

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3274

By: Mize

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5  
6 AS INTRODUCED

7 An Act relating to counties and county officers;  
8 amending 19 O.S. 2021, Section 445, which relates to  
9 reports made by county clerk; modifying content of  
10 report; amending 19 O.S. 2021, Section 1505, which  
relates to county bid procedure; permitting  
publication on county website; and providing an  
effective date.

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

14 SECTION 1. AMENDATORY 19 O.S. 2021, Section 445, is  
15 amended to read as follows:

16 Section 445. It shall be the duty of the county clerk to make  
17 out a complete report of the proceedings of each regular and special  
18 meeting of the board. Included in such report shall be the purpose  
19 of any warrant that is approved for payment at such meeting. The  
20 county clerk shall transmit the report to the publishers of the  
21 newspaper selected by the board to publish such proceedings. The  
22 report may include a complete listing of all claims approved for  
23 payment by the board of county commissioners including the purchase  
24 order or warrant number, payee, purpose and amount of the claim, or

1 a total amount of all claims approved by the board of county  
2 commissioners for payment with the statement that all detailed  
3 information for each approved claim is available in the office of  
4 the county clerk for public inspection. The report shall be made  
5 out and transmitted by the clerk upon the approval of the board of  
6 county commissioners at its next regularly scheduled meeting, or no  
7 later than ten (10) days from the time the proceedings were had.

8 SECTION 2. AMENDATORY 19 O.S. 2021, Section 1505, is  
9 amended to read as follows:

10 Section 1505. The following procedures shall be used by  
11 counties for the requisition, purchase, lease-purchase, rental, and  
12 receipt of supplies, materials, road and bridge construction  
13 services, equipment and information technology and telecommunication  
14 goods and services for the maintenance, operation, and capital  
15 expenditures of county government unless otherwise provided for by  
16 law.

17 A. The procedure for requisitioning items for county offices  
18 shall be as follows:

19 1. The requesting department shall prepare a requisition form  
20 in triplicate. The requisition shall contain any specifications for  
21 an item as deemed necessary by the requesting department. The form  
22 shall be prescribed by the State Auditor and Inspector;  
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1        2. The requesting department shall retain a copy of the  
2 requisition and forward the original requisition and a copy to the  
3 county purchasing agent; and

4        3. Upon receipt of the requisition, the county purchasing  
5 agent, within two (2) working days, shall begin the bidding and  
6 purchasing process as provided for in this section. Nothing in this  
7 section shall prohibit the transfer of supplies, materials, or  
8 equipment between county departments upon a written agreement  
9 between county officers.

10        B. The bid procedure for selecting a vendor for the purchase,  
11 lease-purchase, or rental of supplies, materials, equipment and  
12 information technology and telecommunication goods and services used  
13 by a county shall be as follows:

14        1. The county purchasing agent shall request written  
15 recommendations from all county officers pertaining to needed or  
16 commonly used supplies, materials, road and bridge construction  
17 services, equipment and information technology and telecommunication  
18 goods and services. From such recommendations and available  
19 requisition, purchase, or inventory records, the county purchasing  
20 agent shall prepare a list of items needed or commonly used by  
21 county officers. The county purchasing agent shall request from the  
22 Purchasing Division or from the Information Services Division in the  
23 case of information technology and telecommunication goods and  
24 services of the Office of Management and Enterprise Services all

1 contracts quoting the price the state is paying for the items. The  
2 county purchasing agent shall either request the Purchasing Division  
3 or the Information Services Division of the Office of Management and  
4 Enterprise Services, as applicable, to make the purchase for the  
5 county or the county purchasing agent shall solicit bids for unit  
6 prices on the items for periods of not to exceed twelve (12) months  
7 in the manner described in paragraph 2 of this subsection. If the  
8 county purchasing agent receives a requisition for an item for which  
9 the county purchasing agent does not have a current bid, the county  
10 purchasing agent shall request from the Purchasing Division or the  
11 Information Services Division of the Office of Management and  
12 Enterprise Services, as applicable, all contracts quoting the price  
13 the state is paying for the item. The county purchasing agent shall  
14 either request the Purchasing Division or the Information Services  
15 Division of the Office of Management and Enterprise Services, as  
16 applicable, to make the purchase for the county or the county  
17 purchasing agent shall solicit bids in the manner described in  
18 paragraph 2 of this subsection. Nothing in this paragraph shall  
19 prohibit bids from being taken on an item currently on a twelve-  
20 month bid list, at any time deemed necessary by the county  
21 purchasing agent. Whenever the county purchasing agent deems it  
22 necessary to take a bid on an item currently on a twelve-month bid  
23 list, the reason for the bid shall be entered into the minutes of  
24 the board of county commissioners;

