

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1019

By: Munson and **Lawson**

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to the Central Purchasing Act;  
10                   amending 74 O.S. 2021, Section 85.44D.1, which  
11                   relates to, sole source acquisition or sole brand  
12                   acquisition, certification, and report; creating an  
13                   exemption; providing a termination date; and  
14                   declaring an emergency.

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

16                   SECTION 1.            AMENDATORY            74 O.S. 2021, Section 85.44D.1, is  
17                   amended to read as follows:

18                   Section 85.44D.1   A.   1.   A sole source acquisition is exempt  
19                   from competitive bidding procedures as a sole source or requirements  
20                   of this act, but a sole brand acquisition is subject to such  
21                   competitive bidding requirements.

22                   2.   For each sole source or sole brand acquisition, the state  
23                   agency shall retain in the state agency's acquisition file and  
24                   attach to the requisition, a certification signed by the chief  
                  administrative officer of the state agency, in the following form:

1 SOLE SOURCE OR SOLE BRAND ACQUISITION

2 CERTIFICATION

3 STATE AGENCY \_\_\_\_\_

4 SUPPLIER NAME \_\_\_\_\_

5 SUPPLIER ADDRESS \_\_\_\_\_

6 SUPPLIER CONTACT INFORMATION \_\_\_\_\_

7 In connection with the attached requisition or contract, I  
8 hereby affirm that

9 (Name of Supplier)

10 is the only business entity singularly qualified to provide the  
11 acquisition, or is the only brand satisfying the acquisition  
12 requirements, for the following reasons:

13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_

18 The following is a brief description of all efforts made to  
19 verify that the acquisition qualifies as a sole source or sole brand  
20 acquisition:

21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_

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I understand that the signing of this certification knowing such information to be false may result in forfeiture of my position and ineligibility for appointment to or employment in state service for a period of five (5) years following forfeiture of position.

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(Chief administrative officer)

3. A court order requiring a particular acquisition, but which does not specify a brand or supplier shall not substitute for the certification required by this section or otherwise invalidate acquisition procedures required by the Oklahoma Central Purchasing Act.

4. Upon a determination by the Director of the Office of Management and Enterprise Services that there are reasonable grounds to believe that a violation of this section has occurred, the Director shall send findings to the Attorney General that support the determination. The Attorney General shall review the findings and determine whether to investigate or prosecute the person.

5. Prior to approving a requisition for a sole source or sole brand acquisition, the Purchasing Division shall require the signed certification documenting the need for a sole source or sole brand acquisition and shall retain the certification in accordance with state record retention requirements.

1           6. For a sole source or sole brand acquisitions exceeding the  
2 fair and reasonable acquisition threshold amount and not requiring  
3 submission of a requisition to the Purchasing Division, the state  
4 agency's certified procurement officer shall retain, in the  
5 acquisition file, the signed certification documenting the need for  
6 the sole source or sole brand acquisition in accordance with state  
7 record retention requirements.

8           B. By the fifteenth day of each month, or the first working day  
9 thereafter, the Office of Management and Enterprise Services shall  
10 provide a report to:

11           1. The Speaker of the House of Representatives and the  
12 President Pro Tempore of the Senate; and

13           2. Any member of the Legislature requesting the report.

14           The report shall detail sole source and sole brand acquisitions  
15 by state agencies for the month prior to the month preceding the  
16 submission of the report. The report shall be titled "Monthly Sole  
17 Source and Sole Brand Contracting Report of Oklahoma State Agencies"  
18 and indicate the time period of the report. The report shall be  
19 provided by the Director of the Office of Management and Enterprise  
20 Services or the Director's designee. The report shall be in  
21 columnar database format and shall include at least the following  
22 fields of information: state agency number; state agency name; date  
23 created by the Office of Management and Enterprise Services for the  
24 requisition; date of either approval or disapproval of the

1 requisition; if disapproved, the reason why such contract  
2 requisition was disapproved; estimated amount of the requisition  
3 acquisition; purchase order amount; purchase order number; actual  
4 business name of supplier; supplier federal employer identification  
5 number; and the commodity classification listing at the appropriate  
6 level to distinguish between similar acquisitions. Information  
7 required by this subsection shall be reported and maintained on each  
8 report through the next reporting period after an acquisition is  
9 made. The applicable data in the fields of information specified in  
10 this subsection shall be listed even if the state agency requisition  
11 is disapproved.

12 C. 1. The Oklahoma State Department of Health shall be exempt  
13 from requests for proposals for sole source acquisitions for the  
14 Nurse-Family Partnership Program and the Children First Program.

15 2. The provisions of this subsection shall cease to have the  
16 force and effect of law on November 1, 2029.

17 SECTION 2. It being immediately necessary for the preservation  
18 of the public peace, health or safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

21  
22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated  
23 02/22/2024 - DO PASS, As Amended and Coauthored.

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