

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3420

By: Strom

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 2021, Section 85.5 as amended by Section 1, Chapter 102, O.S.L. 2024; 74 O.S. 2021, Section 85.7, as last amended by Section 1, Chapter 339, O.S.L. 2023 (74 O.S. Supp. 2025, Sections 85.5, and 85.7); amending 74 O.S. 2021, Section 85.41; 74 O.S. 2021, Section 85.42, as amended by Section 9, Chapter 336, O.S.L. 2025 (74 O.S. Supp. 2025, Section 85.42); 74 O.S. 2021, Section 85.44D.1, which relate to the Oklahoma Central Purchasing Act; modifying the powers and duties of the State Purchasing Director; requiring the Chief Information Officer to document justification for not bidding certain contracts and document negotiation efforts; requiring certain pilot 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.

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

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

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

14 B. Every state agency shall determine its own quantitative
15 needs for acquisitions and the general class or nature of the
16 acquisitions. The State Purchasing Director, after consultation
17 with the requisitioning state agency, shall have authority to
18 determine the ~~particular brand, model or other~~ specific
19 classification of each acquisition and to draft or invoke pursuant
20 to the Oklahoma Central Purchasing Act specifications establishing
21 the requirements for all necessary contracts or purchase orders.

22 C. The Director of the Office of Management and Enterprise
23 Services shall have authority and responsibility to promulgate rules
24

1 in connection with provisions of the Oklahoma Central Purchasing Act
2 for:

3 1. The time, manner, authentication and form of making
4 requisitions for acquisitions;

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

7 3. The form and manner of submission for bids or proposals a
8 bidder submits and the manner of accepting and opening bids or
9 proposals;

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

15 5. Obtaining acquisitions produced by state institutions;

16 6. Conditions under which any of the rules herein authorized
17 may be waived;

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

22 8. The manner and conditions of delivery, which shall include
23 the designation of the common carrier of property to be used to
24 transport acquisitions whenever a common carrier is used, and the

1 acceptance, or rejection, including check of quantities, of any
2 acquisitions;

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

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

11 a. state agencies shall make acquisitions not exceeding
12 Twenty-five Thousand Dollars (\$25,000.00), provided
13 the acquisition process is fair and reasonable and is
14 conducted pursuant to rules authorized pursuant to
15 this section, and

16 b. state agencies with certified procurement officers and
17 internal purchasing procedures found compliant by the
18 State Purchasing Director may make acquisitions in
19 excess of the fair and reasonable acquisition
20 threshold amount provided for in this section and not
21 exceeding Two Hundred Fifty Thousand Dollars
22 (\$250,000.00), pursuant to rules authorized by this
23 section;

24

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

3 12. Review and audit by the State Purchasing Director of state
4 agency acquisitions;

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

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

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

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

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

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

19 D. The State Purchasing Director shall provide training for
20 state agency procurement officials, and other procurement staff, and
21 is authorized to require retraining of such procurement personnel
22 found not to be in compliance with provisions of the Oklahoma
23 Central Purchasing Act or associated rules. The training may
24 include any matters related to state procurement practices. State

1 agency purchasing officials that demonstrate proficiency shall be
2 certified as "certified procurement officers" by the State
3 Purchasing Director and shall be authorized to make acquisitions
4 pursuant to provisions of the Oklahoma Central Purchasing Act and
5 associated rules. The State Purchasing Director may assess a fee to
6 state agencies for the training that does not exceed each state
7 agency's pro rata share of the costs the State Purchasing Director
8 incurs to provide the training.

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

11 1. Ensuring state agency compliance with provisions of the
12 Oklahoma Central Purchasing Act;

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

16 3. Ensuring state agency compliance with provisions of Section
17 3001 et seq. of this title pertaining to the State Use Committee;

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

21 5. A determination by the State Purchasing Director to reduce a
22 state agency's acquisition authority amount when the state agency is
23 found not to be in compliance with the Oklahoma Central Purchasing
24

1 Act or associated rules or requirements of the State Purchasing
2 Director pursuant to this section; and

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

7 F. Based on written findings and when recommended by the State
8 Purchasing Director, the Director of the Office of Management and
9 Enterprise Services may:

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

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

21 G. 1. Pursuant to the requirements of the Oklahoma Central
22 Purchasing Act, the State Purchasing Director shall have authority
23 to enter into any statewide, multistate or multigovernmental
24 contract. The state entity designated by law, as specified in

1 Section 1010.3 of Title 56 of the Oklahoma Statutes, shall
2 participate in the purchase of pharmaceuticals available through
3 such multistate or multigovernmental contracts entered into by the
4 State Purchasing Director.

