

An Act

ENROLLED HOUSE
BILL NO. 1010

By: West (Rick) of the House

and

Hamilton of the Senate

An Act relating to the Oklahoma Central Purchasing Act; amending 74 O.S. 2021, Section 85.3, which relates to the Purchasing Division; allowing certain state entities to make certain purchases; requiring certain documentation; and providing an effective date.

SUBJECT: Oklahoma Central Purchasing Act

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 85.3, is amended to read as follows:

Section 85.3 A. There is hereby created and established in the Office of Management and Enterprise Services a Purchasing Division, the administrative head of which shall be the State Purchasing Director.

B. The Director of the Office of Management and Enterprise Services shall hire the State Purchasing Director. The State Purchasing Director shall:

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

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

C. The State Purchasing Director, with the approval of the Director of the Office of Management and Enterprise Services, may employ such personnel as may be necessary to exercise authority and perform duties under the Oklahoma Central Purchasing Act.

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

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

F. Each state agency, department, and institution shall designate personnel to coordinate its purchasing functions with the Purchasing Division.

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

H. Except as provided in Section 34.36 of Title 62 of the Oklahoma Statutes, no state agency subject to the Oklahoma Central Purchasing Act shall have or maintain a purchasing section without the prior approval in writing of the Purchasing Division unless otherwise provided in the Oklahoma Central Purchasing Act nor shall such purchasing section perform purchasing functions for another state agency.

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

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

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

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

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

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

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

K. Any state agency, department, institution, or satellite office thereof that is otherwise subject to the provisions of the Oklahoma Central Purchasing Act, but is located in a county without statewide contracted vendors, may elect to purchase necessary equipment and supplies from a local business at or below state contract pricing without first obtaining a waiver from or the permission of the Purchasing Division after seventy-two (72) hours from providing written or electronic notice to the Central Purchasing Director of said purchase in an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00). Any state agency that elects to make purchases from local vendors pursuant to this subsection shall maintain a document file for each acquisition the state agency makes, which shall include, at a minimum, justification for the acquisition, supporting documentation, copies of all contracts, if any, pertaining to the acquisition, evaluations, written reports, if required by contract, and any other information the State Purchasing Director requires.

SECTION 2. This act shall become effective November 1, 2024.

Passed the House of Representatives the 21st day of February, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

