

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 179

By: Bullard

AS INTRODUCED

An Act relating to information technology; directing state agencies to maintain information technology services; requiring reporting; dissolving the Information Services Division of the Office of Management and Enterprise Services; amending 19 O.S. 2021, Section 1505, as amended by Section 3, Chapter 94, O.S.L. 2022 (19 O.S. Supp. 2024, Section 1505), which relates to county purchasing; conforming language; amending 62 O.S. 2021, Sections 34.11.1, as amended by Section 1, Chapter 193, O.S.L. 2024, 34.20.1, 34.23, 34.24, 34.27, 34.31, and 34.32, as amended by Section 25, Chapter 228, O.S.L. 2022 (62 O.S. Supp. 2024, Sections 34.11.1 and 34.32), which relate to the Oklahoma State Finance Act; conforming language; amending 74 O.S. 2021, Section 85.5, as amended by Section 1, Chapter 102, O.S.L. 2024 (74 O.S. Supp. 2024, Section 85.5), which relates to state purchasing; conforming language; updating statutory language; updating statutory references; providing for codification; repealing 62 O.S. 2021, Sections 34.11.8, 34.12, as amended by Section 2, Chapter 74, O.S.L. 2022, 34.13, 34.15, 34.19, 34.20, 34.21, 34.22, 34.26, 34.28, 34.30, 34.33, 35.1, 35.2, 35.3, 35.4, 35.5, 35.6, 35.6.1, 35.6.2, 35.7, 35.8, and 35.9 (62 O.S. Supp. 2024, Section 34.12), which relate to the Oklahoma State Finance Act and the Information Technology Consolidation and Coordination Act; providing an effective date; and declaring an emergency.

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 35.10 of Title 62, unless there
3 is created a duplication in numbering, reads as follows:

4 A. On and after the effective date of this act, all state
5 agencies shall be responsible for their information technology
6 services. The Information Services Division of the Office of
7 Management and Enterprise Services shall transfer to each state
8 agency all data, records, and other information regarding the
9 agency's information technology and cybersecurity services rendered
10 prior to the effective date of this act. The Chief Information
11 Officer of this state shall advise agencies as needed regarding
12 requisition of information technology services, cybersecurity needs,
13 and any other services as requested by the agency.

14 B. Each state agency shall submit an electronic report to the
15 Governor and the Chief Information Officer annually, not later than
16 December 31 of each calendar year, detailing the status of the
17 information technology services rendered to the agency, security
18 events, and any other information as deemed necessary by the
19 Governor and the Chief Information Officer.

20 SECTION 2. AMENDATORY 19 O.S. 2021, Section 1505, as
21 amended by Section 3, Chapter 94, O.S.L. 2022 (19 O.S. Supp. 2024,
22 Section 1505), is amended to read as follows:

23 Section 1505. The following procedures shall be used by
24 counties for the requisition, purchase, lease-purchase, rental, and

1 receipt of supplies, materials, road and bridge construction
2 services, equipment and information technology and telecommunication
3 goods and services for the maintenance, operation, and capital
4 expenditures of county government unless otherwise provided for by
5 law.

6 A. The procedure for requisitioning items for county offices
7 shall be as follows:

8 1. The requesting department shall prepare a requisition form
9 in triplicate. The requisition shall contain any specifications for
10 an item as deemed necessary by the requesting department. The form
11 shall be prescribed by the State Auditor and Inspector;

12 2. The requesting department shall retain a copy of the
13 requisition and forward the original requisition and a copy to the
14 county purchasing agent; and

15 3. Upon receipt of the requisition, the county purchasing
16 agent, within two (2) working days, shall begin the bidding and
17 purchasing process as provided for in this section. Nothing in this
18 section shall prohibit the transfer of supplies, materials, or
19 equipment between county departments upon a written agreement
20 between county officers.

21 B. The bid procedure for selecting a vendor for the purchase,
22 lease-purchase, or rental of supplies, materials, equipment and
23 information technology and telecommunication goods and services used
24 by a county shall be as follows:

1 1. The county purchasing agent shall request written
2 recommendations from all county officers pertaining to needed or
3 commonly used supplies, materials, road and bridge construction
4 services, equipment and information technology and telecommunication
5 goods and services. From such recommendations and available
6 requisition, purchase, or inventory records, the county purchasing
7 agent shall prepare a list of items needed or commonly used by
8 county officers. The county purchasing agent shall request from the
9 Purchasing Division ~~or from the Information Services Division in the~~
10 ~~case of information technology and telecommunication goods and~~
11 ~~services~~ of the Office of Management and Enterprise Services all
12 contracts quoting the price the state is paying for the items. The
13 county purchasing agent shall ~~either~~ request the Purchasing Division
14 ~~or the Information Services Division~~ of the Office of Management and
15 Enterprise Services, ~~as applicable,~~ to make the purchase for the
16 county or the county purchasing agent shall solicit bids for unit
17 prices on the items for periods ~~of~~ not to exceed twelve (12) months
18 in the manner described in paragraph 2 of this subsection. If the
19 county purchasing agent receives a requisition for an item for which
20 the county purchasing agent does not have a current bid, the county
21 purchasing agent shall request from the Purchasing Division ~~or the~~
22 ~~Information Services Division~~ of the Office of Management and
23 Enterprise Services, ~~as applicable,~~ all contracts quoting the price
24 the state is paying for the item. The county purchasing agent shall

1 ~~either~~ request the Purchasing Division ~~or the Information Services~~
2 ~~Division~~ of the Office of Management and Enterprise Services, ~~as~~
3 ~~applicable,~~ to make the purchase for the county or the county
4 purchasing agent shall solicit bids in the manner described in
5 paragraph 2 of this subsection. Nothing in this paragraph shall
6 prohibit bids from being taken on an item currently on a twelve-
7 month bid list, at any time deemed necessary by the county
8 purchasing agent. Whenever the county purchasing agent deems it
9 necessary to take a bid on an item currently on a twelve-month bid
10 list, the reason for the bid shall be entered into the minutes of
11 the board of county commissioners;

12 2. Bids shall be solicited by mailing or emailing a notice to
13 all persons or firms who have made a written request of the county
14 purchasing agent that they be notified of such bid solicitation and
15 to all other persons or firms who might reasonably be expected to
16 submit bids. Notice of solicitation of bids shall also be published
17 one time in a newspaper of general circulation in the county.
18 Notices shall be mailed and published at least ten (10) days prior
19 to the date on which the bids are opened. Proof of the mailing or
20 emailing shall be made by the affidavit of the person mailing or
21 emailing the request for bids and shall be made a part of the
22 official records of the county purchasing agent. The notice shall
23 specify whether the county will consider written bids, electronic
24 bids, or both; the decision to exclusively consider either written

1 bids or electronic bids shall be determined pursuant to an
2 affirmative vote of the board of county commissioners. Whenever any
3 prospective supplier or vendor dealing in or listing for sale any
4 particular item or article required to be purchased or acquired by
5 sealed bids fails to enter or offer a sealed bid for three
6 successive bid solicitations, the name of the supplier or vendor may
7 be dropped from the mailing lists of the board of county
8 commissioners;

9 3. The sealed bids received from vendors and the state contract
10 price received from the ~~applicable~~ Purchasing Division of the Office
11 of Management and Enterprise Services shall be given to the county
12 clerk by the county purchasing agent. The county clerk shall
13 forward the sealed bids and state contract price, if any, to the
14 board of county commissioners;

15 4. The board of county commissioners, in an open meeting, shall
16 open the sealed bids and compare them to the state contract price.
17 The board of county commissioners shall select the lowest and best
18 bid based upon, if applicable, the availability of material and
19 transportation cost to the job site within thirty (30) days of the
20 meeting. For any special item not included on the list of needed or
21 commonly used items, the requisitioning official shall review the
22 bids and submit a written recommendation to the board before final
23 approval. The board of county commissioners shall keep a written
24 record of the meeting as required by law, and any time the lowest
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1 bid was not considered to be the lowest and best bid, the reason for
2 such conclusion shall be recorded. Whenever the board of county
3 commissioners rejects the written recommendation of the
4 requisitioning official pertaining to a special item, the reasons
5 for the rejection shall be entered in their minutes and stated in a
6 letter to the requisitioning official and county purchasing agent;