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

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

16 4. Prior to exercising the authority to cancel a contract, the
17 State Purchasing Director may authorize renegotiation of an existing
18 contract with an incumbent supplier for the purposes of obtaining
19 more favorable terms for the state.

20 5. The State Purchasing Director shall have the authority to
21 designate certain contracts for state agencies as statewide
22 contracts and mandatory statewide contracts. In order to carry out
23 the powers and duties of the Chief Information Officer and
24 Information Services Division, the Chief Information Officer shall

1 have the authority to designate certain information technology and
2 telecommunication contracts as statewide contracts and mandatory
3 statewide contracts and may negotiate consolidation contracts,
4 enterprise agreements and high technology system contracts in lieu
5 of or in conjunction with competitive bidding procedures to reduce
6 acquisition cost, must document the justification for not bidding
7 any such contracts or agreements, and must document such negotiation
8 efforts.

9 6. The State Purchasing Director may publish such
10 specifications relating to materials, supplies, equipment and
11 services to be acquired for the state as may best promote
12 competition and apprise potential suppliers of the type of product
13 desired.

14 H. 1. The State Purchasing Director may develop and test new
15 contracting policies, procedures and innovations that hold potential
16 for making state procurement more effective and efficient and
17 identify, and make recommendations to the Legislature of, any
18 appropriate changes in law. Such development and testing, proof of
19 concept, pilot project or other similar test shall not ~~be considered~~
20 ~~an acquisition subject to the Oklahoma Central Purchasing Act~~ last
21 longer than twelve (12) months.

22 2. The State Purchasing Director is authorized to explore and
23 investigate cost savings in energy, resource usage and maintenance
24 contracts and to identify and negotiate contract solutions

1 including, but not limited to, pilot projects to achieve cost
2 savings for this state. The State Purchasing Director shall
3 document such negotiation efforts.

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

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

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

14 2. Monitoring rules promulgated pursuant to the Oklahoma
15 Central Purchasing Act to ensure that the rules satisfy the
16 interests of the state, are clear and succinct and encourage
17 efficiency in purchasing processes;

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

19 4. Development of criteria for the use of sealed bid
20 contracting procedures, negotiated contracting procedures, selection
21 of types of contracts, postaward administration of purchase orders
22 and contracts, addendums, termination of contracts and contract
23 pricing;

1 5. Continual improvement in the quality of the performance of
2 the Purchasing Division through training programs, management
3 seminars, development of benchmarks and key management indicators,
4 and development of standard provisions, clauses and forms;

5 6. The State Purchasing Director shall prescribe standardized
6 contract forms and all other forms or certifications requisite or
7 deemed necessary by the State Purchasing Director to effectuate the
8 provisions of the Oklahoma Central Purchasing Act and associated
9 rules;

10 7. Development of programs to improve customer relations
11 through training, improved communications and appointment of
12 technical representatives;

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

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

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

21 L. Prior to the award of a contract to a supplier, the State
22 Purchasing Director shall verify, pursuant to applicable provisions
23 of law, that the supplier is eligible to do business in this state
24 by confirming registration with the Secretary of State and franchise

1 tax payment status pursuant to Sections 1203 and 1204 of Title 68 of
2 the Oklahoma Statutes. The provisions of this subsection shall be
3 applicable only if the contract amount is Two Hundred Fifty Thousand
4 Dollars (\$250,000.00) or greater.

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

13 N. The acquisition threshold amount applicable to an
14 acquisition made pursuant to this act or associated rules shall not
15 apply to state agency purchases; provided, the State Purchasing
16 Director determines the agency has subject matter experts on staff
17 having the specialized expertise to purchase goods or services, the
18 agency possesses the necessary legal and procurement staff to
19 procure and monitor the contracts and provided the Director of the
20 Office of Management and Enterprise Services shall certify that the
21 proposed purchase does not conflict with consolidated statewide
22 spend initiatives.

