

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 4276

By: Miller

AS INTRODUCED

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 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 appropriation or funding source;  
18       2. State the amount of funds appropriated and available; and  
19       3. Confirm that such funds are unencumbered and sufficient to  
20 cover the estimated cost of the project.

21       C. The written certification of funding shall be retained in  
22 the official project file and incorporated by reference into the  
23 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 1501, as  
12 last amended by Section 1, Chapter 85, O.S.L. 2025 (19 O.S. Supp.  
13 2025, Section 1501), is amended to read as follows:

14 Section 1501. A. The county purchasing agent:

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

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

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

- 1           a.    when the purchase does not exceed Twenty-five Thousand  
2               Dollars (\$25,000.00) by department. All purchases  
3               made pursuant to this subparagraph shall be by a  
4               single purchase order. Splitting purchase orders  
5               which would result in paying an amount in excess of  
6               the limitations specified in this subparagraph is  
7               expressly prohibited. Any person convicted of  
8               violating the provisions of this subparagraph shall be  
9               guilty of a misdemeanor and such person shall forfeit  
10              the person's position or office,
- 11           b.   when the total payments of a rental or lease-purchase  
12               agreement do not exceed the current bid limit as  
13               established in subparagraph a of this paragraph,
- 14           c.   when articles and items are covered by single-source  
15               contracts,
- 16           d.   service or maintenance contracts on equipment or  
17               machinery which are entered into at the time of the  
18               purchase of the equipment or machinery,
- 19           e.   purchases made pursuant to a blanket purchase order as  
20               provided for in Section 310.8 of Title 62 of the  
21               Oklahoma Statutes,
- 22           f.   when materials for road or bridge improvements do not  
23               exceed Seven Dollars (\$7.00) per yard or per ton,
- 24

- 1           g.    purchases of fuel if the county purchasing agent  
2               obtains quotes from at least three vendors prior to  
3               the purchase and the lowest and best quote is  
4               selected. Documentation of these quotes shall be  
5               recorded in the permanent records of the clerk,
- 6           h.    purchases of tools, apparatus, machinery, or equipment  
7               from a state agency or a political subdivision of the  
8               state as provided for in subsection C of Section 421.1  
9               of this title,
- 10          i.    purchases of food for prisoners incarcerated in the  
11               county jail; provided, in counties having a population  
12               in excess of one hundred thousand (100,000) persons,  
13               the county purchasing agent shall follow bidding  
14               procedures as provided by law unless the county  
15               purchasing agent obtains quotes pursuant to the whole  
16               total of food items requisitioned prior to the  
17               purchase and the lowest and best quote is selected.  
18               Documentation of these quotes shall be recorded in the  
19               permanent records of the county clerk,
- 20          j.    when a county solicits bids for the purchase of  
21               processed native materials for road and bridge  
22               improvements, the county may accept all bids received,  
23               with the lowest and best bid from those accepted to be  
24               selected at the time of opening of any construction

- 1 project. The selection of the bid shall be based upon  
2 availability, bid price, and transportation costs,
- 3 k. when a vendor has been selected as the lowest and best  
4 bidder to furnish a particular item or items to the  
5 county during a specified time period and in the event  
6 the vendor is unable to perform, the purchasing agent  
7 may solicit telephone quotes for the item or items  
8 needed or select the next lowest and best bidder from  
9 the list of qualified bidders and provide for the  
10 purchase of the items at the lowest and best quote  
11 available. All vendors submitting bids for the  
12 specific product or service will be considered at or  
13 below the amount they bid,
- 14 l. when considering the purchase of an item or items from  
15 the state bid list as provided by the Office of  
16 Management and Enterprise Services or the General  
17 Services Administration, if the same exact item is  
18 available from a local vendor at or below the price  
19 listed on the state bid list or the General Services  
20 Administration list, the item may be obtained from the  
21 vendor,
- 22 m. any item or items bid by the Office of Management and  
23 Enterprise Services which may be purchased by the  
24