7 5. The county purchasing agent shall notify the successful
8 bidders and shall maintain a copy of the notification. The county
9 purchasing agent shall prepare and maintain a vendors list
10 specifying the successful bidders and shall notify each county
11 officer of the list. The county purchasing agent may remove any
12 vendor from such list who refuses to provide goods or services as
13 provided by contract if the removal is authorized by the board of
14 county commissioners. The county purchasing agent may make
15 purchases from the successful bidders for a price at or below the
16 bid price. If a vendor who is the low bidder cannot or will not
17 sell goods or services as required by a county bid contract, the
18 county purchasing agent may make a one-time purchase from the next
19 lowest or best quote or take quotations as provided in paragraph 6
20 of this subsection; provided, however, such purchase does not exceed
21 Twenty-five Thousand Dollars (\$25,000.00) as the amount specified in
22 subparagraph a of paragraph 3 of subsection A of Section 1501 of
23 this title; and

1 6. When bids have been solicited as provided for by law and no
2 bids have been received, the procedure shall be as follows:

3 a. the county purchasing agent shall determine if
4 potential vendors are willing to commit to a firm
5 price for a reduced period of time, and, if such is
6 the case, the bid procedure described in this
7 subsection shall be followed,

8 b. if vendors are not willing to commit to a firm price
9 for a reduced period, the purchasing agent shall
10 solicit and record at least three quotes of current
11 prices available to the county and authorize the
12 purchase of goods or services based on the lowest and
13 best quote as it becomes necessary to acquire such
14 goods or services. The quotes shall be recorded on a
15 form prescribed by the State Auditor and Inspector and
16 shall be attached to the purchase order and filed with
17 the county clerk's copy of the purchase order. Any
18 time the lowest quote was not considered to be the
19 lowest and best quote, the reason for this conclusion
20 shall be recorded by the county purchasing agent and
21 transmitted to the county clerk, or

22 c. if three quotes are not available, a memorandum to the
23 county clerk from the county purchasing agent shall
24 describe the basis upon which a purchase is

1 authorized. The memorandum shall state the reasons
2 why the price for such a purchase is the lowest and
3 best under the circumstances. The county clerk shall
4 then attach the memorandum to the county clerk's copy
5 of the purchase order and file both in the office of
6 the county clerk.

7 C. After selection of a vendor, the procedure for the purchase,
8 lease-purchase, or rental of supplies, materials, road and bridge
9 construction services, equipment and information technology and
10 telecommunication goods and services used by a county shall be as
11 follows:

12 1. The county purchasing agent shall prepare a purchase order
13 in quadruplicate and submit it with a copy of the requisition to the
14 county clerk;

15 2. The county clerk shall then encumber the amount stated on
16 the purchase order and assign a sequential number to the purchase
17 order;

18 3. If there is an unencumbered balance in the appropriation
19 made for that purpose by the county excise board, the county clerk
20 shall so certify in the following form:

21 "I hereby certify that the amount of this encumbrance has been
22 entered against the designated appropriation accounts and that this
23 encumbrance is within the authorized available balance of the
24 appropriation.

1 Dated this _____ day of _____, 20__.

2 _____
3 County Clerk/Deputy

4 of _____ County."

5 In instances where it is impossible to ascertain the exact amount of
6 the indebtedness sought to be incurred at the time of recording the
7 encumbrance, an estimated amount may be used. No purchase order
8 shall be valid unless signed by the county purchasing agent and
9 certified by the county clerk; and

10 4. The county clerk shall file the original purchase order and
11 return three copies to the county purchasing agent who shall file a
12 copy, retain a copy for the county road and bridge inventory officer
13 if the purchase order is for the purchase of equipment, supplies, or
14 materials for the construction or maintenance of roads and bridges,
15 and submit the other copy to the receiving officer of the requesting
16 department.

17 D. 1. The procedure for the purchase of supplies, materials,
18 equipment and information technology and telecommunication goods and
19 services at public auction or by sealed bid to be used by a county
20 shall be as follows:

21 a. the county purchasing agent shall prepare a purchase
22 order in quadruplicate and submit it with a copy of
23 the requisition to the county clerk,

1 b. the county clerk shall then encumber the amount stated
2 on the purchase order and assign a sequential number
3 to the purchase order,

4 c. if there is an unencumbered balance in the
5 appropriation made for that purpose by the county
6 excise board, the county clerk shall so certify in the
7 following form:

8 "I hereby certify that the amount of this encumbrance
9 has been entered against the designated appropriation
10 accounts and that this encumbrance is within the
11 authorized available balance of the appropriation.

12 Dated this _____ day of _____, 20__.

13 _____
14 County Clerk/Deputy

15 of _____ County."

16 In instances where it is impossible to ascertain the
17 exact amount of the indebtedness sought to be incurred
18 at the time of recording the encumbrance, an estimated
19 amount may be used. No purchase order shall be valid
20 unless signed by the county purchasing agent and
21 certified by the county clerk, and

22 d. the county clerk shall file the original purchase
23 order and return three copies to the county purchasing
24 agent who shall file a copy, retain a copy for the

1 county road and bridge inventory officer if the
2 purchase order is for the purchase of equipment,
3 supplies, or materials for the construction or
4 maintenance of roads and bridges, and submit the other
5 copy to the receiving officer of the requesting
6 department.

7 2. The procedure for the purchase of supplies, materials and
8 equipment at a public auction when the purchase will be made with
9 the proceeds from the sale of county property at the same public
10 auction are as follows:

- 11 a. the purchasing agent shall cause such items being sold
12 to be appraised in the manner determined in Section
13 421.1 of this title,
- 14 b. the county purchasing agent shall prepare a purchase
15 order in quadruplicate and submit it with a copy of
16 the requisition to the county clerk,
- 17 c. the county clerk shall then encumber the amount of the
18 appraised value and any additional funds obligated by
19 the county on the purchase order and assign a
20 sequential number to the purchase order,
- 21 d. the county clerk shall certify that the amount of the
22 encumbrance is equal to the appraised value of the
23 item being sold plus any additional funds obligated by
24 the county. In effect the recording of the

1 encumbrance is an estimate that is authorized by law.
2 No purchase order shall be valid unless signed by the
3 county purchasing agent and certified by the county
4 clerk,

5 e. the county clerk shall file the original purchase
6 order and return three copies to the county purchasing
7 agent who shall file a copy, retain a copy for the
8 county road and bridge inventory officer if the
9 purchase order is for the purchase of equipment,
10 supplies or materials for the construction or
11 maintenance of roads and bridges, and submit the other
12 copy to the receiving officer of the requesting
13 department, and

14 f. a purchase shall not be bid until such time that the
15 appraised item or items are sold. Any item or items
16 purchased shall not exceed the appraised value plus
17 any additional funds obligated by the county or the
18 actual selling price of the item or items, whichever
19 is the lesser amount.

20 E. The procedure for the receipt of items shall be as follows:

21 1. A receiving officer for the requesting department shall be
22 responsible for receiving all items delivered to that department;

23 2. Upon the delivery of an item, the receiving officer shall
24 determine if a purchase order exists for the item being delivered;

1 3. If no such purchase order has been provided, the receiving
2 officer shall refuse delivery of the item;

3 4. If a purchase order is on file, the receiving officer shall
4 obtain a delivery ticket, bill of lading, or other delivery document
5 and compare it with the purchase order. If any item is back-
6 ordered, the back order and estimated date of delivery shall be
7 noted in the receiving report;

8 5. The receiving officer shall complete a receiving report in
9 quadruplicate which shall state the quantity and quality of goods
10 delivered. The receiving report form shall be prescribed by the
11 State Auditor and Inspector. The person delivering the goods shall
12 acknowledge the delivery by signature, noting the date and time;

13 6. The receiving officer shall file the original receiving
14 report and submit:

- 15 a. a copy of the purchase order and a copy of the
16 receiving report to the county purchasing agent, and
- 17 b. a copy of the receiving report with the delivery
18 documentation to the county clerk;

19 7. The county purchasing agent shall file a copy of the
20 purchase order and a copy of the receiving report;

21 8. Upon receipt of the original receiving report and the
22 delivery documentation, the county clerk shall maintain a file until
23 such time as an invoice is received from the vendor;

1 9. The invoice shall state the name and address of the vendor
2 and must be sufficiently itemized to clearly describe each item
3 purchased, the unit price when applicable, the number or volume of
4 each item purchased, the total price, the total purchase price, and
5 the date of the purchase;

6 10. Upon receipt of an invoice, the county clerk shall compare
7 the following documents:

- 8 a. requisition,
- 9 b. purchase order,
- 10 c. invoice with noncollusion affidavit as required by
11 law,
- 12 d. receiving report, and
- 13 e. delivery document.

14 The documents shall be available for public inspection during
15 regular business hours; and

16 11. If the documents conform as to the quantity and quality of
17 the items, the county clerk shall prepare a warrant for payment
18 according to procedures provided for by law.

