

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1120

By: West (Rick)

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Central Purchasing
11 Act; amending 74 O.S. 2011, Section 85.3, as last
12 amended by Section 3, Chapter 98, O.S.L. 2020 (74
13 O.S. Supp. 2020, Section 85.3), which relates to the
14 Purchasing Division; allowing certain state entities
15 to make certain purchases; requiring certain
16 documentation; and providing an effective date.

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

18 SECTION 1. AMENDATORY 74 O.S. 2011, Section 85.3, as
19 last amended by Section 3, Chapter 98, O.S.L. 2020 (74 O.S. Supp.
20 2020, Section 85.3), is amended to read as follows:

21 Section 85.3 A. There is hereby created and established in the
22 Office of Management and Enterprise Services a Purchasing Division,
23 the administrative head of which shall be the State Purchasing
24 Director.

1 B. The Director of the Office of Management and Enterprise
2 Services shall hire the State Purchasing Director. The State
3 Purchasing Director shall:

4 1. Have a thorough knowledge of office practices and buying
5 procedures in volume purchasing; and

6 2. Be a graduate of an accredited college or university with at
7 least five (5) years' experience in commercial or governmental
8 purchasing, or, in lieu of such education, have at least ten (10)
9 years' experience in commercial or governmental purchasing.

10 C. The State Purchasing Director, with the approval of the
11 Director of the Office of Management and Enterprise Services, may
12 employ such personnel as may be necessary to exercise authority and
13 perform duties under the Oklahoma Central Purchasing Act.

14 D. All activities of any state agency, department, or
15 institution relating to purchasing shall be under the direction of
16 the Purchasing Division unless otherwise provided by the Oklahoma
17 Central Purchasing Act.

18 E. The Purchasing Division shall provide qualified personnel to
19 assist the purchasing activities of state agencies, departments, and
20 institutions, as required by the Oklahoma Central Purchasing Act.

21 F. Each state agency, department, and institution shall
22 designate personnel to coordinate its purchasing functions with the
23 Purchasing Division.

24

1 G. The Purchasing Division may, if the needs of a state agency,
2 department, or institution are such as to so require, employ, and
3 establish a buyer within a state agency. The state agency shall pay
4 all expenses incurred for any buyer required to be placed within its
5 agency.

6 H. Except as provided in Section 34.36 of Title 62 of the
7 Oklahoma Statutes, no state agency subject to the Oklahoma Central
8 Purchasing Act shall have or maintain a purchasing section without
9 the prior approval in writing of the Purchasing Division unless
10 otherwise provided in the Oklahoma Central Purchasing Act nor shall
11 such purchasing section perform purchasing functions for another
12 state agency.

13 I. The Purchasing Division shall make acquisitions from
14 industries operated by the Department of Corrections pursuant to the
15 provisions of Section 549.1 of Title 57 of the Oklahoma Statutes.

16 J. None of the personnel authorized by this section shall:

17 1. Sell to or otherwise provide acquisitions to any state
18 agency subject to the Oklahoma Central Purchasing Act;

19 2. Be employees, partners, associates, officers, or
20 stockholders in or with any business entity that sells to or
21 otherwise provides acquisitions to any state agency subject to the
22 Oklahoma Central Purchasing Act;

23 3. Be employed in any of the positions authorized by this
24 section if a spouse or child owns any stock in any business entity

1 which sells to or otherwise provides acquisitions to any agency
2 subject to the Oklahoma Central Purchasing Act;

3 4. Be employed in any of the positions authorized by this
4 section if a relative within the third degree of consanguinity or
5 affinity sells to or otherwise provides acquisitions to any state
6 agency subject to the Oklahoma Central Purchasing Act or is
7 interested in any business entity which does so, except that such
8 relative, excluding a spouse or child, may own Twenty-five Thousand
9 Dollars (\$25,000.00) worth or less, or one percent (1%) or less,
10 whichever amount is the lesser amount, of the stock of a corporation
11 or any business entity which sells to or otherwise provides
12 acquisitions to any state agency subject to the Oklahoma Central
13 Purchasing Act; or

14 5. Violate applicable rules of the Ethics Commission
15 promulgated pursuant to Article XXIX of the Oklahoma Constitution
16 that relate to accepting gifts from a vendor or a vendor's agent.

17 K. Any state agency, department, institution, or satellite
18 office thereof that is otherwise subject to the provisions of the
19 Oklahoma Central Purchasing Act, but is located in a county without
20 contracted vendors, may elect to purchase necessary equipment and
21 supplies from a local business without first obtaining a waiver from
22 or the permission of the Purchasing Division. Any state agency that
23 elects to make purchases from local vendors pursuant to this
24 subsection shall maintain a document file for each acquisition the

1 state agency makes which shall include, at a minimum, justification
2 for the acquisition, supporting documentation, copies of all
3 contracts, if any, pertaining to the acquisition, evaluations,
4 written reports if required by contract and any other information
5 the State Purchasing Director requires to be kept.

6 SECTION 2. This act shall become effective November 1, 2021.

7
8 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
9 02/25/2021 - DO PASS, As Amended.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24