

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 179

6 By: Bullard

7 COMMITTEE SUBSTITUTE

8 An Act relating to information technology; directing
9 state agencies to maintain information technology
10 services; requiring reporting; amending 19 O.S. 2021,
11 Section 1505, as amended by Section 3, Chapter 94,
12 O.S.L. 2022 (19 O.S. Supp. 2024, Section 1505), which
13 relates to county purchasing; conforming language;
14 amending 62 O.S. 2021, Sections 34.11.1, as amended
15 by Section 1, Chapter 193, O.S.L. 2024, 34.20.1,
16 34.23, 34.24, 34.27, 34.31, and 34.32, as amended by
17 Section 25, Chapter 228, O.S.L. 2022 (62 O.S. Supp.
18 2024, Sections 34.11.1 and 34.32), which relate to
19 the Oklahoma State Finance Act; conforming language;
20 amending 74 O.S. 2021, Section 85.5, as amended by
21 Section 1, Chapter 102, O.S.L. 2024 (74 O.S. Supp.
22 2024, Section 85.5), which relates to state
23 purchasing; conforming language; updating statutory
24 language; updating statutory references; providing
for codification; repealing 62 O.S. 2021, Sections
34.11.8, 34.12, as amended by Section 2, Chapter 74,
O.S.L. 2022, 34.13, 34.15, 34.19, 34.20, 34.21,
34.22, 34.26, 34.28, 34.30, 34.33, 35.1, 35.2, 35.3,
35.4, 35.5, 35.6, 35.6.1, 35.6.2, 35.7, 35.8, and
35.9 (62 O.S. Supp. 2024, Section 34.12), which
relate to the Oklahoma State Finance Act and the
Information Technology Consolidation and Coordination
Act; providing an effective date; and declaring an
emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 35.10 of Title 62, unless there
3 is created a duplication in numbering, reads as follows:

4 A. 1. On and after the effective date of this act, all state
5 agencies shall be responsible for their information technology
6 services. Provided, however, all cybersecurity duties shall be
7 maintained by the Information Services Division of the Office of
8 Management and Enterprise Services.

9 2. The Information Services Division of the Office of
10 Management and Enterprise Services shall transfer to each state
11 agency all data, records, and other information regarding the
12 agency's information technology services rendered prior to the
13 effective date of this act. The Chief Information Officer of this
14 state and the Information Services Division shall advise agencies as
15 needed regarding the requisition of information technology services,
16 and any other services as requested by the agency.

17 B. Each state agency shall submit an electronic report to the
18 Governor and the Chief Information Officer annually, not later than
19 December 31 of each calendar year, detailing the status of the
20 information technology services rendered to the agency and any other
21 information as deemed necessary by the Governor and the Chief
22 Information Officer.

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1 SECTION 2. AMENDATORY 19 O.S. 2021, Section 1505, as
2 amended by Section 3, Chapter 94, O.S.L. 2022 (19 O.S. Supp. 2024,
3 Section 1505), is amended to read as follows:

4 Section 1505. The following procedures shall be used by
5 counties for the requisition, purchase, lease-purchase, rental, and
6 receipt of supplies, materials, road and bridge construction
7 services, equipment, and information technology and
8 telecommunication goods and services for the maintenance, operation,
9 and capital expenditures of county government unless otherwise
10 provided for by law.

11 A. The procedure for requisitioning items for county offices
12 shall be as follows:

13 1. The requesting department shall prepare a requisition form
14 in triplicate. The requisition shall contain any specifications for
15 an item as deemed necessary by the requesting department. The form
16 shall be prescribed by the State Auditor and Inspector;

17 2. The requesting department shall retain a copy of the
18 requisition and forward the original requisition and a copy to the
19 county purchasing agent; and

20 3. Upon receipt of the requisition, the county purchasing
21 agent, within two (2) working days, shall begin the bidding and
22 purchasing process as provided for in this section. Nothing in this
23 section shall prohibit the transfer of supplies, materials, or
24

1 equipment between county departments upon a written agreement
2 between county officers.

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

7 1. The county purchasing agent shall request written
8 recommendations from all county officers pertaining to needed or
9 commonly used supplies, materials, road and bridge construction
10 services, equipment, and information technology and
11 telecommunication goods and services. From such recommendations and
12 available requisition, purchase, or inventory records, the county
13 purchasing agent shall prepare a list of items needed or commonly
14 used by county officers. The county purchasing agent shall request
15 from the Purchasing Division ~~or from the Information Services~~
16 ~~Division in the case of information technology and telecommunication~~
17 ~~goods and services~~ of the Office of Management and Enterprise
18 Services all contracts quoting the price the state is paying for the
19 items. The county purchasing agent shall ~~either~~ request the
20 Purchasing Division ~~or the Information Services Division~~ of the
21 Office of Management and Enterprise Services, ~~as applicable,~~ to make
22 the purchase for the county or the county purchasing agent shall
23 solicit bids for unit prices on the items for periods ~~of~~ not to
24 exceed twelve (12) months in the manner described in paragraph 2 of

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

18 2. Bids shall be solicited by mailing or emailing a notice to
19 all persons or firms who have made a written request of the county
20 purchasing agent that they be notified of such bid solicitation and
21 to all other persons or firms who might reasonably be expected to
22 submit bids. Notice of solicitation of bids shall also be published
23 one time in a newspaper of general circulation in the county.
24 Notices shall be mailed and published at least ten (10) days prior