19 F. The following procedures are for the processing of purchase
20 orders:

21 1. The purchasing agent shall be allowed up to three (3) days
22 to process purchase orders to be presented to the board of county
23 commissioners for consideration and payment. Nothing herein shall
24 prevent the purchasing agent from processing or the board of county
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1 commissioners from consideration and payment of utilities, travel
2 claims and payroll claims;

3 2. The board of county commissioners shall consider the
4 purchase orders so presented and act upon the purchase orders, by
5 allowing in full or in part or by holding for further information or
6 disallowing the same. The disposition of purchase orders shall be
7 indicated by the board of county commissioners, showing the amounts
8 allowed or disallowed and shall be signed by at least two members of
9 the board of county commissioners. Any claim held over for further
10 information shall be acted upon by allowing or disallowing same at
11 any future meeting of the board held within seventy-five (75) days
12 from the date of filing of the purchase order. Any purchase order
13 not acted upon within the seventy-five (75) days from the date of
14 filing shall be deemed to have been disallowed, but such
15 disallowance shall not prevent the refiling of the purchase order at
16 the proper time; and

17 3. Whenever any allowance, either in whole or in part, is made
18 upon any purchase order presented to the board of county
19 commissioners and is accepted by the person making the claim, such
20 allowance shall be a full settlement of the entire purchase order
21 and provided that the cashing of warrant shall be considered as
22 acceptance by the claimant.

23 G. The procedure upon consumption or disposal of supplies,
24 materials, or equipment shall be as follows:

1 1. For consumable road or bridge items or materials, a
2 quarterly report of the road and bridge projects completed during
3 such period shall be prepared and kept on file by the consuming
4 department. The quarterly report may be prepared and kept
5 electronically by the consuming department. The report shall
6 contain a record of the date, the place, and the purpose for the use
7 of the road or bridge items or materials. For purposes of
8 identifying county bridges, the board of county commissioners shall
9 number each bridge subject to its jurisdiction; and

10 2. For disposal of all equipment and information technology and
11 telecommunication goods which originally cost more than Five Hundred
12 Dollars (\$500.00), resolution of disposal shall be submitted by the
13 officer on a form prescribed by the Office of the State Auditor and
14 ~~Inspector's Office~~ Inspector to the board of county commissioners.
15 The approval of the resolution of disposal shall be entered into the
16 minutes of the board.

17 H. Inventory forms and reports shall be retained for not less
18 than two (2) years after all audit requirements for the state and
19 federal government have been fulfilled and after any pending
20 litigation involving the forms and reports has been resolved.

21 I. The procedures provided for in this section shall not apply
22 when a county officer certifies that an emergency exists requiring
23 an immediate expenditure of funds. Such an expenditure of funds
24 shall not exceed Five Thousand Dollars (\$5,000.00). The county

1 officer shall give the county purchasing agent a written explanation
2 of the emergency. The county purchasing agent shall attach the
3 written explanation to the purchase order. The purchases shall be
4 paid by attaching a properly itemized invoice, as described in this
5 section, to a purchase order which has been prepared by the county
6 purchasing agent and submitting them to the county clerk for filing,
7 encumbering, and consideration for payment by the board of county
8 commissioners.

9 J. The county purchasing agent may authorize county purchasing
10 officers to make acquisitions through the state purchase card
11 program as authorized by the State Purchasing Director in accordance
12 with Section 85.5 of Title 74 of the Oklahoma Statutes and defined
13 in Section 85.2 of Title 74 of the Oklahoma Statutes. Purchase
14 cardholders shall sign a purchase card agreement prior to becoming a
15 cardholder and attend purchase card procedure training as required
16 by the State Purchasing Director. Complete descriptions of
17 purchases made by county government entities shall be published
18 through the state transparency portal pursuant to Section 85.33B of
19 Title 74 of the Oklahoma Statutes, and as warrants required to be
20 published pursuant to Sections 444 and 445 of this title.

21 K. Nothing in this section shall prohibit counties from
22 providing material and/or services bids on the twelve-month bid list
23 to all road and bridge projects and contracts. All non-road and
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1 bridge related construction contracts shall refer to subsection A of
2 Section 103 of Title 61 of the Oklahoma Statutes.

3 SECTION 3. AMENDATORY 62 O.S. 2021, Section 34.11.1, as
4 amended by Section 1, Chapter 193, O.S.L. 2024 (62 O.S. Supp. 2024,
5 Section 34.11.1), is amended to read as follows:

6 Section 34.11.1. A. There is hereby created the position of
7 Chief Information Officer who shall be appointed by the Governor.
8 The Chief Information Officer, ~~in addition to having authority over~~
9 ~~the Information Services Division of the Office of Management and~~
10 ~~Enterprise Services,~~ shall also serve as Secretary of Information
11 Technology and Telecommunications or successor cabinet position and
12 shall have jurisdictional areas of responsibility related to
13 information technology and telecommunications systems of all state
14 agencies as provided for in state law. The salary of the Chief
15 Information Officer shall not be less than One Hundred Thirty
16 Thousand Dollars (\$130,000.00) or more than One Hundred Sixty
17 Thousand Dollars (\$160,000.00).

18 B. Any person appointed to the position of Chief Information
19 Officer shall meet the following eligibility requirements:

20 1. A baccalaureate degree in Computer Information Systems,
21 Information Systems or Technology Management, Business
22 Administration, Finance, or other similar degree;

23 2. A minimum of ten (10) years of professional experience with
24 responsibilities for management and support of information systems

1 and information technology, including seven (7) years of direct
2 management of a major information technology operation;

3 3. Familiarity with local and wide-area network design,
4 implementation, and operation;

5 4. Experience with data and voice convergence service
6 offerings;

7 5. Experience in developing technology budgets;

8 6. Experience in developing requests for proposal and
9 administering the bid process;

10 7. Experience managing professional staff, teams, and
11 consultants;

12 8. Knowledge of telecommunications operations;

13 9. Ability to develop and set strategic direction for
14 information technology and telecommunications and to manage daily
15 development and operations functions;

16 10. An effective communicator who is able to build consensus;

17 11. Ability to analyze and resolve complex issues, both logical
18 and interpersonal;

19 12. Effective verbal and written communications skills and
20 effective presentation skills, geared toward coordination and
21 education;

22 13. Ability to negotiate and defuse conflict; and

23 14. A self-motivator, independent, cooperative, flexible and
24 creative.

1 C. The salary and any other expenses for the Chief Information
2 Officer shall be budgeted as a separate line item through the Office
3 of Management and Enterprise Services. ~~The operating expenses of~~
4 ~~the Information Services Division shall be set by the Chief~~
5 ~~Information Officer and shall be budgeted as a separate line item~~
6 ~~through the Office of Management and Enterprise Services.~~ The
7 Office of Management and Enterprise Services shall provide adequate
8 office space, equipment and support necessary to enable the Chief
9 Information Officer to carry out the information technology and
10 telecommunications duties and responsibilities of the Chief
11 Information Officer ~~and the Information Services Division.~~

12 D. 1. ~~Within twelve (12) months of appointment, the first~~
13 ~~Chief Information Officer shall complete an assessment, which shall~~
14 ~~be modified annually pursuant to Section 35.5 of this title, of the~~
15 ~~implementation of the transfer, coordination, and modernization of~~
16 ~~all information technology and telecommunication systems of all~~
17 ~~state agencies in the state as provided for in the Oklahoma~~
18 ~~Information Services Act. The assessment shall include the~~
19 ~~information technology and telecommunications systems of all~~
20 ~~institutions within The Oklahoma State System of Higher Education,~~
21 ~~the Oklahoma State Regents for Higher Education and the~~
22 ~~telecommunications network known as OneNet as assembled and~~
23 ~~submitted by the Oklahoma Higher Education Chief Information~~

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1 ~~Officer, as designated by the Oklahoma State Regents for Higher~~
2 ~~Education.~~

3 ~~2. Within twelve (12) months of appointment, the first Chief~~
4 ~~Information Officer shall issue a report setting out a plan of~~
5 ~~action which will include the following:~~

6 ~~a. define the shared service model organization structure~~
7 ~~and the reporting relationship of the recommended~~
8 ~~organization,~~

9 ~~b. the implementation of an information technology and~~
10 ~~telecommunications shared services model that defines~~
11 ~~the statewide infrastructure environment needed by~~
12 ~~most state agencies that is not specific to individual~~
13 ~~agencies and the shared applications that are utilized~~
14 ~~across multiple agencies,~~

15 ~~c. define the services that shall be in the shared~~
16 ~~services model under the control of the Information~~
17 ~~Services Division of the Office of Management and~~
18 ~~Enterprise Services,~~

19 ~~d. define the roadmap to implement the proposed shared~~
20 ~~services model. The roadmap shall include~~
21 ~~recommendations on the transfer, coordination, and~~
22 ~~modernization of all information technology and~~
23 ~~telecommunication systems of all the state agencies in~~
24 ~~the state,~~