1           2. Bids shall be solicited by mailing or emailing a notice to  
2 all persons or firms who have made a written request of the county  
3 purchasing agent that they be notified of such bid solicitation and  
4 to all other persons or firms who might reasonably be expected to  
5 submit bids. Notice of solicitation of bids shall also be published  
6 one time in a newspaper of general circulation in the county or  
7 published on a county website. Notices shall be mailed and  
8 published at least ten (10) days prior to the date on which the bids  
9 are opened. Proof of the mailing or emailing shall be made by the  
10 affidavit of the person mailing or emailing the request for bids and  
11 shall be made a part of the official records of the county  
12 purchasing agent. Whenever any prospective supplier or vendor  
13 dealing in or listing for sale any particular item or article  
14 required to be purchased or acquired by sealed bids fails to enter  
15 or offer a sealed bid for three successive bid solicitations, the  
16 name of the supplier or vendor may be dropped from the mailing lists  
17 of the board of county commissioners;

18           3. The sealed bids received from vendors and the state contract  
19 price received from the applicable Division of the Office of  
20 Management and Enterprise Services shall be given to the county  
21 clerk by the county purchasing agent. The county clerk shall  
22 forward the sealed bids and state contract price, if any, to the  
23 board of county commissioners;

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1           4. The board of county commissioners, in an open meeting, shall  
2 open the sealed bids and compare them to the state contract price.  
3 The board of county commissioners shall select the lowest and best  
4 bid based upon, if applicable, the availability of material and  
5 transportation cost to the job site within thirty (30) days of the  
6 meeting. For any special item not included on the list of needed or  
7 commonly used items, the requisitioning official shall review the  
8 bids and submit a written recommendation to the board before final  
9 approval. The board of county commissioners shall keep a written  
10 record of the meeting as required by law, and any time the lowest  
11 bid was not considered to be the lowest and best bid, the reason for  
12 such conclusion shall be recorded. Whenever the board of county  
13 commissioners rejects the written recommendation of the  
14 requisitioning official pertaining to a special item, the reasons  
15 for the rejection shall be entered in their minutes and stated in a  
16 letter to the requisitioning official and county purchasing agent;

17           5. The county purchasing agent shall notify the successful  
18 bidders and shall maintain a copy of the notification. The county  
19 purchasing agent shall prepare and maintain a vendors list  
20 specifying the successful bidders and shall notify each county  
21 officer of the list. The county purchasing agent may remove any  
22 vendor from such list who refuses to provide goods or services as  
23 provided by contract if the removal is authorized by the board of  
24 county commissioners. The county purchasing agent may make

1 purchases from the successful bidders for a price at or below the  
2 bid price. If a vendor who is the low bidder cannot or will not  
3 sell goods or services as required by a county bid contract, the  
4 county purchasing agent may make a one-time purchase from the next  
5 lowest or best quote or take quotations as provided in paragraph 6  
6 of this subsection; provided, however, such purchase does not exceed  
7 Twenty-five Thousand Dollars (\$25,000.00) as the amount specified in  
8 subparagraph a of paragraph 3 of subsection A of Section 1501 of  
9 this title; and

10 6. When bids have been solicited as provided for by law and no  
11 bids have been received, the procedure shall be as follows:

- 12 a. the county purchasing agent shall determine if  
13 potential vendors are willing to commit to a firm  
14 price for a reduced period of time, and, if such is  
15 the case, the bid procedure described in this  
16 subsection shall be followed,
- 17 b. if vendors are not willing to commit to a firm price  
18 for a reduced period, the purchasing agent shall  
19 solicit and record at least three quotes of current  
20 prices available to the county and authorize the  
21 purchase of goods or services based on the lowest and  
22 best quote as it becomes necessary to acquire such  
23 goods or services. The quotes shall be recorded on a  
24 form prescribed by the State Auditor and Inspector and

