

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3420 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Judd Strom

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 PROPOSED OVERSIGHT  
4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3420

By: Strom, West (Josh), Archer,  
Crosswhite Hader,  
Dobrinski, Stinson and  
Fugate

7  
8  
9 PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

10 An Act relating to state government; amending 74 O.S.  
11 2021, Section 85.5 as amended by Section 1, Chapter  
12 102, O.S.L. 2024; 74 O.S. 2021, Section 85.7, as last  
13 amended by Section 1, Chapter 339, O.S.L. 2023 (74  
14 O.S. Supp. 2025, Sections 85.5, and 85.7); amending  
15 74 O.S. 2021, Section 85.41; 74 O.S. 2021, Section  
16 85.42, as amended by Section 9, Chapter 336, O.S.L.  
17 2025 (74 O.S. Supp. 2025, Section 85.42); 74 O.S.  
18 2021, Section 85.44D.1, which relate to the Oklahoma  
19 Central Purchasing Act; modifying the powers and  
20 duties of the State Purchasing Director; requiring  
21 the Chief Information Officer to document  
22 justification for not bidding certain contracts and  
23 document negotiation efforts; requiring certain pilot  
24 projects to not last longer than twelve months;  
directing the State Purchasing Director to document  
negotiation efforts; modifying exemptions from the  
competitive bidding requirements; clarifying state  
agencies that acquire professional services do not  
have to bid certain professional services; directing  
the Office of Management and Enterprise Services to  
publish a report on their website; expanding  
definition of person to include employees of state  
officials; providing a definition of agency; and  
providing an effective date.

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

2 SECTION 1. AMENDATORY 74 O.S. 2021, Section 85.5, as  
3 amended by Section 1, Chapter 102, O.S.L. 2024 (74 O.S. Supp. 2025,  
4 Section 85.5), is amended to read as follows:

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

18 B. Every state agency shall determine its own quantitative  
19 needs for acquisitions and the general class or nature of the  
20 acquisitions. The State Purchasing Director, after consultation  
21 with the requisitioning state agency, shall have authority to  
22 determine the ~~particular brand, model or other~~ specific  
23 classification of each acquisition and to draft or invoke pursuant  
24

1 to the Oklahoma Central Purchasing Act specifications establishing  
2 the requirements for all necessary contracts or purchase orders.

3 C. The Director of the Office of Management and Enterprise  
4 Services shall have authority and responsibility to promulgate rules  
5 in connection with provisions of the Oklahoma Central Purchasing Act  
6 for:

7 1. The time, manner, authentication and form of making  
8 requisitions for acquisitions;

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

11 3. The form and manner of submission for bids or proposals a  
12 bidder submits and the manner of accepting and opening bids or  
13 proposals;

14 4. The conditions under which the Office of Management and  
15 Enterprise Services shall require written contracts for  
16 acquisitions, the conditions under which acquisitions may be made on  
17 an open account basis, and the conditions and manner of negotiating  
18 such contracts;

19 5. Obtaining acquisitions produced by state institutions;

20 6. Conditions under which any of the rules herein authorized  
21 may be waived;

22 7. The amounts of and deposits on any bond or other surety  
23 required to be submitted with a bid or contract for the furnishing  
24

1 of acquisitions and the conditions under which such bond or other  
2 surety shall be required;

3 8. The manner and conditions of delivery, which shall include  
4 the designation of the common carrier of property to be used to  
5 transport acquisitions whenever a common carrier is used, and the  
6 acceptance, or rejection, including check of quantities, of any  
7 acquisitions;

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

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

16 a. state agencies shall make acquisitions not exceeding  
17 Twenty-five Thousand Dollars (\$25,000.00), provided  
18 the acquisition process is fair and reasonable and is  
19 conducted pursuant to rules authorized pursuant to  
20 this section, and

21 b. state agencies with certified procurement officers and  
22 internal purchasing procedures found compliant by the  
23 State Purchasing Director may make acquisitions in  
24 excess of the fair and reasonable acquisition

1 threshold amount provided for in this section and not  
2 exceeding Two Hundred Fifty Thousand Dollars  
3 (\$250,000.00), pursuant to rules authorized by this  
4 section;

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

7 12. Review and audit by the State Purchasing Director of state  
8 agency acquisitions;

9 13. The conditions for increasing acquisition limits for state  
10 agencies which have had a prior reduction in acquisition limit by  
11 the Director of the Office of Management and Enterprise Services;

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

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

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

17 17. The form and manner of verification by suppliers that the  
18 supplier is eligible to do business in the State of Oklahoma and has  
19 obtained all necessary permits and licenses, pursuant to applicable  
20 provisions of law; and

21 18. Payment procedure rules for state agencies to adhere to  
22 regarding statewide contracts.