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

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

2 a. be responsible for contracts awarded pursuant to this
3 subsection, which includes, but may not be limited to,
4 contract management, protest costs, all costs
5 connected with or incurred as a result of the
6 contract, including legal representation,

7 b. comply with rules and policies of the Office of
8 Management and Enterprise Services, and

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

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

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

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

8 1. The contractor or subcontractor shall be liable for an
9 administrative penalty of Five Thousand Dollars (\$5,000.00) for the
10 first offense, which shall increase by Two Thousand Dollars
11 (\$2,000.00) for each subsequent offense; and

12 2. The public employer or the Office of Management and
13 Enterprise Services may terminate the contract with the contractor
14 or subcontractor.

15 SECTION 2. AMENDATORY 74 O.S. 2021, Section 85.7, as
16 last amended by Section 1, Chapter 339, O.S.L. 2023 (74 O.S. Supp.
17 2025, Section 85.7), is amended to read as follows:

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

- 20 a. every state agency shall initiate all acquisitions by
21 the submission of a requisition to the Purchasing
22 Division, and
23 b. no state agency shall make an acquisition for an
24 amount exceeding Fifty Thousand Dollars (\$50,000.00)

1 or the limit determined by the State Purchasing
2 Director pursuant to rules authorized by Section 85.5
3 of this title, not to exceed Two Hundred Fifty
4 Thousand Dollars (\$250,000.00), without submission of
5 a requisition to the Purchasing Division for issuance
6 of a solicitation for the acquisition on behalf of the
7 agency. Any exemption from competitive bid
8 requirements of the Oklahoma Central Purchasing Act
9 further exempts the acquisition from requisition
10 requirements of the act.

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

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

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

1 4. Any acquisition a state agency makes shall be made pursuant
2 to the Oklahoma Central Purchasing Act and associated rules. No
3 agency shall use split purchasing for the purpose of evading the
4 requirement of competitive bidding or other requirement of the
5 Oklahoma Central Purchasing Act or associated rules. Violation of
6 this provision shall be cause for discipline of a state employee up
7 to and including termination.

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

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

- 21 a. contracts for master custodian banks or trust
22 companies, investment managers, investment
23 consultants, and actuaries for the state retirement
24 systems, and Oklahoma Employees Insurance and Benefits

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

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

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

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

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

9 ~~f.~~ any acquisition of a service which the Office of
10 Management and Enterprise Services has approved as
11 qualifying for a fixed and uniform rate, subject to
12 the following:

13 (1) the Purchasing Division shall establish criteria
14 and guidelines for those services which may
15 qualify for a fixed and uniform rate,

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

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

Purchasing Director and submit documentation to support the request. The State Purchasing Director shall approve or deny the request. If approved, the state agency shall establish a fixed and uniform rate for the service. No contracts shall be entered into by the state agency until the rate has been approved by the state agency in a public hearing. The proposed rate shall be clearly and separately identified in the agenda of the state agency for the hearing and shall be openly and separately discussed during such hearing. The state agency shall notify the State Purchasing Director of its pending consideration of the proposed rate at least thirty (30) days before the state agency is to meet on the proposed rate and deliver a copy of the agenda items concerning the proposed rate with supporting documentation. The State Purchasing Director shall communicate any observation, reservation, criticism or recommendation to the agency, either in person at the time of the hearing or in writing delivered to the state agency before or at the time of the hearing. The State Purchasing Director shall

specifically note in the written communications whether the Director has determined the rate to be excessive. Any written communication presented in the absence of the State Purchasing Director shall be presented orally during the public hearing. Whether made in person or in writing, any comment made by the State Purchasing Director shall be made a part of the minutes of the hearing in full,

- (4) within two (2) weeks after the convening of the Legislature, the administrative officer of the state agency shall furnish to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and to any member of the House or Senate, if requested by the member, a complete list of all of the types of services paid for by uniform fixed rates, the amount of the rate last approved by the agency for the service and the number of contracts then in existence for each type of service. Any rate which has been determined to be excessive by the State Purchasing Director shall be specifically identified in the list by the state agency, and

(5) at any time, the State Purchasing Director may review, suspend or terminate a contract entered into pursuant to the provisions of this paragraph if the Director determines the contract is not necessary, is excessive or is not justified,

~~g.~~

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

~~h.~~

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

(1) prior to entering into any contract for the services of an entity to administer a structured

1 settlement agreement, the Attorney General
2 receives proposals from at least three entities
3 engaged in providing such services, and

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

9 ~~i.~~

10 h. an acquisition by a state agency pursuant to a
11 contract the State Purchasing Director enters into on
12 behalf of a state agency or awards and designates for
13 use by state agencies,