1 ~~e. recommendations on the reallocation of information~~
2 ~~technology and telecommunication resources and~~
3 ~~personnel,~~

4 ~~f. a cost benefit analysis to support the recommendations~~
5 ~~on the reallocation of information technology and~~
6 ~~telecommunication resources and personnel,~~

7 ~~g. a calculation of the net savings realized through the~~
8 ~~reallocation and consolidation of information~~
9 ~~technology and telecommunication resources and~~
10 ~~personnel after compensating for the cost of~~
11 ~~contracting with a private consultant as authorized in~~
12 ~~paragraph 4 of this subsection, implementing the plan~~
13 ~~of action, and ongoing costs of the Information~~
14 ~~Services Division of the Office of Management and~~
15 ~~Enterprise Services, and~~

16 ~~h. the information required in subsection B of Section~~
17 ~~35.5 of this title.~~

18 ~~3. The plan of action report shall be presented to the~~
19 ~~Governor, Speaker of the Oklahoma House of Representatives, and the~~
20 ~~President Pro Tempore of the Oklahoma State Senate.~~

21 ~~4. The Chief Information Officer may contract with a private~~
22 ~~consultant or consultants to assist in the assessment and~~
23 ~~development of the plan of action report as required in this~~
24 ~~subsection.~~

1 ~~E.~~ The Chief Information Officer shall be authorized to employ
2 personnel, fix the duties and compensation of the personnel, not
3 otherwise prescribed by law, and otherwise direct the work of the
4 personnel in performing the function and accomplishing the purposes
5 ~~of the Information Services Division of the Office of Management and~~
6 ~~Enterprise Services~~ provided for in this section.

7 ~~F.~~ ~~The Information Services Division of the Office of~~
8 ~~Management and Enterprise Services shall be responsible for the~~
9 ~~following duties:~~

10 ~~1. Formulate and implement the information technology strategy~~
11 ~~for all state agencies;~~

12 ~~2. Define, design, and implement a shared services statewide~~
13 ~~infrastructure and application environment for information~~
14 ~~technology and telecommunications for all state agencies;~~

15 ~~3. Direct the development and operation of a scalable~~
16 ~~telecommunications infrastructure that supports data and voice~~
17 ~~communications reliability, integrity, and security;~~

18 ~~4. Supervise the applications development process for those~~
19 ~~applications that are utilized across multiple agencies;~~

20 ~~5. Provide direction for the professional development of~~
21 ~~information technology staff of state agencies and oversee the~~
22 ~~professional development of the staff of the Information Services~~
23 ~~Division of the Office of Management and Enterprise Services;~~

1 ~~6. Evaluate all technology and telecommunication investment~~
2 ~~choices for all state agencies;~~

3 ~~7. Create a plan to ensure alignment of current systems, tools,~~
4 ~~and processes with the strategic information technology plan for all~~
5 ~~state agencies;~~

6 ~~8. Set direction and provide oversight for the support and~~
7 ~~continuous upgrading of the current information technology and~~
8 ~~telecommunication infrastructure in the state in support of enhanced~~
9 ~~reliability, user service levels, and security;~~

10 ~~9. Direct the development, implementation, and management of~~
11 ~~appropriate standards, policies and procedures to ensure the success~~
12 ~~of state information technology and telecommunication initiatives;~~

13 ~~10. Recruit, hire and transfer the required technical staff in~~
14 ~~the Information Services Division of the Office of Management and~~
15 ~~Enterprise Services to support the services provided by the Division~~
16 ~~and the execution of the strategic information technology plan;~~

17 ~~11. Establish, maintain, and enforce information technology and~~
18 ~~telecommunication standards;~~

19 ~~12. Delegate, coordinate, and review all work to ensure quality~~
20 ~~and efficient operation of the Information Services Division of the~~
21 ~~Office of Management and Enterprise Services;~~

22 ~~13. Create and implement a communication plan that disseminates~~
23 ~~pertinent information to state agencies on standards, policies,~~
24 ~~procedures, service levels, project status, and other important~~

1 ~~information to customers of the Information Services Division of the~~
2 ~~Office of Management and Enterprise Services and provide for agency~~
3 ~~feedback and performance evaluation by customers of the Division;~~

4 ~~14. Develop and implement training programs for state agencies~~
5 ~~using the shared services of the Information Services Division of~~
6 ~~the Office of Management and Enterprise Services and recommend~~
7 ~~training programs to state agencies on information technology and~~
8 ~~telecommunication systems, products and procedures;~~

9 ~~15. Provide counseling, performance evaluation, training,~~
10 ~~motivation, discipline, and assign duties for employees of the~~
11 ~~Information Services Division of the Office of Management and~~
12 ~~Enterprise Services;~~

13 ~~16. For all state agencies, approve the purchasing of all~~
14 ~~information technology and telecommunication services and approve~~
15 ~~the purchase of any information technology and telecommunication~~
16 ~~product except the following:~~

17 ~~a. a purchase less than or equal to Five Thousand Dollars~~
18 ~~(\$5,000.00) if such product is purchased using a state~~
19 ~~purchase card and the product is listed on either the~~
20 ~~Approved Hardware or Approved Software list located on~~
21 ~~the Office of Management and Enterprise Services~~
22 ~~website, or~~

23 ~~b. a purchase over Five Thousand Dollars (\$5,000.00) and~~
24 ~~less than or equal to Twenty five Thousand Dollars~~

1 ~~(\$25,000.00) if such product is purchased using a~~
2 ~~state purchase card, the product is listed on an~~
3 ~~information technology or telecommunications statewide~~
4 ~~contract, and the product is listed on either the~~
5 ~~Approved Hardware or Approved Software list located on~~
6 ~~the Office of Management and Enterprise Services~~
7 ~~website;~~

8 ~~17. Develop and enforce an overall infrastructure architecture~~
9 ~~strategy and associated roadmaps for desktop, network, server,~~
10 ~~storage, and statewide management systems for state agencies;~~

11 ~~18. Effectively manage the design, implementation and support~~
12 ~~of complex, highly available infrastructure to ensure optimal~~
13 ~~performance, on-time delivery of features, and new products, and~~
14 ~~scalable growth;~~

15 ~~19. Define and implement a governance model for requesting~~
16 ~~services and monitoring service level metrics for all shared~~
17 ~~services; and~~

18 ~~20. Create the budget for the Information Services Division of~~
19 ~~the Office of Management and Enterprise Services to be submitted to~~
20 ~~the Legislature each year.~~

21 ~~G. The State Governmental Technology Applications Review Board~~
22 ~~shall provide ongoing oversight of the implementation of the plan of~~
23 ~~action required in subsection D of this section. Any proposed~~
24

1 ~~amendments to the plan of action shall be approved by the Board~~
2 ~~prior to adoption.~~

3 ~~H. 1. The Chief Information Officer shall act as the~~
4 ~~Information Technology and Telecommunications Purchasing Director~~
5 ~~for all state agencies and shall be responsible for the procurement~~
6 ~~of all information technology and telecommunication software,~~
7 ~~hardware, equipment, peripheral devices, maintenance, consulting~~
8 ~~services, high technology systems, and other related information~~
9 ~~technology, data processing, telecommunication and related~~
10 ~~peripherals and services for all state agencies. The Chief~~
11 ~~Information Officer shall establish, implement, and enforce policies~~
12 ~~and procedures for the procurement of information technology and~~
13 ~~telecommunication software, hardware, equipment, peripheral devices,~~
14 ~~maintenance, consulting services, high technology systems, and other~~
15 ~~related information technology, data processing, telecommunication~~
16 ~~and related peripherals and services by purchase, lease-purchase,~~
17 ~~lease with option to purchase, lease and rental for all state~~
18 ~~agencies. The procurement policies and procedures established by~~
19 ~~the Chief Information Officer shall be consistent with The Oklahoma~~
20 ~~Central Purchasing Act.~~

21 ~~2. The Chief Information Officer, or any employee or agent of~~
22 ~~the Chief Information Officer acting within the scope of delegated~~
23 ~~authority, shall have the same power and authority regarding the~~
24 ~~procurement of all information technology and telecommunication~~

1 ~~products and services as outlined in paragraph 1 of this subsection~~
2 ~~for all state agencies as the State Purchasing Director has for all~~
3 ~~acquisitions used or consumed by state agencies as established in~~
4 ~~The Oklahoma Central Purchasing Act. Such authority shall,~~
5 ~~consistent with the authority granted to the State Purchasing~~
6 ~~Director pursuant to Section 85.10 of Title 74 of the Oklahoma~~
7 ~~Statutes, include the power to designate financial or proprietary~~
8 ~~information submitted by a bidder confidential and reject all~~
9 ~~requests to disclose the information so designated, if the Chief~~
10 ~~Information Officer requires the bidder to submit the financial or~~
11 ~~proprietary information with a bid, proposal, or quotation.~~

