

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 4276

By: Miller

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7 AS INTRODUCED

8 An Act relating to public buildings and public works;
9 prohibiting all entities subject to the Public
10 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.

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24 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.

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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,

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- 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

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

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 blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes. Each county officer may designate not more than two employees who also shall be authorized to sign 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.

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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.

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