

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 43

By: Bergstrom

AS INTRODUCED

An Act relating to central purchasing; defining terms; prohibiting certain purchases from certain entities; requiring certification; prohibiting certain entities to bid on certain state contracts; directing State Purchasing Director to terminate contracts for certain reasons; mandating penalties; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 90.8 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Company" shall mean any sole proprietorship, organization, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including but not limited to all wholly owned subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit;

1           2. "Government of China" shall mean the government of the  
2 People's Republic of China led by the Chinese Communist Party (CCP);  
3 and

4           3. "Scrutinized company" shall mean any company owned or  
5 operated by the Government of China.

6           B. 1. No state agency or political subdivision of this state  
7 shall purchase any goods or services from a scrutinized company or  
8 enter into contracts with a scrutinized company.

9           2. Any state agency or political subdivision of this state  
10 requiring a bid or proposal for goods or services shall require a  
11 company submitting a bid or proposal to certify that the company is  
12 not a scrutinized company. Such certification shall be required in  
13 addition to, and not in lieu of, any other certification required by  
14 law.

15           3. A scrutinized company shall be ineligible to bid on or  
16 submit a proposal, directly or indirectly through a third-party, for  
17 a contract with any public or private entity that directly or  
18 indirectly receives state funding.

19           C. If the State Purchasing Director determines that a company  
20 has submitted a false certification under paragraph 2 of subsection  
21 B of this section:

22           1. The company shall be liable for a civil penalty of Two  
23 Hundred Fifty Thousand Dollars (\$250,000.00) or twice the amount of  
24 the contract, whichever is greater; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

2. The State Purchasing Director shall immediately terminate  
the contract with the company.

SECTION 2. This act shall become effective November 1, 2023.

59-1-158            KR            12/15/2022 4:29:28 PM