

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3130

By: Cockroft

7
8 COMMITTEE SUBSTITUTE

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

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

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

20 Section 1501. A. The county purchasing agent:

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

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

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

- 7 a. when the purchase does not exceed Fifteen Thousand
8 Dollars (\$15,000.00). All purchases made pursuant to
9 this subparagraph shall be by a single purchase order.
10 Splitting purchase orders which would result in paying
11 an amount in excess of the limitations specified in
12 this subparagraph is expressly prohibited. Any person
13 convicted of violating the provisions of this
14 subparagraph shall be guilty of a misdemeanor and such
15 person shall forfeit the person's position or office,
16 b. when the total payments of a rental or lease-purchase
17 agreement do not exceed the current bid limit as
18 established in subparagraph a of this paragraph,
19 c. when articles and items are covered by single-source
20 contracts,
21 d. service or maintenance contracts on equipment or
22 machinery which are entered into at the time of the
23 purchase of the equipment or machinery,
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- 1 e. purchases made pursuant to a blanket purchase order as
2 provided for in Section 310.8 of Title 62 of the
3 Oklahoma Statutes,
- 4 f. when materials for road or bridge improvements do not
5 exceed ~~Three Dollars (\$3.00)~~ Seven Dollars (\$7.00) per
6 yard or per ton,
- 7 g. purchases of fuel if the county purchasing agent
8 obtains telephone quotes from at least three vendors
9 prior to the purchase and the lowest and best quote is
10 selected. Documentation of these quotes shall be
11 recorded in the permanent records of the clerk,
- 12 h. purchases of tools, apparatus, machinery or equipment
13 from a state agency or a political subdivision of the
14 state as provided for in subsection C of Section 421.1
15 of this title,
- 16 i. purchases of food for prisoners incarcerated in the
17 county jail; provided, in counties having a population
18 in excess of one hundred thousand (100,000) persons,
19 the county purchasing agent shall follow bidding
20 procedures as provided by law unless the county
21 purchasing agent obtains telephone quotes pursuant to
22 the whole total of food items requisitioned prior to
23 the purchase and the lowest and best quote is
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- 1 selected. Documentation of these quotes shall be
2 recorded in the permanent records of the county clerk,
3 j. when a county solicits bids for the purchase of
4 processed native materials for road and bridge
5 improvements, the county may accept all bids received,
6 with the lowest and best bid from those accepted to be
7 selected at the time of opening of any construction
8 project. The selection of the bid shall be based upon
9 availability, bid price, plus transportation costs,
10 k. when a vendor has been selected as the lowest and best
11 bidder to furnish a particular item or items to the
12 county during a specified time period and in the event
13 the vendor is unable to perform, the purchasing agent
14 may solicit telephone quotes for the item or items
15 needed from the list of qualified bidders and provide
16 for the purchase of the items at the lowest and best
17 quote available,
18 l. when considering the purchase of an item or items from
19 the state bid list as provided by the Office of
20 Management and Enterprise Services or the General
21 Services Administration, if the same exact item is
22 available from a local vendor at or below the price
23 listed on the state bid list or the General Services
24

1 Administration list, the item may be obtained from the
2 vendor,

3 m. any item or items bid by the Office of Management and
4 Enterprise Services which may be purchased by the
5 county, provided the vendor is willing to supply the
6 item or items to the county at the bid price,

7 n. when a county obtains proceeds from the sale of its
8 property at a public auction, that county may use
9 those proceeds to acquire items previously identified
10 as needed by the county at the same public auction
11 pursuant to subsection D of Section 1505 of this
12 title,

13 o. when an item or items have been competitively bid by a
14 county, or on behalf of a group of counties, provided:

15 (1) the notice to bidders shall list each county
16 which may participate in the purchase of the item
17 or items being bid,

18 (2) the notice of bid is advertised, as provided by
19 law, in each of the counties which may
20 participate in the purchase of the item or items,

21 (3) all vendors on the list of qualified bidders of
22 each participating county who offer the item or
23 items for sale received notice of the bid
24 request, and

1 (4) the vendor awarded the bid is willing and able to
2 provide the item or items at the bid price,
3 p. counties may participate in a nationwide purchasing
4 program sponsored by the national association
5 representing counties and local cooperative
6 procurement agreements entered into by the counties
7 and other local jurisdictions or any other
8 competitively bid nationwide purchasing program, or
9 q. when the Governor declares an emergency in a county,
10 the district attorney of that county shall have the
11 authority to temporarily waive competitive bidding
12 procedures for purchases that may expedite a response
13 to the emergency situation. This temporary waiver
14 shall be in addition to any powers exercised pursuant
15 to Section 683.11 of Title 63 of the Oklahoma
16 Statutes.

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

22 4. Shall not furnish any supplies, materials, equipment, or
23 other articles, except upon receipt of a requisition signed by a
24 county officer. Written requisitions will not be required for

1 blanket purchase orders as provided for in Section 310.8 of Title 62
2 of the Oklahoma Statutes. Each county officer may designate not
3 more than two employees who also shall be authorized to sign
4 requisitions in the absence of the county officer. A written
5 designation of the employees shall be filed with the county clerk
6 and shall be entered in the minutes of the board of county
7 commissioners;

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

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

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1 B. Each department of county government needing repairs to
2 equipment, machinery or vehicles shall make estimates and
3 requisition a purchase order from the county purchasing agent for
4 repairs not in excess of Ten Thousand Dollars (\$10,000.00). Repairs
5 in excess of Ten Thousand Dollars (\$10,000.00) shall be submitted on
6 a blanket purchase order as provided in Section 310.8 of Title 62 of
7 the Oklahoma Statutes.

8 SECTION 2. This act shall become effective November 1, 2016.

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10 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT OVERSIGHT AND
11 ACCOUNTABILITY, dated 02/15/2016 - DO PASS, As Amended.

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