

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2743

By: Caldwell (Trey) of the
House

and

Green of the Senate

[competitive bidding - cooperative purchasing
agreements - authority - effective date -
emergency]

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

"[competitive bidding - cooperative purchasing
agreements - authority - effective date -
emergency]

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

SECTION 1. AMENDATORY 61 O.S. 2021, Section 139, is
amended to read as follows:

Section 139. A. In addition to any authority to enter an
agreement pursuant to the Interlocal Cooperation Act, any school
district, including a technology school district, may either
participate in, sponsor, conduct or administer a cooperative

1 purchasing agreement for the acquisition of any commodities or
2 services with one or more public agencies in accordance with an
3 agreement entered into between the participants. Such cooperative
4 purchasing may include, but is not limited to, joint or multiparty
5 contracts between public agencies and open-ended state public
6 procurement contracts. Cooperative purchasing shall not include new
7 construction. For cooperative purchasing agreements, all funds
8 shall be applied toward chargeables under the agreements or toward
9 direct administrative costs associated with the agreements. No
10 entity shall take a percentage of the funds as profit under the
11 cooperative purchasing agreement.

12 B. Any local public procurement unit may either participate in,
13 sponsor, conduct or administer a cooperative or piggybacking
14 purchasing agreement for the acquisition of any commodities or
15 services, including construction services, with one (1) or more
16 public procurement units or external procurement units in accordance
17 with an agreement entered into between the participants. Such
18 cooperative purchasing may include, but is not limited to, joint or
19 multiparty contracts between public procurement units and open-ended
20 state public procurement unit contracts which are made available to
21 local public procurement units. Purchases made in accordance with
22 this subsection by a local public procurement unit shall be required
23 to satisfy any procurement regulation, including ~~The~~ Oklahoma
24 Central Purchasing Act, the Public Competitive Bidding Act of 1974,

1 the Oklahoma State Finance Act, related administrative rules and
2 federal regulations that may apply due to the federal source of the
3 funding for the anticipated purchase.

4 C. For purposes of this section, the following definitions
5 apply:

6 1. "Local public procurement unit" shall mean, inter alia, any
7 county, city, town, state agency, and any other subdivision of the
8 state or public unit or agency thereof;

9 2. "External procurement unit" shall mean any buying
10 organization in the United States not located in this state which,
11 if located in this state, would qualify as a public procurement
12 unit; ~~and~~

13 3. "Cooperative or piggybacking purchasing agreement" shall
14 mean an agreement between a local public procurement unit and
15 another local public procurement unit or an external procurement
16 unit to authorize the use of a contract procured by one of the
17 parties to the agreement to benefit the other party to the
18 agreement. This term shall also mean an agreement that provides
19 access to a product or service that is lower in price than a
20 comparable product or service that is available through the usage of
21 a statewide, multistate or multigovernmental contract issued by the
22 ~~state~~ Purchasing Division of the Office of Management and Enterprise
23 Services; and

1 4. "New construction" shall mean any building not previously
2 constructed that has not been occupied or used. New construction
3 shall not mean bus barns, agriculture barns, storage buildings,
4 batting cages, or similar structures.

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

11 SECTION 2. This act shall become effective July 1, 2025.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval."

1 Passed the Senate the 6th day of May, 2025.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2025.

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8 _____
9 Presiding Officer of the House
10 of Representatives
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1 ENGROSSED HOUSE
2 BILL NO. 2743

By: Caldwell (Trey) of the
House

3 and

4 Green of the Senate

5
6 [competitive bidding - cooperative purchasing
7 agreements - authority - effective date -
8 emergency]
9

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11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 4. AMENDATORY 61 O.S. 2021, Section 139, is
14 amended to read as follows:

15 Section 139. A. In addition to any authority to enter an
16 agreement pursuant to the Interlocal Cooperation Act, any school
17 district, including a technology school district, may either
18 participate in, sponsor, conduct or administer a cooperative
19 purchasing agreement for the acquisition of any commodities ~~or~~
20 ~~services~~ with one or more public agencies in accordance with an
21 agreement entered into between the participants. Such cooperative
22 purchasing may include, but is not limited to, joint or multiparty
23 contracts between public agencies and open-ended state public
24 procurement contracts.

1 B. Any local public procurement unit may either participate in,
2 sponsor, conduct or administer a cooperative or piggybacking
3 purchasing agreement for the acquisition of any commodities ~~or~~
4 ~~services, including construction services,~~ with one (1) or more
5 public procurement units or external procurement units in accordance
6 with an agreement entered into between the participants. Such
7 cooperative purchasing may include, but is not limited to, joint or
8 multiparty contracts between public procurement units and open-ended
9 state public procurement unit contracts which are made available to
10 local public procurement units. Purchases made in accordance with
11 this subsection by a local public procurement unit shall be required
12 to satisfy any procurement regulation, including The Central
13 Purchasing Act, the Public Competitive Bidding Act, the Finance Act,
14 related administrative rules and federal regulations that may apply
15 due to the federal source of the funding for the anticipated
16 purchase.

17 C. For purposes of this section, the following definitions
18 apply:

19 1. "Local public procurement unit" shall mean, inter alia, any
20 county, city, town, state agency, and any other subdivision of the
21 state or public unit or agency thereof;

22 2. "External procurement unit" shall mean any buying
23 organization in the United States not located in this state which,
24

1 if located in this state, would qualify as a public procurement
2 unit; and

3 3. "Cooperative or piggybacking purchasing agreement" shall
4 mean an agreement between a local public procurement unit and
5 another local public procurement unit or an external procurement
6 unit to authorize the use of a contract procured by one of the
7 parties to the agreement to benefit the other party to the
8 agreement. This term shall also mean an agreement that provides
9 access to a product ~~or service~~ that is lower in price than a
10 comparable product ~~or service~~ that is available through the usage of
11 a statewide, multistate or multigovernmental contract issued by the
12 state Purchasing Division.

13 D. Nothing in this section shall supersede the obligation of a
14 state agency to adhere to rules regarding statewide contracts issued
15 by the state Purchasing Division. Neither shall any provision of
16 this section be construed to waive the obligation of a state agency
17 to utilize a mandatory purchasing contract as designated by the
18 State Purchasing Director.

19 SECTION 5. This act shall become effective July 1, 2025.

20 SECTION 6. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.

1 Passed the House of Representatives the 25th day of March, 2025.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2025.

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8 Presiding Officer of the Senate