14 ~~j.~~

15 i. an acquisition by the Committee for Sustaining
16 Oklahoma's Energy Resources pursuant to a contract
17 with a local supplier for the purpose of holding a
18 special event or an exhibition throughout the state,
19 and

20 ~~k.~~

21 j. contracts for the study, analysis, and planning, as
22 reasonably necessary, to aid in determining the
23 feasibility of leasing, selling, or privately managing
24 or developing the property or facilities under control

1 of the Oklahoma Tourism and Recreation Commission.
2 The Commission shall be exempt from the competitive
3 bidding requirements of the Oklahoma Central
4 Purchasing Act for the purpose of soliciting,
5 negotiating, and effectuating such a contract or
6 contracts; provided, that the State Purchasing
7 Director shall review and audit all uses of the
8 exemptions provided in this subparagraph biannually~~7.~~
9 and

10 ~~7.~~

11 k. Notwithstanding any other provision of law, an
12 acquisition may be exempted from requirements of this
13 section by the State Purchasing Director when in the
14 State Purchasing Director's discretion unusual, time-
15 sensitive or unique circumstances exist which make
16 such exemption in the best and immediate interest of
17 the state. As used in this subsection, "State
18 Purchasing Director" shall not mean a designee. Any
19 such acquisitions shall be described in detail and
20 publicly posted as a data feed. The description shall
21 include the name of the supplier, cost of the
22 acquisition, reason for exemption and, as applicable,
23 detailed comparison of the acquisition with comparable
24 items, any identified cost savings resulting from the

1 acquisition and a description of benefits to the
2 state. The State Purchasing Director shall take no
3 action under the provisions of this subsection prior
4 to such public posting.

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

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

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

22 E. Cooperative contracts shall not be utilized unless the
23 purchasing cooperative and its affiliated suppliers have complied
24

1 with competitive bid requirements of the Oklahoma Central Purchasing
2 Act and associated rules.

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

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

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

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

20 B. The state agency may evaluate the performance of the
21 professional services provided pursuant to all professional services
22 contracts exceeding the fair and reasonable acquisition threshold
23 amount. The performance evaluation shall indicate the quality of
24 service or work product of the supplier. The state agency shall

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

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

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

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

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

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

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

18 2. Any chief administrative officer of an agency, whether or
19 not such agency is subject to the Oklahoma Central Purchasing Act,
20 shall not enter into any contract for nonprofessional or
21 professional services for the purpose of or which would result in
22 the circumvention of the full-time-equivalent employee limitation
23 established by law for such agency.

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

21 C. As used in this section, "person" means any state official
22 ~~or~~ and their employees as well as every employee of a every state
23 agency, and "agency" means every state department, board, bureau,
24 commission, ~~agency,~~ trusteeship, authority, council, committee,

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

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

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

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

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

20 1. The Department of Transportation, Oklahoma Water Resources
21 Board, Department of Environmental Quality, Oklahoma Tourism and
22 Recreation Department, the Oklahoma Turnpike Authority and the
23 Oklahoma Department of Agriculture, Food, and Forestry may contract
24 with a person who has retired from state service;

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

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

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

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

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

22 SOLE SOURCE OR SOLE BRAND ACQUISITION

23 CERTIFICATION

24 STATE AGENCY _____

1 SUPPLIER NAME _____

2 SUPPLIER ADDRESS _____

3 SUPPLIER CONTACT INFORMATION _____

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

6 (Name of Supplier)

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

10 _____
11 _____
12 _____
13 _____
14 _____

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

18 _____
19 _____
20 _____
21 _____
22 _____

23 I understand that the signing of this certification knowing such
24 information to be false may result in forfeiture of my position and

ineligibility for appointment to or employment in state service for a period of five (5) years following forfeiture of position.

(Chief administrative officer)

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

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

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

6. For a sole source or sole brand acquisitions exceeding the fair and reasonable acquisition threshold amount and not requiring submission of a requisition to the Purchasing Division, the state agency's certified procurement officer shall retain, in the

1 acquisition file, the signed certification documenting the need for
2 the sole source or sole brand acquisition in accordance with state
3 record retention requirements.

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

7 ~~1. The Speaker of the House of Representatives and the~~
8 ~~President Pro Tempore of the Senate; and~~

9 ~~2. Any member of the Legislature requesting the report~~ publish
10 a report on its website.

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

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

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

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11 60-2-15277 MJ 01/13/26

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