23 D. The State Purchasing Director shall provide training for  
24 state agency procurement officials, and other procurement staff, and

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

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

15 1. Ensuring state agency compliance with provisions of the  
16 Oklahoma Central Purchasing Act;

17 2. Ensuring state agency compliance with rules promulgated by  
18 the Office of Management and Enterprise Services pursuant to the  
19 Oklahoma Central Purchasing Act;

20 3. Ensuring state agency compliance with provisions of Section  
21 3001 et seq. of this title pertaining to the State Use Committee;

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

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

6           6. A determination by the State Purchasing Director to increase  
7 a state agency's acquisition authority amount after the agency cures  
8 deficiencies in connection with a prior reduction in the authority  
9 amount by the State Purchasing Director.

10          F. Based on written findings and when recommended by the State  
11 Purchasing Director, the Director of the Office of Management and  
12 Enterprise Services may:

13           1. Transmit written findings by the State Purchasing Director  
14 to the State Auditor and Inspector for further investigation,  
15 indicating purchasing procedures that do not conform to the Oklahoma  
16 Central Purchasing Act or associated rules; or

17           2. Transmit to the Attorney General or the State Auditor and  
18 Inspector for further investigation a report made by the State  
19 Purchasing Director that the Director of the Office of Management  
20 and Enterprise Services reasonably believes indicates that an action  
21 that constitutes a criminal violation pursuant to the Oklahoma  
22 Central Purchasing Act or other laws has been taken by any state  
23 agency, state agency official, bidder or supplier.

24

1 G. 1. Pursuant to the requirements of the Oklahoma Central  
2 Purchasing Act, the State Purchasing Director shall have authority  
3 to enter into any statewide, multistate or multigovernmental  
4 contract. The state entity designated by law, as specified in  
5 Section 1010.3 of Title 56 of the Oklahoma Statutes, shall  
6 participate in the purchase of pharmaceuticals available through  
7 such multistate or multigovernmental contracts entered into by the  
8 State Purchasing Director.

9 2. Whenever it appears advantageous to the state or to any  
10 state agency to purchase or otherwise acquire any acquisition which  
11 may be offered for sale by the United States government or any  
12 agency thereof, the State Purchasing Director may execute a contract  
13 for the acquisition with the federal government or federal agency  
14 and may also utilize contracts awarded by other governmental  
15 agencies including, but not limited to, agencies of the United  
16 States of America.

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

20 4. Prior to exercising the authority to cancel a contract, the  
21 State Purchasing Director may authorize renegotiation of an existing  
22 contract with an incumbent supplier for the purposes of obtaining  
23 more favorable terms for the state.

24

1           5. The State Purchasing Director shall have the authority to  
2 designate certain contracts for state agencies as statewide  
3 contracts and mandatory statewide contracts. In order to carry out  
4 the powers and duties of the Chief Information Officer and  
5 Information Services Division, the Chief Information Officer shall  
6 have the authority to designate certain information technology and  
7 telecommunication contracts as statewide contracts and mandatory  
8 statewide contracts and may negotiate consolidation contracts,  
9 enterprise agreements and high technology system contracts in lieu  
10 of or in conjunction with competitive bidding procedures to reduce  
11 acquisition cost, must document the justification for not bidding  
12 any such contracts or agreements, and must document such negotiation  
13 efforts.

14           6. The State Purchasing Director may publish such  
15 specifications relating to materials, supplies, equipment and  
16 services to be acquired for the state as may best promote  
17 competition and apprise potential suppliers of the type of product  
18 desired.

19           H. 1. The State Purchasing Director may develop and test new  
20 contracting policies, procedures and innovations that hold potential  
21 for making state procurement more effective and efficient and  
22 identify, and make recommendations to the Legislature of, any  
23 appropriate changes in law. Such development and testing, proof of  
24 concept, pilot project or other similar test shall not ~~be considered~~

1 ~~an acquisition subject to the Oklahoma Central Purchasing Act~~ last  
2 longer than twelve (12) months.

