

## COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4276 \_\_\_\_\_  
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

Amendment submitted by: Nicole Miller

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

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

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

PROPOSED POLICY  
COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 4276

By: Miller

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to public buildings and public works; prohibiting all entities subject to the Public Competitive Bidding Act of 1974 from any public improvement or public construction contract unless funds sufficient to complete the contemplated work have been approved, appropriated, and certified; requiring public entities to obtain written certification of funds; providing contents of certification; directing certification be retained in official project file; clarifying any solicitation without prior approval and certification shall be void and invalidated; requiring suspension of bidding if estimated cost increases; clarifying applicability to all public improvement projects unless otherwise exempted by law; amending 19 O.S. 2021, Section 1416, which relates to expenditures exceeding fund balance; clarifying encumbrances are not subject to ninety-percent rule; amending 19 O.S. 2021, Section 1501, as last amended by Section 1, Chapter 85, O.S.L. 2025 (19 O.S. Supp. 2025, Section 1501), which relates to duties of county purchasing agent; prohibiting solicitation of bids until funding for contemplated acquisition has been approved, appropriated, and certified; directing the county clerk to obtain a written certification of funds; directing certification of funding be retained in the solicitation file; providing for codification; and providing an effective date.

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

1       SECTION 1.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 140 of Title 61, unless there is  
3 created a duplication in numbering, reads as follows:

4       A. No state agency, political subdivision, county, school  
5 district, public trust, or other public entity subject to the Public  
6 Competitive Bidding Act of 1974 shall issue, publish, or release any  
7 solicitation for bids, requests for proposals, construction manager  
8 selection documents, prequalification announcements, or other  
9 competitive bidding instruments for any public improvement or public  
10 construction contract unless and until funds sufficient to complete  
11 the contemplated work have been formally approved, appropriated, and  
12 certified as available for expenditure.

13       B. Prior to issuing any competitive bidding documents, the  
14 public entity shall obtain a written certification of funds from the  
15 officer or authority responsible for encumbering or certifying the  
16 availability of funds for the entity. The certification shall:

17       1. Identify the funding source, which must be allowable and  
18 designated for the purpose of what is to be bid;

19       2. State the amount of funds appropriated and available; and

20       3. Confirm that such funds are unencumbered and sufficient to  
21 cover the estimated cost of the project.

22       C. The written certification of funding shall be retained in  
23 the official project file and incorporated by reference into the  
24 bidding documents.

1 D. Any solicitation issued without prior funding approval and  
2 certification required under this section shall be void, and bids or  
3 proposals received pursuant to such solicitation shall be invalid  
4 and may not be opened, considered, or awarded.

5 E. If the estimated cost of the public improvement increases  
6 after issuance of bidding documents, the bidding process shall be  
7 suspended until additional funds are appropriated and certified.

8 F. The provisions of this section shall apply to all public  
9 improvement projects subject to the Public Competitive Bidding Act  
10 of 1974 unless otherwise expressly exempted by law.

11 SECTION 2. AMENDATORY 19 O.S. 2021, Section 1416, is  
12 amended to read as follows:

13 Section 1416. A. No expenditure may be authorized or made by  
14 any county officer or employee which exceeds any fund balance in any  
15 fund for which a budget is not required to be adopted.

16 B. Any balance remaining in a fund at the end of the budget  
17 year shall be carried forward to the credit of the fund for the next  
18 budget year.

19 C. It shall be unlawful for any county officer or employee in  
20 any budget year of a fund for which a budget has been prepared:

- 21 1. To create or authorize creation of a deficit in any fund; or
- 22 2. To authorize, make or incur expenditures ~~or encumbrances~~ in  
23 excess of ninety percent (90%) of the appropriation for a given  
24 ~~category of expenditure in the~~ budget of any fund as adopted or

1 amended until revenues in an amount equal to at least ninety percent  
2 (90%) of the appropriation have been collected. Any fund balance  
3 which is included in the appropriation within a given fund is  
4 considered revenue in the budget year for which it is appropriated.  
5 Expenditures may then be made and authorized as revenues are  
6 available so long as any expenditure does not exceed the actual fund  
7 balance in any budgeted fund.

8 D. Any obligation that is contracted or authorized by any  
9 county officer or employee in violation of this act shall become the  
10 obligation of ~~the~~ said officer or employee ~~himself~~ and shall not be  
11 valid or enforceable against the county. Any county officer or  
12 employee who violates this act shall forfeit his or her office or  
13 position and shall be subject to such civil and criminal punishments  
14 as are provided by law. Any obligation, authorization for  
15 expenditure or expenditure made in violation of this act shall be  
16 illegal and void.

