

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2365

 By: Burns

7 AS INTRODUCED

8 An Act relating to state government; creating the
9 Oklahoma Supplier Diversity Initiative; providing for
10 registration for certain notifications; allowing for
11 quotes for select purchases; authorizing Oklahoma
12 Department of Commerce to develop a diversity
13 certification program; providing for qualifications;
14 directing Office of Management and Enterprise
15 Services to amend vendor registration process, create
16 a search tool, and develop certain index; providing
17 for submission of report; providing for codification;
18 and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 85.45j.11 of Title 74, unless
19 there is created a duplication in numbering, reads as follows:

20 A. There is hereby created the "Oklahoma Supplier Diversity
21 Initiative", which shall be a state-sponsored supplier diversity
22 program to provide a resource for state agencies and private
23 businesses to utilize diverse firms in procurement opportunities to
24 encourage growth in the economy of the state. The program shall

1 provide convenience for qualified and certified small business
2 enterprises and minority business enterprises in contracting
3 projects in underserved areas.

4 B. The program shall allow diverse business enterprises to
5 register with the Office of Management and Enterprise Services and
6 allow registered vendors to be automatically notified of
7 opportunities to do business with the state for specific
8 commodities. The program shall allow state agencies to obtain three
9 bids from qualifying small and disadvantaged businesses for select
10 purchases up to Five Hundred Thousand Dollars (\$500,000.00). The
11 program shall provide for:

- 12 1. Simplified vendor registration processes; and
- 13 2. Simplified bidding processes.

14 C. The program shall authorize the Oklahoma Department of
15 Commerce to develop a diversity certification program to qualify and
16 certify diverse business enterprises for the State of Oklahoma. In
17 addition, the program shall authorize third-party diversity
18 certifications under the U.S. Department of Transportation, United
19 States Small Business Administration and other approved third-party
20 certifications as determined appropriate to meet qualifications.

21 D. To qualify for the program, businesses shall have less than
22 five hundred total employees, an annual revenue equal to or less
23 than Twenty-five Million Dollars (\$25,000,000.00) and be certified
24 as one of the following:

- 1 1. An Oklahoma Department of Transportation Disadvantaged
2 Business Enterprise;
- 3 2. Any of the following entities certified by the United States
4 Small Business Administration:
 - 5 a. Woman-Owned Small Business,
 - 6 b. Minority-Business Enterprise,
 - 7 c. Small Disadvantaged Business,
 - 8 d. Service-disabled Veteran-Owned Small Business,
 - 9 e. HUBZone, and
 - 10 f. 8(a) Business Development Program;
- 11 3. A Native American-owned Business;
- 12 4. A Veteran-owned Business;
- 13 5. A Certified HUBZone Small Business Concern by the United
14 States Small Business Administration;
- 15 6. A Business having a majority of their employees maintain a
16 principal residence within a HUBZone or Qualified Opportunity Zone;
- 17 7. An Oklahoma-based business with its principal place of
18 business within a HUBZone or Qualified Opportunity Zone.
- 19 E. The Office of Management and Enterprise Services shall:
 - 20 1. Amend the vendor registration process to require diversity
21 certification check off and size standard information;
 - 22 2. Create a search tool for all state agencies and public or
23 private entities to utilize to obtain contact information for
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1 diverse firms for the purpose of promoting procurement opportunities
2 within the State of Oklahoma; and

3 3. Develop a supplier-diversity-inclusion index to measure
4 utilization of certified firms and related economic impact to the
5 State of Oklahoma within one (1) year of authorization of the
6 program.

7 F. On or before July 15 of each year, the State Purchasing
8 Director shall submit a report to the Governor, the Speaker of the
9 House of Representatives and the President Pro Tempore of the Senate
10 on the status of the percentile of state funds expended on contracts
11 awarded to minority businesses in the preceding fiscal year and
12 provide any report, statistics or other information concerning the
13 participation in the program to the Office of Management and
14 Enterprise Services.

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

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17 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION AND
18 EFFICIENCY, dated 02/16/2021 - DO PASS.

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