1 shall be attached to the purchase order and filed with  
2 the county clerk's copy of the purchase order. Any  
3 time the lowest quote was not considered to be the  
4 lowest and best quote, the reason for this conclusion  
5 shall be recorded by the county purchasing agent and  
6 transmitted to the county clerk, or

7 c. if three quotes are not available, a memorandum to the  
8 county clerk from the county purchasing agent shall  
9 describe the basis upon which a purchase is  
10 authorized. The memorandum shall state the reasons  
11 why the price for such a purchase is the lowest and  
12 best under the circumstances. The county clerk shall  
13 then attach the memorandum to the county clerk's copy  
14 of the purchase order and file both in the office of  
15 the county clerk.

16 C. After selection of a vendor, the procedure for the purchase,  
17 lease-purchase, or rental of supplies, materials, road and bridge  
18 construction services, equipment and information technology and  
19 telecommunication goods and services used by a county shall be as  
20 follows:

21 1. The county purchasing agent shall prepare a purchase order  
22 in quadruplicate and submit it with a copy of the requisition to the  
23 county clerk;



1        2. The county clerk shall then encumber the amount stated on  
2 the purchase order and assign a sequential number to the purchase  
3 order;

4        3. If there is an unencumbered balance in the appropriation  
5 made for that purpose by the county excise board, the county clerk  
6 shall so certify in the following form:

7        "I hereby certify that the amount of this encumbrance has been  
8 entered against the designated appropriation accounts and that this  
9 encumbrance is within the authorized available balance of the  
10 appropriation.

11        Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

12        \_\_\_\_\_

13        County Clerk/Deputy

14        of \_\_\_\_\_ County."

15 In instances where it is impossible to ascertain the exact amount of  
16 the indebtedness sought to be incurred at the time of recording the  
17 encumbrance, an estimated amount may be used. No purchase order  
18 shall be valid unless signed by the county purchasing agent and  
19 certified by the county clerk; and

20        4. The county clerk shall file the original purchase order and  
21 return three copies to the county purchasing agent who shall file a  
22 copy, retain a copy for the county road and bridge inventory officer  
23 if the purchase order is for the purchase of equipment, supplies, or  
24 materials for the construction or maintenance of roads and bridges,

1 and submit the other copy to the receiving officer of the requesting  
2 department.

3 D. 1. The procedure for the purchase of supplies, materials,  
4 equipment and information technology and telecommunication goods and  
5 services at public auction or by sealed bid to be used by a county  
6 shall be as follows:

7 a. the county purchasing agent shall prepare a purchase  
8 order in quadruplicate and submit it with a copy of  
9 the requisition to the county clerk,

10 b. the county clerk shall then encumber the amount stated  
11 on the purchase order and assign a sequential number  
12 to the purchase order,

13 c. if there is an unencumbered balance in the  
14 appropriation made for that purpose by the county  
15 excise board, the county clerk shall so certify in the  
16 following form:

17 "I hereby certify that the amount of this encumbrance  
18 has been entered against the designated appropriation  
19 accounts and that this encumbrance is within the  
20 authorized available balance of the appropriation.

21 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

22 \_\_\_\_\_

23 County Clerk/Deputy

24 of \_\_\_\_\_ County."

1 In instances where it is impossible to ascertain the  
2 exact amount of the indebtedness sought to be incurred  
3 at the time of recording the encumbrance, an estimated  
4 amount may be used. No purchase order shall be valid  
5 unless signed by the county purchasing agent and  
6 certified by the county clerk, and

7 d. the county clerk shall file the original purchase  
8 order and return three copies to the county purchasing  
9 agent who shall file a copy, retain a copy for the  
10 county road and bridge inventory officer if the  
11 purchase order is for the purchase of equipment,  
12 supplies, or materials for the construction or  
13 maintenance of roads and bridges, and submit the other  
14 copy to the receiving officer of the requesting  
15 department.