3 2. The State Purchasing Director is authorized to explore and  
4 investigate cost savings in energy, resource usage and maintenance  
5 contracts and to identify and negotiate contract solutions  
6 including, but not limited to, pilot projects to achieve cost  
7 savings for this state. The State Purchasing Director shall  
8 document such negotiation efforts.

9 I. The State Purchasing Director shall endeavor to satisfy  
10 state agencies in terms of cost, quality and timeliness of the  
11 delivery of acquisitions by using bidders who have a record of  
12 successful past performance, promoting competition, minimizing  
13 administrative operating costs and conducting business with  
14 integrity, fairness and openness.

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

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

19 2. Monitoring rules promulgated pursuant to the Oklahoma  
20 Central Purchasing Act to ensure that the rules satisfy the  
21 interests of the state, are clear and succinct and encourage  
22 efficiency in purchasing processes;

23 3. A program to identify suppliers' performance records;  
24

1           4. Development of criteria for the use of sealed bid  
2 contracting procedures, negotiated contracting procedures, selection  
3 of types of contracts, postaward administration of purchase orders  
4 and contracts, addendums, termination of contracts and contract  
5 pricing;

6           5. Continual improvement in the quality of the performance of  
7 the Purchasing Division through training programs, management  
8 seminars, development of benchmarks and key management indicators,  
9 and development of standard provisions, clauses and forms;

10          6. The State Purchasing Director shall prescribe standardized  
11 contract forms and all other forms or certifications requisite or  
12 deemed necessary by the State Purchasing Director to effectuate the  
13 provisions of the Oklahoma Central Purchasing Act and associated  
14 rules;

15          7. Development of programs to improve customer relations  
16 through training, improved communications and appointment of  
17 technical representatives;

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

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

24

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

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

11 M. On an annual basis, the State Purchasing Director shall  
12 transmit to the Governor, Speaker of the House of Representatives  
13 and President Pro Tempore of the Senate a report documenting the  
14 savings realized by each agency through the application of best  
15 spend practices including the collection and tracking of spend data,  
16 strategic sourcing programs and implementation of managed and  
17 mandatory statewide contracts and include in the report information  
18 regarding emergency acquisitions.

19 N. The acquisition threshold amount applicable to an  
20 acquisition made pursuant to this act or associated rules shall not  
21 apply to state agency purchases; provided, the State Purchasing  
22 Director determines the agency has subject matter experts on staff  
23 having the specialized expertise to purchase goods or services, the  
24 agency possesses the necessary legal and procurement staff to

1 procure and monitor the contracts and provided the Director of the  
2 Office of Management and Enterprise Services shall certify that the  
3 proposed purchase does not conflict with consolidated statewide  
4 spend initiatives.

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

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

8 a. be responsible for contracts awarded pursuant to this  
9 subsection, which includes, but may not be limited to,  
10 contract management, protest costs, all costs  
11 connected with or incurred as a result of the  
12 contract, including legal representation,

13 b. comply with rules and policies of the Office of  
14 Management and Enterprise Services, and

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

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

20 O. The State Purchasing Director, with approval by the Director  
21 of the Office of Management and Enterprise Services, is authorized  
22 to make use of any state laboratories for the tests and analyses  
23 authorized in this section wherever practicable and to use private  
24 laboratories or the laboratories of another government agency if it

1 is impracticable to use state laboratories. The State Purchasing  
2 Director is further authorized to cooperate in test and analysis  
3 programs or agreements with other states or the United States  
4 government and to accept federal funds and funds donated by private  
5 endowments or foundations for the purpose of participation in such  
6 testing programs.

7 P. The State Purchasing Director shall require all contractors  
8 or subcontractors who have entered into a contract with a public  
9 employer to submit an affidavit that the contractor or subcontractor  
10 is in compliance with the provisions of Section 1313 of Title 25 of  
11 the Oklahoma Statutes. If the State Purchasing Director determines  
12 that a contractor or subcontractor has knowingly submitted a false  
13 affidavit:

14 1. The contractor or subcontractor shall be liable for an  
15 administrative penalty of Five Thousand Dollars (\$5,000.00) for the  
16 first offense, which shall increase by Two Thousand Dollars  
17 (\$2,000.00) for each subsequent offense; and

18 2. The public employer or the Office of Management and  
19 Enterprise Services may terminate the contract with the contractor  
20 or subcontractor.