12 ~~I. The Information Services Division of the Office of~~
13 ~~Management and Enterprise Services and the Chief Information Officer~~
14 ~~shall be subject to the Oklahoma Central Purchasing Act for the~~
15 ~~approval and purchase of all equipment, products, and services and~~
16 ~~shall also be subject to the requirements of the Public Competitive~~
17 ~~Bidding Act of 1974, the Oklahoma Lighting Energy Conservation Act~~
18 ~~and the Public Building Construction and Planning Act. The Chief~~
19 ~~Information Officer shall be authorized to delegate all or some of~~
20 ~~the procurement of information technology and telecommunication~~
21 ~~products and services and construction of facilities and~~
22 ~~telecommunication networks to another state entity if the Chief~~
23 ~~Information Officer determines it to be cost-effective and in the~~
24 ~~best interest of the state. The Chief Information Officer shall~~

1 ~~have authority to designate information technology and~~
2 ~~telecommunication contracts as statewide contracts and mandatory~~
3 ~~statewide contracts pursuant to Section 85.5 of Title 74 of the~~
4 ~~Oklahoma Statutes and to negotiate consolidation contracts,~~
5 ~~enterprise agreements and high technology systems contracts. Any~~
6 ~~contract entered into by a state agency for which the Chief~~
7 ~~Information Officer has not acted as the Information Technology and~~
8 ~~Telecommunications Purchasing Director as required in this~~
9 ~~subsection or subsection H of this section, shall be deemed to be~~
10 ~~unenforceable and the Office of Management and Enterprise Services~~
11 ~~shall not process any claim associated with the provisions thereof.~~

12 ~~J.~~ E. The Chief Information Officer shall establish, implement,
13 and enforce policies and procedure for the development and
14 procurement of an interoperable radio communications system for
15 state agencies. The Chief Information Officer shall work with local
16 governmental entities in developing the interoperable radio
17 communications system.

18 ~~K.~~ F. The Chief Information Officer shall develop and implement
19 a plan to utilize open source technology and products for the
20 information technology and telecommunication systems of all state
21 agencies.

22 ~~L.~~ G. All state agencies and authorities of this state and all
23 officers and employees of those entities shall work and cooperate
24 with and lend assistance to ~~the Chief Information Officer and the~~

1 ~~Information Services Division of the Office of Management and~~
2 ~~Enterprise Services and provide any and all information requested by~~
3 ~~the Chief Information Officer.~~

4 ~~M. The Chief Information Officer shall prepare an annual report~~
5 ~~detailing the ongoing net saving attributable to the reallocation~~
6 ~~and consolidation of information technology and telecommunication~~
7 ~~resources and personnel and shall submit the report to the Governor,~~
8 ~~the Speaker of the Oklahoma House of Representatives, and the~~
9 ~~President Pro Tempore of the Oklahoma State Senate.~~

10 ~~N. For purposes of the Oklahoma Information Services Act,~~
11 ~~unless otherwise provided for, "state agencies" shall include any~~
12 ~~office, officer, bureau, board, commission, counsel, unit, division,~~
13 ~~body, authority or institution of the executive branch of state~~
14 ~~government, whether elected or appointed; provided, except with~~
15 ~~respect to the provisions of subsection D of this section, the term~~
16 ~~"state agencies" shall not include institutions within The Oklahoma~~
17 ~~State System of Higher Education, the Oklahoma State Regents for~~
18 ~~Higher Education and the telecommunications network known as OneNet.~~

19 ~~O. As used in this section:~~

20 ~~1. "High technology system" means advanced technological~~
21 ~~equipment, software, communication lines, and services for the~~
22 ~~processing, storing, and retrieval of information by a state agency;~~
23

1 2. ~~“Consolidation contract” means a contract for several state~~
2 ~~or public agencies for the purpose of purchasing information~~
3 ~~technology and telecommunication goods and services; and~~

4 3. ~~“Enterprise agreement” means an agreement for information~~
5 ~~technology or telecommunication goods and services with a supplier~~
6 ~~who manufactures, develops and designs products and provides~~
7 ~~services that are used by one or more state agencies.~~

8 SECTION 4. AMENDATORY 62 O.S. 2021, Section 34.20.1, is
9 amended to read as follows:

10 Section 34.20.1. A. The Office of Management and Enterprise
11 Services shall recognize as a statewide contract an unencumbered
12 contract consummated ~~in~~ on behalf of the telecommunications network
13 known as OneNet by the Oklahoma State Regents for Higher Education
14 or any other state entity assigned responsibility for OneNet,
15 ~~provided, said recognition shall require recommendation by the~~
16 ~~Information Services Division of the Office of Management and~~
17 ~~Enterprise Services.~~ The Office of Management and Enterprise
18 Services shall not subject purchases pursuant to ~~said~~ such contracts
19 to any quantity limit.

20 B. For purchases ~~that require review of the purchase~~
21 ~~requisition by the Information Services Division of the Office of~~
22 ~~Management and Enterprise Services and that are not available on a~~
23 statewide contract but are available from a General Services
24 Administration (GSA) schedule or contract, or are available from a

1 GSA schedule or contract at a lesser price than from a state
2 contract, state agencies may, ~~with the approval of the Information~~
3 ~~Services Division,~~ purchase from the vendor or vendors on the GSA
4 schedule or contract.

5 C. The Oklahoma State Regents for Higher Education and any
6 other state entity assigned responsibility for OneNet are authorized
7 to negotiate for education or government discounts from published
8 price listings and to make contracts at such prices subject to
9 adjustment for price increases nationally published.

10 SECTION 5. AMENDATORY 62 O.S. 2021, Section 34.23, is
11 amended to read as follows:

12 Section 34.23. A. There is hereby created a wide area
13 telecommunications network to be known and referred to as the
14 "Oklahoma Government Telecommunications Network (OGTN)". The OGTN
15 shall consist of the telecommunications systems and networks of
16 educational entities and agencies of state government.

17 B. Notwithstanding the provisions of subsection A of this
18 section:

19 1. The Oklahoma State Regents for Higher Education may continue
20 to operate, maintain and enhance the State Regents Educational
21 Telecommunications Network, ~~subject to the provisions of the~~
22 ~~Oklahoma Information Services Act~~ known as OneNet. The Oklahoma
23 State Regents for Higher Education shall submit all plans for the
24 enhancement of ~~the State Regents Educational Telecommunications~~

1 ~~Network OneNet~~ to the ~~Information Services Division~~ of the Office of
2 Management and Enterprise Services (OMES) for review and approval
3 within the context of the statewide telecommunications network
4 provided for in subsection C of this section and shall participate
5 ~~with the Information Services Division~~ in joint efforts to provide
6 services for the OGTN; and

7 2. The Department of Public Safety may continue to operate,
8 maintain and enhance the statewide law enforcement data
9 communications network provided for in Section 2-124 of Title 47 of
10 the Oklahoma Statutes, ~~subject to the provisions of the Oklahoma~~
11 ~~Information Services Act.~~ The Department of Public Safety shall
12 ~~submit all plans for the enhancement of the statewide law~~
13 ~~enforcement data communications network to the Information Services~~
14 ~~Division of the Office of Management and Enterprise Services for~~
15 ~~review and approval and shall participate with the Information~~
16 ~~Services Division in joint efforts to provide services for the OGTN.~~

17 C. The ~~Information Services Division~~ Office of Management and
18 Enterprise Services shall be responsible for developing, operating
19 and maintaining the OGTN. The purposes of the OGTN shall include
20 the following:

21 1. Development of a comprehensive, unified statewide
22 telecommunications network to effectively, efficiently, and securely
23 meet the communication needs of educational entities and agencies of
24 state government;

1 2. Effective and efficient utilization of existing
2 telecommunications systems operated by educational entities and
3 agencies of state government; and

4 3. Elimination and prevention of unnecessarily duplicative
5 telecommunications systems operated by educational entities and
6 agencies of state government.