16 2. The procedure for the purchase of supplies, materials and  
17 equipment at a public auction when the purchase will be made with  
18 the proceeds from the sale of county property at the same public  
19 auction are as follows:

20 a. the purchasing agent shall cause such items being sold  
21 to be appraised in the manner determined in Section  
22 421.1 of this title,  
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- 1           b.    the county purchasing agent shall prepare a purchase  
2                   order in quadruplicate and submit it with a copy of  
3                   the requisition to the county clerk,  
4           c.    the county clerk shall then encumber the amount of the  
5                   appraised value and any additional funds obligated by  
6                   the county on the purchase order and assign a  
7                   sequential number to the purchase order,  
8           d.    the county clerk shall certify that the amount of the  
9                   encumbrance is equal to the appraised value of the  
10                  item being sold plus any additional funds obligated by  
11                  the county.  In effect the recording of the  
12                  encumbrance is an estimate that is authorized by law.  
13                  No purchase order shall be valid unless signed by the  
14                  county purchasing agent and certified by the county  
15                  clerk,  
16           e.    the county clerk shall file the original purchase  
17                   order and return three copies to the county purchasing  
18                   agent who shall file a copy, retain a copy for the  
19                   county road and bridge inventory officer if the  
20                   purchase order is for the purchase of equipment,  
21                   supplies or materials for the construction or  
22                   maintenance of roads and bridges, and submit the other  
23                   copy to the receiving officer of the requesting  
24                   department, and

1 f. a purchase shall not be bid until such time that the  
2 appraised item or items are sold. Any item or items  
3 purchased shall not exceed the appraised value plus  
4 any additional funds obligated by the county or the  
5 actual selling price of the item or items, whichever  
6 is the lesser amount.

7 E. The procedure for the receipt of items shall be as follows:

8 1. A receiving officer for the requesting department shall be  
9 responsible for receiving all items delivered to that department;

10 2. Upon the delivery of an item, the receiving officer shall  
11 determine if a purchase order exists for the item being delivered;

12 3. If no such purchase order has been provided, the receiving  
13 officer shall refuse delivery of the item;

14 4. If a purchase order is on file, the receiving officer shall  
15 obtain a delivery ticket, bill of lading, or other delivery document  
16 and compare it with the purchase order. If any item is back-  
17 ordered, the back order and estimated date of delivery shall be  
18 noted in the receiving report;

19 5. The receiving officer shall complete a receiving report in  
20 quadruplicate which shall state the quantity and quality of goods  
21 delivered. The receiving report form shall be prescribed by the  
22 State Auditor and Inspector. The person delivering the goods shall  
23 acknowledge the delivery by signature, noting the date and time;

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1       6. The receiving officer shall file the original receiving  
2 report and submit:

- 3           a. a copy of the purchase order and a copy of the  
4                receiving report to the county purchasing agent, and
- 5           b. a copy of the receiving report with the delivery  
6                documentation to the county clerk;

7       7. The county purchasing agent shall file a copy of the  
8 purchase order and a copy of the receiving report;

9       8. Upon receipt of the original receiving report and the  
10 delivery documentation, the county clerk shall maintain a file until  
11 such time as an invoice is received from the vendor;

12       9. The invoice shall state the name and address of the vendor  
13 and must be sufficiently itemized to clearly describe each item  
14 purchased, the unit price when applicable, the number or volume of  
15 each item purchased, the total price, the total purchase price, and  
16 the date of the purchase;

17       10. Upon receipt of an invoice, the county clerk shall compare  
18 the following documents:

- 19           a. requisition,
- 20           b. purchase order,
- 21           c. invoice with noncollusion affidavit as required by  
22                law,
- 23           d. receiving report, and
- 24           e. delivery document.

1 The documents shall be available for public inspection during  
2 regular business hours; and

3 11. If the documents conform as to the quantity and quality of  
4 the items, the county clerk shall prepare a warrant for payment  
5 according to procedures provided for by law.