21 SECTION 2. AMENDATORY 74 O.S. 2021, Section 85.7, as  
22 last amended by Section 1, Chapter 339, O.S.L. 2023 (74 O.S. Supp.  
23 2025, Section 85.7), is amended to read as follows:

24

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

3 a. every state agency shall initiate all acquisitions by  
4 the submission of a requisition to the Purchasing  
5 Division, and

6 b. no state agency shall make an acquisition for an  
7 amount exceeding Fifty Thousand Dollars (\$50,000.00)  
8 or the limit determined by the State Purchasing  
9 Director pursuant to rules authorized by Section 85.5  
10 of this title, not to exceed Two Hundred Fifty  
11 Thousand Dollars (\$250,000.00), without submission of  
12 a requisition to the Purchasing Division for issuance  
13 of a solicitation for the acquisition on behalf of the  
14 agency. Any exemption from competitive bid  
15 requirements of the Oklahoma Central Purchasing Act  
16 further exempts the acquisition from requisition  
17 requirements of the act.

18 2. The State Purchasing Director may request additional  
19 information necessary to adequately review a requisition to ensure  
20 compliance with the Oklahoma Central Purchasing Act and associated  
21 rules. If the State Purchasing Director determines that an  
22 acquisition is not necessary, excessive or not justified, the State  
23 Purchasing Director shall deny the requisition.

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

3           a. accepting gifts or donations in any manner authorized  
4           by law, or

5           b. making an acquisition for itself without submitting a  
6           requisition under this section when authorized in  
7           writing by the State Purchasing Director.

8           4. Any acquisition a state agency makes shall be made pursuant  
9 to the Oklahoma Central Purchasing Act and associated rules. No  
10 agency shall use split purchasing for the purpose of evading the  
11 requirement of competitive bidding or other requirement of the  
12 Oklahoma Central Purchasing Act or associated rules. Violation of  
13 this provision shall be cause for discipline of a state employee up  
14 to and including termination.

15           5. The State Purchasing Director may waive or increase the  
16 limit authorized for a state agency acquisition made pursuant to its  
17 own competitive procedures. To perfect an otherwise valid  
18 acquisition inadvertently exceeding the limit due to administrative  
19 error by a state agency or unforeseeable circumstances, the state  
20 agency shall request a limited waiver or increase upon the discovery  
21 of the error or circumstance to the State Purchasing Director. The  
22 State Purchasing Director shall report requests for waivers or  
23 increases, stating the amount and whether the request was granted or  
24

1 denied, upon request by the Governor, President Pro Tempore of the  
2 Senate or Speaker of the House of Representatives.

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

5 a. contracts for master custodian banks or trust  
6 companies, investment managers, investment  
7 consultants, and actuaries for the state retirement  
8 systems, and Oklahoma Employees Insurance and Benefits  
9 Board, pension fund management consultants of the  
10 Oklahoma State Pension Commission and the  
11 Commissioners of the Land Office, examiners, experts,  
12 or consultants for the Insurance Department whose job  
13 duties are tied to Market Conduct Exams, Financial  
14 Exams, and Insurance Business Transfers, financial  
15 institutions to act as depositories and managers of  
16 the Oklahoma College Savings Plan accounts and other  
17 professional services as defined in Section 803 of  
18 Title 18 of the Oklahoma Statutes. When requested by  
19 the Oklahoma Employees Insurance and Benefits Board or  
20 the governing board of a state retirement system  
21 authorized to hire investment managers, the Purchasing  
22 Division shall assist in the process of selecting  
23 investment managers,  
24

1           b. a state agency making such an acquisition shall notify  
2           the State Purchasing Director within fifteen (15) days  
3           following completion of the acquisition. A list of  
4           the exempt contracts shall be provided, upon request,  
5           to a member of the Appropriations and Budget Committee  
6           of the House of Representatives or Appropriations  
7           Committee of the Senate,

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

10          d. a sole source acquisition made in compliance with  
11          Section 85.44D.1 of this title,

12          ~~e. an acquisition for design, development, communication  
13          or implementation of the state employees flexible  
14          benefits plan; provided, procedures used for the  
15          acquisition are consistent with competitive bid  
16          requirements of the Oklahoma Central Purchasing Act  
17          and associated rules,~~

18          ~~f.~~ any acquisition of a service which the Office of  
19          Management and Enterprise Services has approved as  
20          qualifying for a fixed and uniform rate, subject to  
21          the following:

22               (1) the Purchasing Division shall establish criteria  
23               and guidelines for those services which may  
24               qualify for a fixed and uniform rate,

1 (2) fixed and uniform rate contracts authorized by  
2 this subsection shall be limited to contracts for  
3 those services furnished to persons directly  
4 benefiting from such services and shall not be  
5 used by a state agency to employ consultants or  
6 to make other acquisitions,

7 (3) any state agency desiring to have a service  
8 qualified for a fixed and uniform rate shall make  
9 a request for service qualification to the State  
10 Purchasing Director and submit documentation to  
11 support the request. The State Purchasing  
12 Director shall approve or deny the request. If  
13 approved, the state agency shall establish a  
14 fixed and uniform rate for the service. No  
15 contracts shall be entered into by the state  
16 agency until the rate has been approved by the  
17 state agency in a public hearing. The proposed  
18 rate shall be clearly and separately identified  
19 in the agenda of the state agency for the hearing  
20 and shall be openly and separately discussed  
21 during such hearing. The state agency shall  
22 notify the State Purchasing Director of its  
23 pending consideration of the proposed rate at  
24 least thirty (30) days before the state agency is

1 to meet on the proposed rate and deliver a copy  
2 of the agenda items concerning the proposed rate  
3 with supporting documentation. The State  
4 Purchasing Director shall communicate any  
5 observation, reservation, criticism or  
6 recommendation to the agency, either in person at  
7 the time of the hearing or in writing delivered  
8 to the state agency before or at the time of the  
9 hearing. The State Purchasing Director shall  
10 specifically note in the written communications  
11 whether the Director has determined the rate to  
12 be excessive. Any written communication  
13 presented in the absence of the State Purchasing  
14 Director shall be presented orally during the  
15 public hearing. Whether made in person or in  
16 writing, any comment made by the State Purchasing  
17 Director shall be made a part of the minutes of  
18 the hearing in full,

19 (4) within two (2) weeks after the convening of the  
20 Legislature, the administrative officer of the  
21 state agency shall furnish to the Speaker of the  
22 House of Representatives, the President Pro  
23 Tempore of the Senate and to any member of the  
24 House or Senate, if requested by the member, a

1 complete list of all of the types of services  
2 paid for by uniform fixed rates, the amount of  
3 the rate last approved by the agency for the  
4 service and the number of contracts then in  
5 existence for each type of service. Any rate  
6 which has been determined to be excessive by the  
7 State Purchasing Director shall be specifically  
8 identified in the list by the state agency, and  
9 (5) at any time, the State Purchasing Director may  
10 review, suspend or terminate a contract entered  
11 into pursuant to the provisions of this paragraph  
12 if the Director determines the contract is not  
13 necessary, is excessive or is not justified,

14 ~~g.~~

15 f. an acquisition for a client of the State Department of  
16 Rehabilitation Services; provided, the agency develops  
17 and maintains standards for such an acquisition. The  
18 agency may elect to utilize the Purchasing Division  
19 for an acquisition. The standards shall foster  
20 economy, provide a short response time, include  
21 appropriate safeguards, require written records,  
22 ensure appropriate competition for economical and  
23 efficient purchasing and shall be approved by the  
24 State Purchasing Director,

1 ~~h.~~

2 g. structured settlement agreements entered into by the  
3 Attorney General's office in order to settle any  
4 lawsuit involving the state, the Legislature, any  
5 state agency or any employee or official of the state  
6 if:

7 (1) prior to entering into any contract for the  
8 services of an entity to administer a structured  
9 settlement agreement, the Attorney General  
10 receives proposals from at least three entities  
11 engaged in providing such services, and

12 (2) the selection of a particular entity is made on  
13 the basis of the response to the request which is  
14 the most economical and provides the most  
15 competent service which furthers the best  
16 interests of the state,

17 ~~i.~~

18 h. an acquisition by a state agency pursuant to a  
19 contract the State Purchasing Director enters into on  
20 behalf of a state agency or awards and designates for  
21 use by state agencies,

22 ~~j.~~

23 i. an acquisition by the Committee for Sustaining  
24 Oklahoma's Energy Resources pursuant to a contract

1 with a local supplier for the purpose of holding a  
2 special event or an exhibition throughout the state,  
3 and

4 ~~k.~~

5 j. contracts for the study, analysis, and planning, as  
6 reasonably necessary, to aid in determining the  
7 feasibility of leasing, selling, or privately managing  
8 or developing the property or facilities under control  
9 of the Oklahoma Tourism and Recreation Commission.  
10 The Commission shall be exempt from the competitive  
11 bidding requirements of the Oklahoma Central  
12 Purchasing Act for the purpose of soliciting,  
13 negotiating, and effectuating such a contract or  
14 contracts; provided, that the State Purchasing  
15 Director shall review and audit all uses of the  
16 exemptions provided in this subparagraph biannually.