7 D. In developing, operating and maintaining the OGTN, ~~the~~
8 ~~Information Services Division~~ OMES shall:

9 1. Develop a statewide master plan for meeting the
10 communications needs of educational entities and of agencies of
11 state government. To facilitate the development of a statewide
12 master plan as provided for in this paragraph:

13 a. the Oklahoma State Regents for Higher Education shall
14 submit a report annually to the Chief Information
15 Officer identifying the telecommunications plans of
16 each member of The Oklahoma State System of Higher
17 Education. For purposes of developing such report,
18 each member shall cooperate with and submit to the
19 State Regents a plan of its telecommunications needs,
20 including, but not limited to, Internet, eGovernment,
21 as referenced in Sections 34.24 and 34.25 of this
22 title, any interactive video plans, the purchase of
23 informational data bases, software for manipulation of
24

1 bibliographic records, and the use of
2 telecommunications equipment or services,

3 b. the ~~State~~ Superintendent of Public Instruction shall
4 submit a report annually to the Chief Information
5 Officer identifying the telecommunications plans of
6 the public common school system of the state. For
7 purposes of developing such report, the respective
8 public elementary and secondary schools shall
9 cooperate with and submit to the ~~State~~ Superintendent
10 a plan of their telecommunications needs, including,
11 but not limited to, Internet, eGovernment, any
12 interactive video plans, the purchase of informational
13 data bases, software for manipulation of bibliographic
14 records, and the use of telecommunications equipment
15 or services,

16 c. the Director of the Oklahoma Department of Career and
17 Technology Education shall submit a report annually to
18 the Chief Information Officer identifying the
19 telecommunications plans of technology center school
20 districts. For purposes of developing such report,
21 each technology center school district as defined in
22 Section 14-108 of Title 70 of the Oklahoma Statutes
23 shall cooperate with and submit to the Director of the
24 Oklahoma Department of Career and Technology Education

1 a plan of its telecommunications needs, including, but
2 not limited to, Internet, eGovernment, any interactive
3 video plans, the purchase of informational data bases,
4 software for manipulation of bibliographic records,
5 and the use of telecommunications equipment or
6 services,

7 d. the chief administrative officer of each state agency
8 of the executive branch shall submit a plan annually
9 to the Chief Information Officer identifying the
10 telecommunications needs of the state agency,
11 including, but not limited to, Internet, eGovernment,
12 any interactive video plans, the purchase of
13 informational data bases, software for manipulation of
14 bibliographic records, and the use of
15 telecommunications equipment or services, and

16 e. the Director of the Oklahoma Department of Libraries
17 shall submit a report annually to the Chief
18 Information Officer identifying the telecommunications
19 plans of public libraries and public library systems.
20 For purposes of developing such report, the chief
21 administrative officer of any public library or public
22 library system not otherwise required to submit a plan
23 of its telecommunications needs pursuant to the
24 provisions of this paragraph shall cooperate with and

1 submit annually to the Director of the Oklahoma
2 Department of Libraries a plan of its
3 telecommunications needs, including, but not limited
4 to, Internet, eGovernment, any interactive video
5 plans, the purchase of informational data bases,
6 software for manipulation of bibliographic records and
7 the use of telecommunications equipment or services.
8 To assure inclusion in the report of the plans of the
9 telecommunications needs of any library that is a part
10 of any member of The Oklahoma State System of Higher
11 Education, a public elementary or secondary school, or
12 technology center school district, all such plans
13 relating to libraries received by the Oklahoma State
14 Regents for Higher Education, the ~~State~~ Superintendent
15 of ~~Higher Education~~ Public Instruction, and the ~~State~~
16 Director of the Oklahoma Department of Career and
17 Technology Education shall be submitted to the
18 Director of the Oklahoma Department of Libraries by
19 the respective recipients thereof as soon as
20 practicable after receipt. The Director of the
21 Oklahoma Department of Libraries shall certify ~~to the~~
22 ~~Information Services Division~~ that such plans are
23 consistent with the plan developed by the Oklahoma
24

1 Library Technology Network or explain any
2 inconsistencies therewith;

3 2. Identify the most cost-effective means of meeting the
4 telecommunications needs of educational entities and of agencies of
5 state government;

6 3. Develop minimum mandatory standards and protocols for
7 equipment, facilities and services of the OGTN;

8 4. Evaluate the advantages and disadvantages of utilizing
9 equipment, facilities, and services of both private entities and
10 those owned and operated by the state; and

11 5. Recommend a fee structure to provide for the operation and
12 maintenance of the OGTN.

13 SECTION 6. AMENDATORY 62 O.S. 2021, Section 34.24, is
14 amended to read as follows:

15 Section 34.24. A. In order to be at the forefront of
16 electronic commerce and provide constituents, agencies and out-of-
17 state users with state-of-the-art electronic commerce and Internet
18 tools, the ~~State of Oklahoma~~ state recognizes the need for a state
19 portal system connecting state agency websites and information
20 systems.

21 B. The ~~Information Services Division of the Office of~~
22 Management and Enterprise Services shall manage the installation,
23 maintenance and administration of the state portal system.

1 C. For purposes of this section and Section 34.27 of this
2 title, a "portal system" shall mean a system that hosts and connects
3 to a collection of online government and public services and serves
4 as the single point of access to state government services,
5 information, and transaction processing with a common enterprise
6 wide user interface allowing navigation among the services.

7 SECTION 7. AMENDATORY 62 O.S. 2021, Section 34.27, is
8 amended to read as follows:

9 Section 34.27. A. There is hereby established the State
10 Governmental Technology Applications Review Board. The Board shall
11 be composed of the following members:

12 1. The Director of the Office of Management and Enterprise
13 Services or a designee;

14 2. Four representatives from different state agencies, boards,
15 commissions, or authorities to be appointed by the Governor, at
16 least one of which shall be employed by a law enforcement agency;

17 3. Two members who are not state government employees to be
18 appointed by the Speaker of the House of Representatives; and

19 4. Two members who are not state government employees to be
20 appointed by the President Pro Tempore of the Senate.

21 B. Members of the Board shall serve for terms of two (2) years.
22 The Board shall select a chair from among its members.

23 C. Members of the Board shall not receive compensation for
24 serving on the Board, but shall be reimbursed for travel expenses

1 incurred in the performance of their duties by their respective
2 agencies or appointing authority in accordance with the State Travel
3 Reimbursement Act.

4 D. Notwithstanding any other section of law, any member of the
5 Board attending a meeting via teleconference shall be counted as
6 being present in person and shall count toward the determination of
7 whether a quorum of the Board is present at the meeting.

8 E. The Board shall have the duty and responsibility of:

9 1. Reviewing for approval all convenience fees and merchant
10 fees as defined in Section 34.25 of this title and changes in
11 convenience fees and merchant fees charged by state agencies,
12 boards, commissions, or authorities;

13 2. Monitoring all portal systems and applications for portal
14 systems created by state agencies, boards, commissions, or
15 authorities, reviewing portal systems applications approved or
16 denied by the ~~Information Services Division of the~~ Office of
17 Management and Enterprise Services, and making recommendations to
18 the Legislature and Governor to encourage greater use of the open-
19 systems concept ~~as is defined in Section 34.26 of this title;~~

20 3. Granting an exemption for a specific license or permit to a
21 state agency from the requirements of Section 34.24.1 of this title.
22 The exemption shall be limited in time as warranted by the
23 circumstances. The Board shall grant the exemption only if
24 presented compelling evidence that the issuance of the license or
25

1 permit requires the provision of information that cannot be provided
2 through an online licensing or permitting process and that the
3 failure of the applicant to provide the information would create a
4 significant risk to the integrity of the license or permit. The
5 exemption provided for in this paragraph shall not apply to license
6 renewals pursuant to the Oklahoma Vehicle License and Registration
7 Act;

8 ~~4. Providing ongoing oversight of implementation of the plan of~~
9 ~~action developed by the Chief Information Officer pursuant to~~
10 ~~Section 34.11.1 of this title and approving any amendments to the~~
11 ~~plan of action;~~

12 ~~5. Approving charges to state agencies established by the~~
13 ~~Information Services Division pursuant to Section 35.5 of this title~~
14 ~~for shared services as defined in Section 35.3 of this title;~~

15 ~~6. Functioning in an advisory capacity to the Chief Information~~
16 ~~Officer; and~~

17 ~~7.~~ 5. Approving a plan by which public elementary and secondary
18 schools of the state may recover the cost of instructional
19 technology resources issued by the schools.

20 SECTION 8. AMENDATORY 62 O.S. 2021, Section 34.31, is
21 amended to read as follows:

22 Section 34.31. A. No state agency, as defined by ~~Section 250.3~~
23 ~~of Title 75 of the Oklahoma Statutes~~ in subsection E of this
24 section, nor the Purchasing Division of the Office of Management and
25

1 ~~Enterprise Services nor the Information Services Division of the~~
2 ~~Office of Management and Enterprise Services,~~ unless otherwise
3 provided by federal law, shall enter into a contract for the
4 acquisition of customized computer software developed or modified
5 exclusively for the agency or the state, unless the vendor agrees to
6 place into escrow with an independent third party the source code
7 for the software and/or modifications.

