

An Act

ENROLLED HOUSE
BILL NO. 1019

By: Munson, Lawson, Roe,
McEntire, Talley, and Swope
of the House

and

Gollihare of the Senate

An Act relating to the Oklahoma Central Purchasing Act; amending 74 O.S. 2021, Section 85.44D.1, which relates to sole source acquisition or sole brand acquisition, certification, and report; creating an exemption; providing a termination date; and declaring an emergency.

SUBJECT: Oklahoma Central Purchasing Act

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

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

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

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

SOLE SOURCE OR SOLE BRAND ACQUISITION

CERTIFICATION

STATE AGENCY _____

SUPPLIER NAME _____

SUPPLIER ADDRESS _____

SUPPLIER CONTACT INFORMATION _____

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

(Name of Supplier)

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

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

I understand that the signing of this certification knowing such information to be false may result in forfeiture of my position and ineligibility for appointment to or employment in state service for a period of five (5) years following forfeiture of position.

(Chief administrative officer)

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

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

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

6. For a sole source or sole brand acquisitions exceeding the fair and reasonable acquisition threshold amount and not requiring submission of a requisition to the Purchasing Division, the state agency's certified procurement officer shall retain, in the acquisition file, the signed certification documenting the need for the sole source or sole brand acquisition in accordance with state record retention requirements.

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

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

2. Any member of the Legislature requesting the report.

The report shall detail sole source and sole brand acquisitions by state agencies for the month prior to the month preceding the submission of the report. The report shall be titled "Monthly Sole Source and Sole Brand Contracting Report of Oklahoma State Agencies" and indicate the time period of the report. The report shall be

provided by the Director of the Office of Management and Enterprise Services or the Director's designee. The report shall be in columnar database format and shall include at least the following fields of information: state agency number; state agency name; date created by the Office of Management and Enterprise Services for the requisition; date of either approval or disapproval of the requisition; if disapproved, the reason why such contract requisition was disapproved; estimated amount of the requisition acquisition; purchase order amount; purchase order number; actual business name of supplier; supplier federal employer identification number; and the commodity classification listing at the appropriate level to distinguish between similar acquisitions. Information required by this subsection shall be reported and maintained on each report through the next reporting period after an acquisition is made. The applicable data in the fields of information specified in this subsection shall be listed even if the state agency requisition is disapproved.

C. 1. The State Department of Health shall be exempt from requests for proposals for sole source acquisitions for the Nurse-Family Partnership Program and the Children First Program.

2. The provisions of this subsection shall cease to have the force and effect of law on November 1, 2029.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 6th day of March, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 15th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____