5, Chapter 252, O.S.L. 2022 (74 O.S. Supp 2023,
8 Section 3004.1) is amended to read as follows:

9 Section 3004.1. The State Purchasing Director may enter or
10 award contracts for products or services to a qualified organization
11 as defined in Section 3003 of this title and assess a contract
12 management fee or levy. The contract management fee or levy shall
13 be deposited in the State Use Advisory Council Revolving Fund, as
14 created in Section 3004.2 of this title, for the salary,
15 administrative costs, annual trainings, professional association
16 memberships, qualified agency operational improvement grants,
17 periodic economic advantage study, ~~Annual Report~~ annual report
18 development, and other expenses incurred by the Oklahoma Central
19 Purchasing ~~Division of the Office of Management and Enterprise~~
20 ~~Services~~ Department for promoting goods and services provided by
21 qualified organizations.

22 SECTION 52. AMENDATORY 74 O.S. 2021, Section 3004.2, as
23 amended by Section 6, Chapter 252, O.S.L. 2022 (74 O.S. Supp 2023,
24 Section 3004.2) is amended to read as follows:

1 Section 3004.2. There is hereby created in the State Treasury a
2 revolving fund for the ~~Office of Management and Enterprise Services~~
3 Oklahoma Central Purchasing Department to be designated the "State
4 Use Advisory Council Revolving Fund". The fund shall be a
5 continuing fund, not subject to fiscal year limitations, and shall
6 consist of all proceeds from the management fee or levy on contracts
7 for purchases of products or services of people with significant
8 disabilities, as provided in Section 3004.1 of this title. The fund
9 shall be invested in any of the types of instruments in which the
10 State Treasurer is authorized by law to invest. Interest earned
11 shall be retained by the fund. All monies accruing to the credit of
12 the fund are hereby appropriated and may be budgeted and expended by
13 the ~~Office of Management and Enterprise Services~~ Oklahoma Central
14 Purchasing Department for the salary and other administrative
15 expenses of the buyer and clerical and technical support in the
16 Oklahoma Central Purchasing ~~Division of the Office of Management and~~
17 ~~Enterprise Services~~ Department responsible for contracts for the
18 products and services of people with significant disabilities and
19 expenses the ~~Office~~ Department incurs to support State Use
20 operations including services of the Centralized Non-Profit Agency
21 (CNA). Expenditures from the fund shall be made upon warrants
22 issued by the State Treasurer against claims filed as prescribed by
23 law with the Director of the Office of Management and Enterprise
24 Services for approval and payment.

1 SECTION 53. AMENDATORY 74 O.S. 2021, Section 3005, as
2 amended by Section 7, Chapter 252, O.S.L. 2022 (74 O.S. Supp 2023,
3 Section 3005) is amended to read as follows:

4 Section 3005. ~~The Office of Management and Enterprise Services~~
5 Oklahoma Central Purchasing Division Department shall determine the
6 fair market price of all products and services included in the
7 procurement schedule and shall revise such prices in accordance with
8 changing market conditions; provided, however, a change in price
9 shall not be effective prior to the expiration of thirty (30) days
10 from the date on which such change is approved. Approved fair
11 market prices shall be reflected on State Use contracts and
12 procurement schedules within thirty (30) days of approval and
13 distribution.

14 SECTION 54. AMENDATORY 74 O.S. 2021, Section 3007, as
15 amended by Section 9, Chapter 252, O.S.L. 2022 (74 O.S. Supp. 2023,
16 Section 3007) is amended to read as follows:

17 Section 3007. A. Whenever this state or any of its agencies
18 intends to procure any product or service included in the
19 procurement schedule, that entity shall secure the product or
20 service from a qualified nonprofit agency providing employment to
21 people with significant disabilities at the fair market price
22 determined by the ~~Office of Management and Enterprise Services~~
23 Oklahoma Central Purchasing Division Department, if the product or
24

1 service is available within the period required by the entity and
2 meets the specifications of the entity.

3 B. An agency of this state shall not evade the intent and
4 meaning of this section by slight variations from standards adopted
5 by the ~~Office of Management and Enterprise Services~~ Oklahoma Central
6 ~~Purchasing Division~~ Department.

7 C. Provided, the requirements of this section shall not apply
8 to the procurement of janitorial services by the Oklahoma State
9 Bureau of Investigation. The Bureau shall conduct background
10 investigations and national criminal history record checks on
11 companies and individuals with which it contracts to provide
12 janitorial services.

13 D. Any municipality or county agency of this state is
14 authorized to purchase products and services from any qualified
15 organization as defined in Section 3003 of this title. The
16 qualified organization shall be able to meet the needs and
17 specifications for the products or services required by the
18 purchasing body at the fair market price. Procurements made
19 pursuant to the provisions of this section shall not be subject to
20 competitive bid requirements.