8 B. The vendor must agree to place the source code for the
9 software and any upgrades supplied to an agency in escrow with a
10 third party acceptable to the agency and to enter into a customary
11 source code escrow agreement which includes a provision that
12 entitles the agency to receive everything held in escrow upon the
13 occurrence of any of the following:

14 1. A bona fide material default of the obligations of the
15 vendor under the agreement with the agency;

16 2. An assignment by the vendor for the benefit of its
17 creditors;

18 3. A failure by the vendor to pay, or an admission by the
19 vendor of its inability to pay, its debts as they mature;

20 4. The filing of a petition in bankruptcy by or against the
21 vendor when such petition is not dismissed within sixty (60) days of
22 the filing date;

23 5. The appointment of a receiver, liquidator or trustee
24 appointed for any substantial part of the vendor's property;

1 6. The inability or unwillingness of the vendor to provide the
2 maintenance and support services in accordance with the agreement
3 with the agency; or

4 7. The ceasing of a vendor of maintenance and support of the
5 software.

6 The fees of any third-party escrow agent subject to this section
7 shall be borne by the vendor.

8 C. The State Purchasing Director or a procurement officer of a
9 state agency shall not process any state agency request for the
10 customization, modernization, or development of computer software
11 unless the proposed vendor provides documentation that complies with
12 subsections A and B of this section.

13 D. The State Purchasing Director shall provide advice and
14 assistance, as may be required, in order for state agencies to
15 comply with the provisions of this section.

16 E. As used in this section:

17 1. "State agency" shall include all state agencies, whether
18 subject to ~~The~~ the Oklahoma Central Purchasing Act or not, except
19 the Oklahoma Lottery Commission; and

20 2. "Source code" means the programming instruction for a
21 computer program in its original form, created by a programmer with
22 a text editor or a visual programming tool and saved in a file.

1 SECTION 9. AMENDATORY 62 O.S. 2021, Section 34.32, as
2 amended by Section 25, Chapter 228, O.S.L. 2022 (62 O.S. Supp. 2024,
3 Section 34.32), is amended to read as follows:

4 Section 34.32. A. ~~The Information Services Division of the~~
5 Office of Management and Enterprise Services shall create a standard
6 security risk assessment for state agency information technology
7 systems that complies with the International Organization for
8 Standardization (ISO) and the International Electrotechnical
9 Commission (IEC) ~~Information Technology - Code of Practice for~~
10 ~~Security Management~~ Information security, cybersecurity and privacy
11 protection - Information security controls (ISO/IEC 27002).

12 B. Each state agency that has an information technology system
13 shall obtain an information security risk assessment to identify
14 vulnerabilities associated with the information system. The
15 ~~Information Services Division of the~~ Office of Management and
16 Enterprise Services shall approve not less than two firms which
17 state agencies may choose from to conduct the information security
18 risk assessment.

19 C. ~~A state agency with an information technology system that is~~
20 ~~not consolidated under the Information Technology Consolidation and~~
21 ~~Coordination Act or that is otherwise retained by the agency shall~~
22 ~~additionally be required to have an information security audit~~
23 ~~conducted by a firm approved by the Information Services Division~~
24 ~~that is based upon the most current version of the NIST Cyber-~~

1 ~~Security Framework, and shall submit a final report of the~~
2 ~~information security risk assessment and information security audit~~
3 ~~findings to the Information Services Division each year on a~~
4 ~~schedule set by the Information Services Division.~~ Agencies shall
5 also submit a list of remedies and a timeline for the repair of any
6 deficiencies ~~to the Information Services Division~~ within ten (10)
7 days of the completion of the audit. The final information security
8 risk assessment report shall identify, prioritize, and document
9 information security vulnerabilities for each of the state agencies
10 assessed. ~~The Information Services Division may assist agencies in~~
11 ~~repairing any vulnerabilities to ensure compliance in a timely~~
12 ~~manner.~~

13 D. ~~Subject to the provisions of subsection C of Section 34.12~~
14 ~~of this title, the Information Services Division shall report the~~
15 ~~results of the state agency assessments and information security~~
16 ~~audit findings required pursuant to this section to the Governor,~~
17 ~~the Speaker of the House of Representatives, and the President Pro~~
18 ~~Tempore of the Senate by the first day of January of each year.~~ Any
19 state agency with an information technology system that is not
20 consolidated under the Information Technology Consolidation and
21 Coordination Act that cannot comply with the provisions of this
22 section shall consolidate under the Information Technology
23 Consolidation and Coordination Act.

1 ~~E.~~ This section shall not apply to state agencies subject to
2 mandatory North American Electric Reliability Corporation (NERC)
3 cybersecurity standards and institutions within The Oklahoma State
4 System of Higher Education, the ~~Social Security~~ Disability
5 Determination Services Division of the Department of Rehabilitation
6 Services, and the Oklahoma State Regents for Higher Education and
7 the telecommunications network known as OneNet that follow the
8 International Organization for Standardization (ISO), the ~~Oklahoma~~
9 Military Department ~~(OMD)~~ of the State of Oklahoma and the
10 International Electrotechnical Commission (IEC) ~~Security techniques~~
11 ~~Code of Practice for Information Security Controls~~ Information
12 security, cybersecurity and privacy protection - Information
13 security controls or National Institute of Standards and Technology.

14 SECTION 10. AMENDATORY 74 O.S. 2021, Section 85.5, as
15 amended by Section 1, Chapter 102, O.S.L. 2024 (74 O.S. Supp. 2024,
16 Section 85.5), is amended to read as follows:

17 Section 85.5. A. Except as otherwise provided in this section,
18 the State Purchasing Director, under the supervision of the Director
19 of the Office of Management and Enterprise Services, shall have sole
20 and exclusive authority and responsibility for all acquisitions by
21 state agencies. ~~In order to carry out the powers and duties of the~~
22 ~~Chief Information Officer and the Information Services Division, the~~
23 ~~Chief Information Officer shall have sole and exclusive authority~~
24 ~~and responsibility for all acquisitions of information and~~

1 ~~telecommunications technology, equipment, software, products and~~
2 ~~related peripherals and services by state agencies.~~ Public
3 construction contracts are awarded pursuant to Title 61 of the
4 Oklahoma Statutes and are not subject to the Oklahoma Central
5 Purchasing Act.

6 B. Every state agency shall determine its own quantitative
7 needs for acquisitions and the general class or nature of the
8 acquisitions. The State Purchasing Director, after consultation
9 with the requisitioning state agency, shall have authority to
10 determine the particular brand, model or other specific
11 classification of each acquisition and to draft or invoke pursuant
12 to the Oklahoma Central Purchasing Act specifications establishing
13 the requirements for all necessary contracts or purchase orders.

14 C. The Director of the Office of Management and Enterprise
15 Services shall have authority and responsibility to promulgate rules
16 in connection with provisions of the Oklahoma Central Purchasing Act
17 for:

18 1. The time, manner, authentication and form of making
19 requisitions for acquisitions;

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

22 3. The form and manner of submission for bids or proposals a
23 bidder submits and the manner of accepting and opening bids or
24 proposals;

1 4. The conditions under which the Office of Management and
2 Enterprise Services shall require written contracts for
3 acquisitions, the conditions under which acquisitions may be made on
4 an open account basis, and the conditions and manner of negotiating
5 such contracts;

6 5. Obtaining acquisitions produced by state institutions;

7 6. Conditions under which any of the rules herein authorized
8 may be waived;

9 7. The amounts of and deposits on any bond or other surety
10 required to be submitted with a bid or contract for the furnishing
11 of acquisitions and the conditions under which such bond or other
12 surety shall be required;

13 8. The manner and conditions of delivery, which shall include
14 the designation of the common carrier of property to be used to
15 transport acquisitions whenever a common carrier is used, and the
16 acceptance, or rejection, including check of quantities, of any
17 acquisitions;

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

20 10. State agency acquisitions not exceeding the acquisition
21 threshold amount requiring competitive bid to ensure
22 competitiveness, fairness, compliance with the Oklahoma Central
23 Purchasing Act and Section 3001 et seq. of this title, which relates
24

1 to the State Use ~~Committee~~ Advisory Council. The rules shall
2 include separate provisions based on acquisition amounts as follows:

3 a. state agencies shall make acquisitions not exceeding
4 Twenty-five Thousand Dollars (\$25,000.00), provided
5 the acquisition process is fair and reasonable and is
6 conducted pursuant to rules authorized pursuant to
7 this section, and

8 b. state agencies with certified procurement officers and
9 internal purchasing procedures found compliant by the
10 State Purchasing Director may make acquisitions in
11 excess of the fair and reasonable acquisition
12 threshold amount provided for in this section and not
13 exceeding Two Hundred Fifty Thousand Dollars
14 (\$250,000.00), pursuant to rules authorized by this
15 section;

16 11. Training by the State Purchasing Director of state agency
17 procurement officers;

18 12. Review and audit by the State Purchasing Director of state
19 agency acquisitions;

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

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

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

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

5 17. The form and manner of verification by suppliers that the
6 supplier is eligible to do business in ~~the State of Oklahoma~~ this
7 state and has obtained all necessary permits and licenses, pursuant
8 to applicable provisions of law; and

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

11 D. The State Purchasing Director shall provide training for
12 state agency procurement officials, and other procurement staff, and
13 is authorized to require retraining of such procurement personnel
14 found not to be in compliance with provisions of the Oklahoma
15 Central Purchasing Act or associated rules. The training may
16 include any matters related to state procurement practices. State
17 agency purchasing officials that demonstrate proficiency shall be
18 certified as "certified procurement officers" by the State
19 Purchasing Director and shall be authorized to make acquisitions
20 pursuant to provisions of the Oklahoma Central Purchasing Act and
21 associated rules. The State Purchasing Director may assess a fee to
22 state agencies for the training that does not exceed each state
23 agency's pro rata share of the costs the State Purchasing Director
24 incurs to provide the training.