6 F. The following procedures are for the processing of purchase  
7 orders:

8 1. The purchasing agent shall be allowed up to three (3) days  
9 to process purchase orders to be presented to the board of county  
10 commissioners for consideration and payment. Nothing herein shall  
11 prevent the purchasing agent from processing or the board of county  
12 commissioners from consideration and payment of utilities, travel  
13 claims and payroll claims;

14 2. The board of county commissioners shall consider the  
15 purchase orders so presented and act upon the purchase orders, by  
16 allowing in full or in part or by holding for further information or  
17 disallowing the same. The disposition of purchase orders shall be  
18 indicated by the board of county commissioners, showing the amounts  
19 allowed or disallowed and shall be signed by at least two members of  
20 the board of county commissioners. Any claim held over for further  
21 information shall be acted upon by allowing or disallowing same at  
22 any future meeting of the board held within seventy-five (75) days  
23 from the date of filing of the purchase order. Any purchase order  
24 not acted upon within the seventy-five (75) days from the date of

1 filing shall be deemed to have been disallowed, but such  
2 disallowance shall not prevent the refileing of the purchase order at  
3 the proper time; and

4 3. Whenever any allowance, either in whole or in part, is made  
5 upon any purchase order presented to the board of county  
6 commissioners and is accepted by the person making the claim, such  
7 allowance shall be a full settlement of the entire purchase order  
8 and provided that the cashing of warrant shall be considered as  
9 acceptance by the claimant.

10 G. The procedure upon consumption or disposal of supplies,  
11 materials, or equipment shall be as follows:

12 1. For consumable road or bridge items or materials, a  
13 quarterly report of the road and bridge projects completed during  
14 such period shall be prepared and kept on file by the consuming  
15 department. The quarterly report may be prepared and kept  
16 electronically by the consuming department. The report shall  
17 contain a record of the date, the place, and the purpose for the use  
18 of the road or bridge items or materials. For purposes of  
19 identifying county bridges, the board of county commissioners shall  
20 number each bridge subject to its jurisdiction; and

21 2. For disposal of all equipment and information technology and  
22 telecommunication goods which originally cost more than Five Hundred  
23 Dollars (\$500.00), resolution of disposal shall be submitted by the  
24 officer on a form prescribed by the State Auditor and Inspector's



1 Office to the board of county commissioners. The approval of the  
2 resolution of disposal shall be entered into the minutes of the  
3 board.

4 H. Inventory forms and reports shall be retained for not less  
5 than two (2) years after all audit requirements for the state and  
6 federal government have been fulfilled and after any pending  
7 litigation involving the forms and reports has been resolved.

8 I. The procedures provided for in this section shall not apply  
9 when a county officer certifies that an emergency exists requiring  
10 an immediate expenditure of funds. Such an expenditure of funds  
11 shall not exceed Five Thousand Dollars (\$5,000.00). The county  
12 officer shall give the county purchasing agent a written explanation  
13 of the emergency. The county purchasing agent shall attach the  
14 written explanation to the purchase order. The purchases shall be  
15 paid by attaching a properly itemized invoice, as described in this  
16 section, to a purchase order which has been prepared by the county  
17 purchasing agent and submitting them to the county clerk for filing,  
18 encumbering, and consideration for payment by the board of county  
19 commissioners.

20 J. The county purchasing agent may authorize county purchasing  
21 officers to make acquisitions through the state purchase card  
22 program as authorized by the State Purchasing Director in accordance  
23 with Section 85.5 of Title 74 of the Oklahoma Statutes and defined  
24 in Section 85.2 of Title 74 of the Oklahoma Statutes. Purchase

1 cardholders shall sign a purchase card agreement prior to becoming a  
2 cardholder and attend purchase card procedure training as required  
3 by the State Purchasing Director. Complete descriptions of  
4 purchases made by county government entities shall be published  
5 through the state transparency portal pursuant to Section 85.33B of  
6 Title 74 of the Oklahoma Statutes, and as warrants required to be  
7 published pursuant to Sections 444 and 445 of this title.

8 K. Nothing in this section shall prohibit counties from  
9 providing material and/or services bids on the twelve-month bid list  
10 to all road and bridge projects and contracts. All non-road and  
11 bridge related construction contracts shall refer to subsection A of  
12 Section 103 of Title 61 of the Oklahoma Statutes.

13 SECTION 3. This act shall become effective November 1, 2022.

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