17 SECTION 3. AMENDATORY 19 O.S. 2021, Section 1501, as  
18 last amended by Section 1, Chapter 85, O.S.L. 2025 (19 O.S. Supp.  
19 2025, Section 1501), is amended to read as follows:

20 Section 1501. A. The county purchasing agent:

21 1. Shall, within the amount of the unencumbered balance, make  
22 all purchases that are paid from county funds for the various  
23 institutions, departments, officers, and employees of the county,  
24 except at public auctions and as otherwise provided for by law;

1        2. May make purchases for political subdivisions of this state  
2 within the county if authorized by appropriate action of the  
3 governing board or body of the political subdivision affected;

4        3. Shall make purchases and rental or lease-purchase agreements  
5 only after following the bidding procedures as provided for by law,  
6 except:

- 7            a. when the purchase does not exceed Twenty-five Thousand  
8                Dollars (\$25,000.00) by department. All purchases  
9                made pursuant to this subparagraph shall be by a  
10               single purchase order. Splitting purchase orders  
11               which would result in paying an amount in excess of  
12               the limitations specified in this subparagraph is  
13               expressly prohibited. Any person convicted of  
14               violating the provisions of this subparagraph shall be  
15               guilty of a misdemeanor and such person shall forfeit  
16               the person's position or office,
- 17            b. when the total payments of a rental or lease-purchase  
18                agreement do not exceed the current bid limit as  
19                established in subparagraph a of this paragraph,
- 20            c. when articles and items are covered by single-source  
21                contracts,
- 22            d. service or maintenance contracts on equipment or  
23                machinery which are entered into at the time of the  
24                purchase of the equipment or machinery,

- e. purchases made pursuant to a blanket purchase order as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes,
- f. when materials for road or bridge improvements do not exceed Seven Dollars (\$7.00) per yard or per ton,
- g. purchases of fuel if the county purchasing agent obtains quotes from at least three vendors prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the clerk,
- h. purchases of tools, apparatus, machinery, or equipment from a state agency or a political subdivision of the state as provided for in subsection C of Section 421.1 of this title,
- i. purchases of food for prisoners incarcerated in the county jail; provided, in counties having a population in excess of one hundred thousand (100,000) persons, the county purchasing agent shall follow bidding procedures as provided by law unless the county purchasing agent obtains quotes pursuant to the whole total of food items requisitioned prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the county clerk,

- j. when a county solicits bids for the purchase of processed native materials for road and bridge improvements, the county may accept all bids received, with the lowest and best bid from those accepted to be selected at the time of opening of any construction project. The selection of the bid shall be based upon availability, bid price, and transportation costs,
- k. when a vendor has been selected as the lowest and best bidder to furnish a particular item or items to the county during a specified time period and in the event the vendor is unable to perform, the purchasing agent may solicit telephone quotes for the item or items needed or select the next lowest and best bidder from the list of qualified bidders and provide for the purchase of the items at the lowest and best quote available. All vendors submitting bids for the specific product or service will be considered at or below the amount they bid,
- l. when considering the purchase of an item or items from the state bid list as provided by the Office of Management and Enterprise Services or the General Services Administration, if the same exact item is available from a local vendor at or below the price listed on the state bid list or the General Services

Administration list, the item may be obtained from the vendor,

m. any item or items bid by the Office of Management and Enterprise Services which may be purchased by the county, provided the vendor is willing to supply the item or items to the county at the bid price,

n. when a county obtains proceeds from the sale of its property at a public auction, that county may use those proceeds to acquire items previously identified as needed by the county at the same public auction pursuant to subsection D of Section 1505 of this title,

o. when an item or items have been competitively bid by a county, or on behalf of a group of counties, provided:

(1) the notice to bidders shall list each county which may participate in the purchase of the item or items being bid,

(2) the notice of bid is advertised, as provided by law, in each of the counties which may participate in the purchase of the item or items,

(3) all vendors on the list of qualified bidders of each participating county who offer the item or items for sale received notice of the bid request, and

- (4) the vendor awarded the bid is willing and able to provide the item or items at the bid price,
- p. counties may participate in a nationwide purchasing program sponsored by the national association representing counties and local cooperative procurement agreements entered into by the counties and other local jurisdictions or any other competitively bid nationwide purchasing program, or
- q. when the Governor declares an emergency in a county, the district attorney of that county shall have the authority to temporarily waive competitive bidding procedures for purchases that may expedite a response to the emergency situation. This temporary waiver shall be in addition to any powers exercised pursuant to Section 683.11 of Title 63 of the Oklahoma Statutes.

