

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3130

By: Cockroft

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5
6 AS INTRODUCED

7 An Act relating to counties; amending 19 O.S. 2011,
8 Section 1501, as last amended by Section 1, Chapter
9 226, O.S.L. 2014 (19 O.S. Supp. 2015, Section 1501),
10 which relates to county purchasing agents; increasing
11 dollar amount of purchases that are exempt from
12 certain bidding procedures; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 19 O.S. 2011, Section 1501, as
16 last amended by Section 1, Chapter 226, O.S.L. 2014 (19 O.S. Supp.
17 2015, Section 1501), is amended to read as follows:

18 Section 1501. A. The county purchasing agent:

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

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

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

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

- 1 f. when materials for road or bridge improvements do not
2 exceed ~~Three~~ Fifteen Dollars ~~(\$3.00)~~ (\$15.00) per yard
3 or per ton,
- 4 g. purchases of fuel if the county purchasing agent
5 obtains telephone quotes from at least three vendors
6 prior to the purchase and the lowest and best quote is
7 selected. Documentation of these quotes shall be
8 recorded in the permanent records of the clerk,
- 9 h. purchases of tools, apparatus, machinery or equipment
10 from a state agency or a political subdivision of the
11 state as provided for in subsection C of Section 421.1
12 of this title,
- 13 i. purchases of food for prisoners incarcerated in the
14 county jail; provided, in counties having a population
15 in excess of one hundred thousand (100,000) persons,
16 the county purchasing agent shall follow bidding
17 procedures as provided by law unless the county
18 purchasing agent obtains telephone quotes pursuant to
19 the whole total of food items requisitioned prior to
20 the purchase and the lowest and best quote is
21 selected. Documentation of these quotes shall be
22 recorded in the permanent records of the county clerk,
- 23 j. when a county solicits bids for the purchase of
24 processed native materials for road and bridge

1 improvements, the county may accept all bids received,
2 with the lowest and best bid from those accepted to be
3 selected at the time of opening of any construction
4 project. The selection of the bid shall be based upon
5 availability, bid price, plus transportation costs,

6 k. when a vendor has been selected as the lowest and best
7 bidder to furnish a particular item or items to the
8 county during a specified time period and in the event
9 the vendor is unable to perform, the purchasing agent
10 may solicit telephone quotes for the item or items
11 needed from the list of qualified bidders and provide
12 for the purchase of the items at the lowest and best
13 quote available,

14 l. when considering the purchase of an item or items from
15 the state bid list as provided by the Office of
16 Management and Enterprise Services or the General
17 Services Administration, if the same exact item is
18 available from a local vendor at or below the price
19 listed on the state bid list or the General Services
20 Administration list, the item may be obtained from the
21 vendor,

22 m. any item or items bid by the Office of Management and
23 Enterprise Services which may be purchased by the
24

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

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

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

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

1 designation of the employees shall be filed with the county clerk
2 and shall be entered in the minutes of the board of county
3 commissioners;

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

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

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

1 a blanket purchase order as provided in Section 310.8 of Title 62 of
2 the Oklahoma Statutes.

3 SECTION 2. This act shall become effective November 1, 2016.
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5 55-2-8050 AMM 12/29/15
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