21 SECTION 55. AMENDATORY 74 O.S. 2021, Section 3008, as
22 amended by Section 10, Chapter 252, O.S.L. 2022 (74 O.S. Supp 2023,
23 Section 3008) is amended to read as follows:
24

1 Section 3008. A. Nothing in Section 3001 et seq. of this title
2 pursuant to purchases of products and services from people with
3 significant disabilities shall be construed to prohibit any
4 department or agency of the state from manufacturing or supplying
5 its own products or services for its own use. Procurements made
6 pursuant to Section 3001 et seq. of this title shall not be subject
7 to the competitive bid requirements of the Oklahoma Central
8 Purchasing Act, Section 85.1 et seq. of this title.

9 B. ~~The Office of Management and Enterprise Services~~ Oklahoma
10 Central Purchasing ~~Division~~ Department shall require an annual
11 qualified organization pricing review for all products and services
12 approved and designated on the procurement schedule. The method of
13 the pricing review shall be defined in the promulgated rules.

14 C. When the fair market price for a product or service approved
15 by the ~~Office of Management and Enterprise Services~~ Oklahoma Central
16 Purchasing ~~Division~~ Department exceeds a current market price for
17 the same product or service and such lower market price has been
18 verified by the agency through compliance with the fair market
19 analysis process approved by the ~~Office of Management and Enterprise~~
20 ~~Services~~ Oklahoma Central Purchasing ~~Division~~ Department, the State
21 Use contracting officer may grant a temporary exception to a
22 requesting agency so that the agency may purchase the product or
23 service from the supplier offering the lower market price.

1 SECTION 56. AMENDATORY 74 O.S. 2021, Section 3009, as
2 amended by Section 11, Chapter 252, O.S.L. 2022 (74 O.S. Supp 2023,
3 Section 3009) is amended to read as follows:

4 Section 3009. A. The ~~Office of Management and Enterprise~~
5 ~~Services~~ Oklahoma Central Purchasing Division Department shall
6 prescribe rules to carry out the purposes of the provisions of
7 Sections 3001 through 3009 of this title.

8 B. The rules shall include requirements for:

9 1. Publishing a catalog listing goods and services and jobs
10 that qualified agencies employing people with significant
11 disabilities can provide the state, annually; and

12 2. Conducting a minimum of two meetings per year of the State
13 Use Advisory Council, in compliance with the Oklahoma Open Meeting
14 Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

15 C. On an annual basis, the ~~Office of Management and Enterprise~~
16 ~~Services~~ Oklahoma Central Purchasing Department shall, within sixty
17 (60) days after the close of the fiscal year, electronically
18 transmit a strategic plan for the State Use Program to the President
19 Pro Tempore of the Senate, the Speaker of the House of
20 Representatives and the Governor.

21 SECTION 57. AMENDATORY 74 O.S. 2021, Section 4191, is
22 amended to read as follows:

23

24

1 Section 4191. A. The Director of the Office of Management and
2 Enterprise Services shall establish and administer child care
3 centers with funds available for that purpose.

4 B. The Director of the Office of Management and Enterprise
5 Services may approve a consortium, partnership, cooperative or
6 agreement to provide child care centers with other public or private
7 employers.

8 C. The child care centers shall be operated through a contract
9 with child care providers. Specifications for a contract shall be
10 developed with the assistance of, and subject to the approval of,
11 the State Purchasing Director of the ~~Office of Management and~~
12 ~~Enterprise Services~~ Oklahoma Central Purchasing Department. Any
13 such contract shall be made through the Oklahoma Central Purchasing
14 ~~Division of the Office of Management and Enterprise Services~~
15 Department. The low bid will not be the single qualifier. Any
16 child care provider shall be required to carry sufficient liability
17 insurance coverage which will pay damages incurred as a result of
18 the negligent acts or omissions of an employee of the child care
19 provider within the scope of the employment of such person. Any
20 child care provider shall meet or exceed applicable state child care
21 facilities licensure standards.

22 D. Nothing in this section shall prevent the Director from
23 utilizing paragraph ~~13~~ 12 of Section 85.5 of this title and
24 paragraph 3 of subsection A of Section 85.7 of this title to

1 continue the operation of a child care center with emergency
2 contracts when the service provider's contract is canceled or
3 terminated before another qualified service provider is procured.
4 The employees of the Office of Management and Enterprise Services
5 shall not be employed to operate the centers.

6 E. Any parent utilizing the services of a child care center
7 shall be responsible for the charges assessed by the child care
8 provider for child care services.

9 SECTION 58. REPEALER 74 O.S. 2021, Section 85.45e, is
10 hereby repealed.

11 SECTION 59. REPEALER 74 O.S. 2021, Section 85.45f, is
12 hereby repealed.

13 SECTION 60. REPEALER 74 O.S. 2021, Section 85.45g, is
14 hereby repealed.

15 SECTION 61. REPEALER 74 O.S. 2021, Section 85.45h, is
16 hereby repealed.

17 SECTION 62. This act shall become effective November 1, 2024.

18
19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
20 04/11/2024 - DO PASS, As Amended.
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