17 ~~7.~~

18 B. Notwithstanding any other provision of law, an acquisition  
19 may be exempted from requirements of this section by the State  
20 Purchasing Director when in the State Purchasing Director's  
21 discretion unusual, time-sensitive or unique circumstances exist  
22 which make such exemption in the best and immediate interest of the  
23 state. As used in this subsection, "State Purchasing Director"  
24 shall not mean a designee. Any such acquisitions shall be described

1 in detail and publicly posted as a data feed. The description shall  
2 include the name of the supplier, cost of the acquisition, reason  
3 for exemption and, as applicable, detailed comparison of the  
4 acquisition with comparable items, any identified cost savings  
5 resulting from the acquisition and a description of benefits to the  
6 state. The State Purchasing Director shall take no action under the  
7 provisions of this subsection prior to such public posting.

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

10 ~~C.~~ D. Bids for an amount requiring submission of requisitions  
11 to the Purchasing Division shall be evaluated by the Purchasing  
12 Division and the state agency receiving the acquisition. At a  
13 minimum, cost and technical expertise shall be considered in  
14 determining the lowest and best, or best value, bid. Further, the  
15 state agency shall present its evaluation and recommendation to the  
16 State Purchasing Director. A documented evaluation report  
17 containing the evaluations of the Purchasing Division or the state  
18 agency shall be completed prior to the contract award and such  
19 report shall be a matter of public record.

20 ~~D.~~ E. Except as otherwise specifically provided by law, the  
21 acquisition of food items or food products by a state agency from a  
22 public trust created pursuant to Sections 176 through 180.56 of  
23 Title 60 of the Oklahoma Statutes shall comply with competitive  
24 bidding requirements of this section.

1       ~~E.~~ F. Cooperative contracts shall not be utilized unless the  
2 purchasing cooperative and its affiliated suppliers have complied  
3 with competitive bid requirements of the Oklahoma Central Purchasing  
4 Act and associated rules.

5       ~~F.~~ G. Notwithstanding any provision of the Oklahoma Central  
6 Purchasing Act, in all cases where federal granted funds are  
7 involved, the federal laws, rules and regulations thereto shall  
8 govern to the extent necessary to inure to the benefit of such funds  
9 to this state.

10       ~~G.~~ H. A court order requiring an acquisition by a state agency,  
11 whether or not such state agency is subject to the Oklahoma Central  
12 Purchasing Act, shall not invalidate competitive bidding procedures  
13 required by this section if such court order does not specify a  
14 specific supplier. Any such acquisition shall comply with  
15 competitive bid procedures.

16       SECTION 3.       AMENDATORY       74 O.S. 2021, Section 85.41, is  
17 amended to read as follows:

18       Section 85.41. A. A state agency that acquires professional  
19 services shall comply with the provisions of this section but does  
20 not otherwise have to bid professional services as defined in  
21 Section 803 of Title 18 of the Oklahoma Statutes.

22       B. The state agency may evaluate the performance of the  
23 professional services provided pursuant to all professional services  
24 contracts exceeding the fair and reasonable acquisition threshold

1 amount. The performance evaluation shall indicate the quality of  
2 service or work product of the supplier. The state agency shall  
3 retain the evaluation in the document file the state agency  
4 maintains for the acquisition pursuant to Section 85.39 of this  
5 title. If the evaluation indicates deficiencies with the supplier's  
6 work, the state agency shall send a copy of the evaluation to the  
7 State Purchasing Director.

8 C. If the work product of the contract is a report subject to  
9 disclosure under state or federal law or regulation, the state  
10 agency shall file the report with the State Librarian and Archivist.

11 D. A state agency shall administer, monitor and audit the  
12 professional services contract and may be required to report the  
13 status of an unfinished professional services contract to the State  
14 Purchasing Director.

