STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 1010

By: West (Rick)

AS INTRODUCED

An Act relating to the Oklahoma Central Purchasing Act; amending 74 O.S. 2021, Section 85.3, which relates to the Purchasing Division; allowing certain state entities to make certain purchases; requiring certain documentation; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 85.3, is amended to read as follows:

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

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

1. Have a thorough knowledge of office practices and buying procedures in volume purchasing; and
2. Be a graduate of an accredited college or university with at least five (5) years' experience in commercial or governmental purchasing, or, in lieu of such education, have at least ten (10) years' experience in commercial or governmental purchasing.

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

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

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

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

G. The Purchasing Division may, if the needs of a state agency, department, or institution are such as to so require, employ, and establish a buyer within a state agency. The state agency shall pay all expenses incurred for any buyer required to be placed within its agency.
H. Except as provided in Section 34.36 of Title 62 of the Oklahoma Statutes, no state agency subject to the Oklahoma Central Purchasing Act shall have or maintain a purchasing section without the prior approval in writing of the Purchasing Division unless otherwise provided in the Oklahoma Central Purchasing Act nor shall such purchasing section perform purchasing functions for another state agency.

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

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

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

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

3. Be employed in any of the positions authorized by this section if a spouse or child owns any stock in any business entity which sells to or otherwise provides acquisitions to any agency subject to the Oklahoma Central Purchasing Act;

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

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

K. Any state agency, department, institution, or satellite
office thereof that is otherwise subject to the provisions of the
Oklahoma Central Purchasing Act, but is located in a county without
contracted vendors, may elect to purchase necessary equipment and
supplies from a local business without first obtaining a waiver from
or the permission of the Purchasing Division. Any state agency that
elects to make purchases from local vendors pursuant to this
subsection shall maintain a document file for each acquisition the
state agency makes which shall include, at a minimum, justification
for the acquisition, supporting documentation, copies of all
contracts, if any, pertaining to the acquisition, evaluations,
written reports if required by contract and any other information
the State Purchasing Director requires to be kept.
SECTION 2. This act shall become effective November 1, 2023.

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