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

3 1. Ensuring state agency compliance with provisions of the
4 Oklahoma Central Purchasing Act;

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

8 3. Ensuring state agency compliance with provisions of Section
9 3001 et seq. of this title pertaining to the State Use ~~Committee~~
10 Advisory Council;

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

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

19 6. A determination by the State Purchasing Director to increase
20 a state agency's acquisition authority amount after the agency cures
21 deficiencies in connection with a prior reduction in the authority
22 amount by the State Purchasing Director.

1 F. Based on written findings and when recommended by the State
2 Purchasing Director, the Director of the Office of Management and
3 Enterprise Services may:

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

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

15 G. 1. Pursuant to the requirements of the Oklahoma Central
16 Purchasing Act, the State Purchasing Director shall have authority
17 to enter into any statewide, multistate or multigovernmental
18 contract. ~~The state entity designated by law, as specified in~~
19 ~~Section 1010.3 of Title 56 of the Oklahoma Statutes, shall~~
20 ~~participate in the purchase of pharmaceuticals available through~~
21 ~~such multistate or multigovernmental contracts entered into by the~~
22 ~~State Purchasing Director.~~

23 2. Whenever it appears advantageous to the state or to any
24 state agency to purchase or otherwise acquire any acquisition which

1 may be offered for sale by the United States government or any
2 agency thereof, the State Purchasing Director may execute a contract
3 for the acquisition with the federal government or federal agency
4 and may also utilize contracts awarded by other governmental
5 agencies including, but not limited to, agencies of the United
6 States of America.

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

10 4. Prior to exercising the authority to cancel a contract, the
11 State Purchasing Director may authorize renegotiation of an existing
12 contract with an incumbent supplier for the purposes of obtaining
13 more favorable terms for the state.

14 5. The State Purchasing Director shall have the authority to
15 designate certain contracts for state agencies as statewide
16 contracts and mandatory statewide contracts. ~~In order to carry out~~
17 ~~the powers and duties of the Chief Information Officer and~~
18 ~~Information Services Division, the Chief Information Officer shall~~
19 ~~have the authority to designate certain information technology and~~
20 ~~telecommunication contracts as statewide contracts and mandatory~~
21 ~~statewide contracts and may negotiate consolidation contracts,~~
22 ~~enterprise agreements and high technology system contracts in lieu~~
23 ~~of or in conjunction with competitive bidding procedures to reduce~~
24 ~~acquisition cost.~~

1 6. The State Purchasing Director may publish such
2 specifications relating to materials, supplies, equipment and
3 services to be acquired for the state as may best promote
4 competition and apprise potential suppliers of the type of product
5 desired.

6 H. 1. The State Purchasing Director may develop and test new
7 contracting policies, procedures and innovations that hold potential
8 for making state procurement more effective and efficient and
9 identify, and make recommendations to the Legislature of, any
10 appropriate changes in law. Such development and testing, proof of
11 concept, pilot project or other similar test shall not be considered
12 an acquisition subject to the Oklahoma Central Purchasing Act.

13 2. The State Purchasing Director is authorized to explore and
14 investigate cost savings in energy, resource usage and maintenance
15 contracts and to identify and negotiate contract solutions
16 including, but not limited to, pilot projects to achieve cost
17 savings for this state.

18 I. The State Purchasing Director shall endeavor to satisfy
19 state agencies in terms of cost, quality and timeliness of the
20 delivery of acquisitions by using bidders who have a record of
21 successful past performance, promoting competition, minimizing
22 administrative operating costs and conducting business with
23 integrity, fairness and openness.

24 J. The State Purchasing Director shall undertake the following:
25

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

4 2. Monitoring rules promulgated pursuant to the Oklahoma
5 Central Purchasing Act to ensure that the rules satisfy the
6 interests of the state, are clear and succinct and encourage
7 efficiency in purchasing processes;

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

9 4. Development of criteria for the use of sealed bid
10 contracting procedures, negotiated contracting procedures, selection
11 of types of contracts, postaward administration of purchase orders
12 and contracts, addendums, termination of contracts and contract
13 pricing;

14 5. Continual improvement in the quality of the performance of
15 the Purchasing Division through training programs, management
16 seminars, development of benchmarks and key management indicators,
17 and development of standard provisions, clauses and forms;

18 6. The State Purchasing Director shall prescribe standardized
19 contract forms and all other forms or certifications requisite or
20 deemed necessary by the State Purchasing Director to effectuate the
21 provisions of the Oklahoma Central Purchasing Act and associated
22 rules;

1 7. Development of programs to improve customer relations
2 through training, improved communications and appointment of
3 technical representatives;

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

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

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

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

20 M. On an annual basis, the State Purchasing Director shall
21 transmit to the Governor, Speaker of the House of Representatives
22 and President Pro Tempore of the Senate a report documenting the
23 savings realized by each agency through the application of best
24 spend practices including the collection and tracking of spend data,

1 strategic sourcing programs and implementation of managed and
2 mandatory statewide contracts and include in the report information
3 regarding emergency acquisitions.

4 N. The acquisition threshold amount applicable to an
5 acquisition made pursuant to ~~this act~~ the Oklahoma Central
6 Purchasing Act or associated rules shall not apply to state agency
7 purchases; provided, the State Purchasing Director determines the
8 agency has subject matter experts on staff having the specialized
9 expertise to purchase goods or services, the agency possesses the
10 necessary legal and procurement staff to procure and monitor the
11 contracts and provided the Director of the Office of Management and
12 Enterprise Services shall certify that the proposed purchase does
13 not conflict with consolidated statewide spend initiatives.

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

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

- 17 a. be responsible for contracts awarded pursuant to this
18 subsection, which includes, but may not be limited to,
19 contract management, protest costs, all costs
20 connected with or incurred as a result of the
21 contract, including legal representation,
- 22 b. comply with rules and policies of the Office of
23 Management and Enterprise Services, and

1 c. report contracts issued pursuant to this subsection to
2 the Office of Management and Enterprise Services,
3 ~~Central~~ Purchasing Division, on a quarterly basis.

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

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

17 P. The State Purchasing Director shall require all contractors
18 or subcontractors who have entered into a contract with a public
19 employer to submit an affidavit that the contractor or subcontractor
20 is in compliance with the provisions of Section 1313 of Title 25 of
21 the Oklahoma Statutes. If the State Purchasing Director determines
22 that a contractor or subcontractor has knowingly submitted a false
23 affidavit:

1 1. The contractor or subcontractor shall be liable for an
2 administrative penalty of Five Thousand Dollars (\$5,000.00) for the
3 first offense, which shall increase by Two Thousand Dollars
4 (\$2,000.00) for each subsequent offense; and

5 2. The public employer or the Office of Management and
6 Enterprise Services may terminate the contract with the contractor
7 or subcontractor.

8 SECTION 11. REPEALER 62 O.S. 2021, Sections 34.11.8,
9 34.12, as amended by Section 2, Chapter 74, O.S.L. 2022, 34.13,
10 34.15, 34.19, 34.20, 34.21, 34.22, 34.26, 34.28, 34.30, 34.33, 35.1,
11 35.2, 35.3, 35.4, 35.5, 35.6, 35.6.1, 35.6.2, 35.7, 35.8, and 35.9
12 (62 O.S. Supp. 2024, Section 34.12), are hereby repealed.

13 SECTION 12. This act shall become effective July 1, 2025.

14 SECTION 13. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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