15 E. A professional services contract shall include an audit  
16 clause which provides that all items of the supplier that relate to  
17 the professional services are subject to examination by the state  
18 agency, the State Auditor and Inspector and the State Purchasing  
19 Director.

20 F. Except for a contract renewal, the final product of the  
21 professional services contract is a written proposal, report or  
22 study, the professional services contract shall require the supplier  
23 to certify that the supplier has not previously provided the state  
24 agency or another state agency with a final product that is a

1 substantial duplication of the final product of the proposed  
2 contract.

3 SECTION 4. AMENDATORY 74 O.S. 2021, Section 85.42, as  
4 amended by Section 9, Chapter 336, O.S.L. 2025 (74 O.S. Supp. 2025,  
5 Section 85.42), is amended to read as follows:

6 Section 85.42. A. 1. Except as otherwise provided for in this  
7 section or other applicable law, any agency, whether or not such  
8 agency is subject to the Oklahoma Central Purchasing Act, shall be  
9 prohibited from entering into a sole-source contract or agreement or  
10 a contract or agreement for professional services with or for the  
11 services of any person who has terminated employment with or who has  
12 been terminated by that agency for one (1) year after the  
13 termination date of the employee from the agency. Any contract or  
14 agreement entered into in violation of this subsection shall be  
15 void. Any person found to have violated this subsection shall be  
16 prohibited from entering into any state contract for a period of  
17 five (5) years from the date of the execution of the contract or  
18 agreement. The provisions of this subsection shall not prohibit an  
19 agency from hiring or rehiring such person as a state employee.

20 2. Any chief administrative officer of an agency, whether or  
21 not such agency is subject to the Oklahoma Central Purchasing Act,  
22 shall not enter into any contract for nonprofessional or  
23 professional services for the purpose of or which would result in  
24

1 the circumvention of the full-time-equivalent employee limitation  
2 established by law for such agency.

3 B. Each contract, including change orders, extensions,  
4 renewals, or amendments, entered into by any person or firm with the  
5 State of Oklahoma shall include a statement certifying that no  
6 person who has been involved in any manner in the development,  
7 approval, or negotiation of such contract while employed by the  
8 state shall be employed or given anything of value to fulfill any of  
9 the services provided for under the contract. Each contract,  
10 including change orders, extensions, renewals, or amendments, shall  
11 include a statement from the chief executive officer or head of the  
12 contracting state agency certifying that no known officer or  
13 employee of the contracting state agency who has any direct or  
14 indirect financial, pecuniary, or other personal interest in the  
15 contract has been involved in any manner in the development,  
16 approval, or negotiation of the contract through influence,  
17 decision, recommendation, or otherwise. This subsection shall not  
18 preclude faculty and staff of the institutions within The Oklahoma  
19 State System of Higher Education from negotiating and participating  
20 in research grants and educational contracts. This subsection shall  
21 not apply to Oklahoma Department of Commerce personnel who contract  
22 to provide services to the Oklahoma Capital Investment Board.

23 C. As used in this section, "person" means any state official  
24 ~~or~~ and their employees as well as every employee of a every state

1 agency, and "agency" means every school district and every state  
2 court and every department, board, bureau, commission, ~~agency,~~  
3 trusteeship, authority, council, committee, trust, ~~school district,~~  
4 ~~fair board, court,~~ executive office, advisory group, task force, and  
5 study group, that is supported in whole or in part by public funds  
6 or entrusted with the expenditure of public funds or administering  
7 or operating public property, ~~and all committees,~~ as well as every  
8 committee or subcommittees thereof, ~~judges, justices and state~~  
9 ~~legislators~~ subcommittee of every such agency.

10 D. Notwithstanding anything to the contrary in this section,  
11 the following sole-source or professional services contracts are  
12 allowed at any time:

13 1. A contract for professional services at any time with a  
14 person who is a qualified interpreter for the deaf; and

15 2. A contract between a business entity that is a part-time  
16 certified court reporter and the Administrative Office of the  
17 Courts, on behalf of the district courts, or the Office of the  
18 Attorney General.

