

1 ENGROSSED HOUSE
2 BILL NO. 1120

By: West (Rick) of the House

3 and

4 Allen of the Senate

5
6 An Act relating to the Oklahoma Central Purchasing
7 Act; amending 74 O.S. 2011, Section 85.3, as last
8 amended by Section 3, Chapter 98, O.S.L. 2020 (74
9 O.S. Supp. 2020, Section 85.3), which relates to the
10 Purchasing Division; allowing certain state entities
11 to make certain purchases; requiring certain
12 documentation; and providing an effective date.

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

14 SECTION 1. AMENDATORY 74 O.S. 2011, Section 85.3, as
15 last amended by Section 3, Chapter 98, O.S.L. 2020 (74 O.S. Supp.
16 2020, Section 85.3), is amended to read as follows:

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

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

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

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

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

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

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

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

19 G. The Purchasing Division may, if the needs of a state agency,
20 department, or institution are such as to so require, employ, and
21 establish a buyer within a state agency. The state agency shall pay
22 all expenses incurred for any buyer required to be placed within its
23 agency.

24

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

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

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

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

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

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

22 4. Be employed in any of the positions authorized by this
23 section if a relative within the third degree of consanguinity or
24 affinity sells to or otherwise provides acquisitions to any state

1 agency subject to the Oklahoma Central Purchasing Act or is
2 interested in any business entity which does so, except that such
3 relative, excluding a spouse or child, may own Twenty-five Thousand
4 Dollars (\$25,000.00) worth or less, or one percent (1%) or less,
5 whichever amount is the lesser amount, of the stock of a corporation
6 or any business entity which sells to or otherwise provides
7 acquisitions to any state agency subject to the Oklahoma Central
8 Purchasing Act; or

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

12 K. Any state agency, department, institution, or satellite
13 office thereof that is otherwise subject to the provisions of the
14 Oklahoma Central Purchasing Act, but is located in a county without
15 contracted vendors, may elect to purchase necessary equipment and
16 supplies from a local business without first obtaining a waiver from
17 or the permission of the Purchasing Division. Any state agency that
18 elects to make purchases from local vendors pursuant to this
19 subsection shall maintain a document file for each acquisition the
20 state agency makes which shall include, at a minimum, justification
21 for the acquisition, supporting documentation, copies of all
22 contracts, if any, pertaining to the acquisition, evaluations,
23 written reports if required by contract and any other information
24 the State Purchasing Director requires to be kept.

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

2 Passed the House of Representatives the 10th day of March, 2021.

3
4 _____
5 Presiding Officer of the House
6 of Representatives

7 Passed the Senate the ___ day of _____, 2021.

8
9 _____
10 Presiding Officer of the Senate