- 1 county, provided the vendor is willing to supply the  
2 item or items to the county at the bid price,
- 3 n. when a county obtains proceeds from the sale of its  
4 property at a public auction, that county may use  
5 those proceeds to acquire items previously identified  
6 as needed by the county at the same public auction  
7 pursuant to subsection D of Section 1505 of this  
8 title,
- 9 o. when an item or items have been competitively bid by a  
10 county, or on behalf of a group of counties, provided:
- 11 (1) the notice to bidders shall list each county  
12 which may participate in the purchase of the item  
13 or items being bid,
- 14 (2) the notice of bid is advertised, as provided by  
15 law, in each of the counties which may  
16 participate in the purchase of the item or items,
- 17 (3) all vendors on the list of qualified bidders of  
18 each participating county who offer the item or  
19 items for sale received notice of the bid  
20 request, and
- 21 (4) the vendor awarded the bid is willing and able to  
22 provide the item or items at the bid price,
- 23 p. counties may participate in a nationwide purchasing  
24 program sponsored by the national association

1           representing counties and local cooperative  
2           procurement agreements entered into by the counties  
3           and other local jurisdictions or any other  
4           competitively bid nationwide purchasing program, or  
5       q.   when the Governor declares an emergency in a county,  
6           the district attorney of that county shall have the  
7           authority to temporarily waive competitive bidding  
8           procedures for purchases that may expedite a response  
9           to the emergency situation. This temporary waiver  
10          shall be in addition to any powers exercised pursuant  
11          to Section 683.11 of Title 63 of the Oklahoma  
12          Statutes.

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

18       4.   Shall not furnish any supplies, materials, equipment, or  
19       other articles, except upon receipt of a requisition signed by a  
20       county officer. Written requisitions will not be required for  
21       blanket purchase orders as provided for in Section 310.8 of Title 62  
22       of the Oklahoma Statutes. Each county officer may designate not  
23       more than two employees who also shall be authorized to sign  
24       requisitions in the absence of the county officer. A written



1 designation of the employees shall be filed with the county clerk  
2 and shall be entered in the minutes of the board of county  
3 commissioners. The county may designate two individuals who are not  
4 county employees for each of the following entities within the  
5 county to act as receiving and requisitioning officers:

6 a. fire protection districts organized and operated  
7 pursuant to the provisions of Sections 901.1 through  
8 901.29 of this title,

9 b. fire protection services established pursuant to the  
10 provisions of Section 351 of this title,

11 c. volunteer or full-time fire departments established  
12 pursuant to Section 592 of Title 18 of the Oklahoma  
13 Statutes, and

14 d. municipal fire departments organized and operated  
15 pursuant to the provisions of Sections 29-101 through  
16 29-115 of Title 11 of the Oklahoma Statutes.

17 A written designation of these individuals shall be filed with  
18 the county clerk and shall be entered in the minutes of the board of  
19 county commissioners meeting in which the designations are made.

20 Further, entities described in subparagraphs a, b, c, and d of this  
21 paragraph, choosing to have any nonemployee of the county designated  
22 as a receiving and requisitioning officer shall provide evidence of  
23 blanket bond coverage or employee dishonesty liability insurance for  
24 each such designee;

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

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

17        B. Each department of county government needing repairs to  
18 equipment, machinery, or vehicles shall make estimates and  
19 requisition a purchase order from the county purchasing agent for  
20 repairs not in excess of Ten Thousand Dollars (\$10,000.00). Repairs  
21 in excess of Ten Thousand Dollars (\$10,000.00) shall be submitted on  
22 a blanket purchase order as provided in Section 310.8 of Title 62 of  
23 the Oklahoma Statutes.  
24

1 C. Each department of county government needing repairs to  
2 heavy equipment, meaning equipment in excess of ten thousand  
3 (10,000) pounds, shall make estimates and requisition a purchase  
4 order from the county purchasing agent for repairs not in excess of  
5 Thirty Thousand Dollars (\$30,000.00). Repairs in excess of Thirty  
6 Thousand Dollars (\$30,000.00) shall be submitted on a blanket  
7 purchase order as provided in Section 310.8 of Title 62 of the  
8 Oklahoma Statutes.

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

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

- 22 a. identify the appropriation or funding source,  
23 b. state the amount of funds appropriated and available,  
24 and

1           c. confirm that such funds are unencumbered and  
2           sufficient to cover the estimated cost of the project.

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

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

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

13           SECTION 3. This act shall become effective November 1, 2026.

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15           60-2-15230           MJ           01/06/26  
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