19 E. Provided the provisions specified in subsection B of this  
20 section are satisfied, the following professional services contracts  
21 are allowed:

22 1. The Department of Transportation, Oklahoma Water Resources  
23 Board, Department of Environmental Quality, Oklahoma Tourism and  
24 Recreation Department, the Oklahoma Turnpike Authority and the

1 Oklahoma Department of Agriculture, Food, and Forestry may contract  
2 with a person who has retired from state service;

3 2. To maintain public health infrastructure and preparedness,  
4 the State Department of Health and city-county health departments  
5 may contract with a physician assistant, Registered Nurse, advanced  
6 practice nurse, Nurse-Midwife, registered dietician, occupational  
7 therapist, physical therapist or speech-language pathologist who has  
8 retired from state service; and

9 3. The Department of Mental Health and Substance Abuse Services  
10 may contract with a physician, Registered Nurse, registered  
11 pharmacist or person meeting the definition of a licensed mental  
12 health professional, as defined in Title 43A of the Oklahoma  
13 Statutes, who has separated and/or retired from state service.

14 SECTION 5. AMENDATORY 74 O.S. 2021, Section 85.44D.1, is  
15 amended to read as follows:

16 Section 85.44D.1. A. 1. A sole source acquisition is exempt  
17 from competitive bidding procedures as a sole source or requirements  
18 of this act, but a sole brand acquisition is subject to such  
19 competitive bidding requirements.

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

24 SOLE SOURCE OR SOLE BRAND ACQUISITION

CERTIFICATION

STATE AGENCY \_\_\_\_\_

SUPPLIER NAME \_\_\_\_\_

SUPPLIER ADDRESS \_\_\_\_\_

SUPPLIER CONTACT INFORMATION \_\_\_\_\_

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

(Name of Supplier)

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

5 \_\_\_\_\_  
6 (Chief administrative officer)

7 3. A court order requiring a particular acquisition, but which  
8 does not specify a brand or supplier shall not substitute for the  
9 certification required by this section or otherwise invalidate  
10 acquisition procedures required by the Oklahoma Central Purchasing  
11 Act.

12 4. Upon a determination by the Director of the Office of  
13 Management and Enterprise Services that there are reasonable grounds  
14 to believe that a violation of this section has occurred, the  
15 Director shall send findings to the Attorney General that support  
16 the determination. The Attorney General shall review the findings  
17 and determine whether to investigate or prosecute the person.

18 5. Prior to approving a requisition for a sole source or sole  
19 brand acquisition, the Purchasing Division shall require the signed  
20 certification documenting the need for a sole source or sole brand  
21 acquisition and shall retain the certification in accordance with  
22 state record retention requirements.

23 6. For a sole source or sole brand acquisitions exceeding the  
24 fair and reasonable acquisition threshold amount and not requiring

1 submission of a requisition to the Purchasing Division, the state  
2 agency's certified procurement officer shall retain, in the  
3 acquisition file, the signed certification documenting the need for  
4 the sole source or sole brand acquisition in accordance with state  
5 record retention requirements.

6 B. By the fifteenth day of each month, or the first working day  
7 thereafter, the Office of Management and Enterprise Services shall  
8 ~~provide a report to:~~

9 ~~1. The Speaker of the House of Representatives and the~~  
10 ~~President Pro Tempore of the Senate; and~~

11 ~~2. Any member of the Legislature requesting the report publish~~  
12 ~~a report on its website.~~

13 The report shall detail sole source and sole brand acquisitions  
14 by state agencies for the month prior to the month preceding the  
15 submission of the report. The report shall be titled "Monthly Sole  
16 Source and Sole Brand Contracting Report of Oklahoma State Agencies"  
17 and indicate the time period of the report. The report shall be  
18 provided by the Director of the Office of Management and Enterprise  
19 Services or the Director's designee. The report shall be in  
20 columnar database format and shall include at least the following  
21 fields of information: state agency number; state agency name; date  
22 created by the Office of Management and Enterprise Services for the  
23 requisition; date of either approval or disapproval of the  
24 requisition; if disapproved, the reason why such contract

1 requisition was disapproved; estimated amount of the requisition  
2 acquisition; purchase order amount; purchase order number; actual  
3 business name of supplier; supplier federal employer identification  
4 number; and the commodity classification listing at the appropriate  
5 level to distinguish between similar acquisitions. Information  
6 required by this subsection shall be reported and maintained on each  
7 report through the next reporting period after an acquisition is  
8 made. The applicable data in the fields of information specified in  
9 this subsection shall be listed even if the state agency requisition  
10 is disapproved.

11 SECTION 6. This act shall become effective November 1, 2026.

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13 60-2-16845 MJ 02/27/26

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