The purchases shall be paid by attaching properly itemized invoices, as described in Section 1505 of this title, to a purchase order which has been prepared by the county purchasing agent and submitting both to the county clerk for filing, encumbering, and consideration for payment by the board of county commissioners;

4. Shall not furnish any supplies, materials, equipment, or other articles, except upon receipt of a requisition signed by a county officer. Written requisitions will not be required for

1 blanket purchase orders as provided for in Section 310.8 of Title 62  
2 of the Oklahoma Statutes. Each county officer may designate not  
3 more than two employees who also shall be authorized to sign  
4 requisitions in the absence of the county officer. A written  
5 designation of the employees shall be filed with the county clerk  
6 and shall be entered in the minutes of the board of county  
7 commissioners. The county may designate two individuals who are not  
8 county employees for each of the following entities within the  
9 county to act as receiving and requisitioning officers:

- 10 a. fire protection districts organized and operated  
11 pursuant to the provisions of Sections 901.1 through  
12 901.29 of this title,
- 13 b. fire protection services established pursuant to the  
14 provisions of Section 351 of this title,
- 15 c. volunteer or full-time fire departments established  
16 pursuant to Section 592 of Title 18 of the Oklahoma  
17 Statutes, and
- 18 d. municipal fire departments organized and operated  
19 pursuant to the provisions of Sections 29-101 through  
20 29-115 of Title 11 of the Oklahoma Statutes.

21 A written designation of these individuals shall be filed with  
22 the county clerk and shall be entered in the minutes of the board of  
23 county commissioners meeting in which the designations are made.  
24 Further, entities described in subparagraphs a, b, c, and d of this

1 paragraph, choosing to have any nonemployee of the county designated  
2 as a receiving and requisitioning officer shall provide evidence of  
3 blanket bond coverage or employee dishonesty liability insurance for  
4 each such designee;

5 5. Shall make lease or lease-purchase agreements for road  
6 machinery and equipment if the county has adequate funds  
7 appropriated during any fiscal year for such purpose and only after  
8 following the bidding procedures as provided for in Section 1505 of  
9 this title. The term of any lease or lease-purchase agreement  
10 authorized pursuant to this paragraph may be for any period up to  
11 one (1) year; provided, the term shall not extend beyond the end of  
12 any fiscal year, with an option to renew such agreement subject to  
13 the requirement that adequate funds are appropriated during the  
14 fiscal year by the county for such purpose. The Office of the State  
15 Auditor and Inspector shall be notified by the county of the terms  
16 and conditions of a lease or lease-purchase agreement authorized  
17 pursuant to this paragraph before any such agreement is made by the  
18 county purchasing agent; and

19 6. Shall perform such other duties as may be delegated by the  
20 appointing authority or as may be provided for by law.

21 B. Each department of county government needing repairs to  
22 equipment, machinery, or vehicles shall make estimates and  
23 requisition a purchase order from the county purchasing agent for  
24 repairs not in excess of Ten Thousand Dollars (\$10,000.00). Repairs

1 in excess of Ten Thousand Dollars (\$10,000.00) shall be submitted on  
2 a blanket purchase order as provided in Section 310.8 of Title 62 of  
3 the Oklahoma Statutes.

4 C. Each department of county government needing repairs to  
5 heavy equipment, meaning equipment in excess of ten thousand  
6 (10,000) pounds, shall make estimates and requisition a purchase  
7 order from the county purchasing agent for repairs not in excess of  
8 Thirty Thousand Dollars (\$30,000.00). Repairs in excess of Thirty  
9 Thousand Dollars (\$30,000.00) shall be submitted on a blanket  
10 purchase order as provided in Section 310.8 of Title 62 of the  
11 Oklahoma Statutes.

12 D. 1. No county purchasing agent shall issue, publish, or  
13 otherwise release any invitation to bid, request for proposals,  
14 request for qualifications, or other form of competitive  
15 solicitation for the acquisition, lease, or lease-purchase of  
16 supplies, materials, equipment, information technology,  
17 telecommunication goods or services, or public improvements to be  
18 paid from county funds unless and until funding for the contemplated  
19 acquisition has been formally approved, appropriated, and certified  
20 as available for expenditure.

21 2. Before issuance of a competitive solicitation, the county  
22 clerk shall obtain a written certification of funds from the officer  
23 or authority responsible for encumbering or certifying the  
24 availability of funds for the entity. The certification shall:

- a. identify the funding source, which must be allowable and designated for the purpose of what is to be bid,
- b. state the amount of funds appropriated and available, and
- c. confirm that such funds are unencumbered and sufficient to cover the estimated cost of the project.

3. The written certification of funding shall be retained in the solicitation file and shall be referenced in the solicitation document.

4. Any competitive solicitation issued without prior funding approval and certification as required by this subsection shall be void, and any bids or proposals received in response thereto shall be invalid and may not be considered by the county.

5. If, after certification but prior to award, the estimated procurement cost increases, the solicitation shall be suspended until additional funds are appropriated and certified.

SECTION 4. This act shall become effective November 1, 2026.

60-2-16029 MJ 02/09/26