1 to the date on which the bids are opened. Proof of the mailing or
2 emailing shall be made by the affidavit of the person mailing or
3 emailing the request for bids and shall be made a part of the
4 official records of the county purchasing agent. The notice shall
5 specify whether the county will consider written bids, electronic
6 bids, or both; the decision to exclusively consider either written
7 bids or electronic bids shall be determined pursuant to an
8 affirmative vote of the board of county commissioners. Whenever any
9 prospective supplier or vendor dealing in or listing for sale any
10 particular item or article required to be purchased or acquired by
11 sealed bids fails to enter or offer a sealed bid for three
12 successive bid solicitations, the name of the supplier or vendor may
13 be dropped from the mailing lists of the board of county
14 commissioners;

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

21 4. The board of county commissioners, in an open meeting, shall
22 open the sealed bids and compare them to the state contract price.
23 The board of county commissioners shall select the lowest and best
24 bid based upon, if applicable, the availability of material and

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

13 5. The county purchasing agent shall notify the successful
14 bidders and shall maintain a copy of the notification. The county
15 purchasing agent shall prepare and maintain a vendors list
16 specifying the successful bidders and shall notify each county
17 officer of the list. The county purchasing agent may remove any
18 vendor from such list who refuses to provide goods or services as
19 provided by contract if the removal is authorized by the board of
20 county commissioners. The county purchasing agent may make
21 purchases from the successful bidders for a price at or below the
22 bid price. If a vendor who is the low bidder cannot or will not
23 sell goods or services as required by a county bid contract, the
24 county purchasing agent may make a one-time purchase from the next

1 lowest or best quote or take quotations as provided in paragraph 6
2 of this subsection; provided, however, such purchase does not exceed
3 Twenty-five Thousand Dollars (\$25,000.00) as the amount specified in
4 subparagraph a of paragraph 3 of subsection A of Section 1501 of
5 this title; and

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

8 a. the county purchasing agent shall determine if
9 potential vendors are willing to commit to a firm
10 price for a reduced period of time, and, if such is
11 the case, the bid procedure described in this
12 subsection shall be followed,

13 b. if vendors are not willing to commit to a firm price
14 for a reduced period, the purchasing agent shall
15 solicit and record at least three quotes of current
16 prices available to the county and authorize the
17 purchase of goods or services based on the lowest and
18 best quote as it becomes necessary to acquire such
19 goods or services. The quotes shall be recorded on a
20 form prescribed by the State Auditor and Inspector and
21 shall be attached to the purchase order and filed with
22 the county clerk's copy of the purchase order. Any
23 time the lowest quote was not considered to be the
24 lowest and best quote, the reason for this conclusion

1 shall be recorded by the county purchasing agent and
2 transmitted to the county clerk, or

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

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

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

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

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

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

8 Dated this _____ day of _____, 20__.

9 _____

10 County Clerk/Deputy

11 of _____ County-".

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

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

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

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

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

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

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

19 Dated this _____ day of _____, 20__.

20 _____

21 County Clerk/Deputy

22 of _____ County-".

23 In instances where it is impossible to ascertain the
24 exact amount of the indebtedness sought to be incurred

1 at the time of recording the encumbrance, an estimated
2 amount may be used. No purchase order shall be valid
3 unless signed by the county purchasing agent and
4 certified by the county clerk, and

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

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

- 18 a. the purchasing agent shall cause such items being sold
19 to be appraised in the manner determined in Section
20 421.1 of this title,
21 b. the county purchasing agent shall prepare a purchase
22 order in quadruplicate and submit it with a copy of
23 the requisition to the county clerk,
24

- 1 c. the county clerk shall then encumber the amount of the
2 appraised value and any additional funds obligated by
3 the county on the purchase order and assign a
4 sequential number to the purchase order,
- 5 d. the county clerk shall certify that the amount of the
6 encumbrance is equal to the appraised value of the
7 item being sold plus any additional funds obligated by
8 the county. In effect, the recording of the
9 encumbrance is an estimate that is authorized by law.
10 No purchase order shall be valid unless signed by the
11 county purchasing agent and certified by the county
12 clerk,
- 13 e. the county clerk shall file the original purchase
14 order and return three copies to the county purchasing
15 agent who shall file a copy, retain a copy for the
16 county road and bridge inventory officer if the
17 purchase order is for the purchase of equipment,
18 supplies, or materials for the construction or
19 maintenance of roads and bridges, and submit the other
20 copy to the receiving officer of the requesting
21 department, and
- 22 f. a purchase shall not be bid until such time that the
23 appraised item or items are sold. Any item or items
24 purchased shall not exceed the appraised value plus

1 any additional funds obligated by the county or the
2 actual selling price of the item or items, whichever
3 is the lesser amount.

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

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

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

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

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

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

21 6. The receiving officer shall file the original receiving
22 report and submit:

23 a. a copy of the purchase order and a copy of the
24 receiving report to the county purchasing agent, and

1 b. a copy of the receiving report with the delivery
2 documentation to the county clerk;

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

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

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

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

- 15 a. requisition,
- 16 b. purchase order,
- 17 c. invoice with noncollusion affidavit as required by
18 law,
- 19 d. receiving report, and
- 20 e. delivery document.

21 The documents shall be available for public inspection during
22 regular business hours; and

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

4 F. The following procedures are for the processing of purchase
5 orders:

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

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

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

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

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

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

1 The approval of the resolution of disposal shall be entered into the
2 minutes of the board.

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

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

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

1 agreement prior to becoming a cardholder and attend purchase card
2 procedure training as required by the State Purchasing Director.
3 Complete descriptions of purchases made by county government
4 entities shall be published ~~through the state transparency portal~~
5 ~~pursuant to Section 85.33B of Title 74 of the Oklahoma Statutes, and~~
6 as warrants required to be published pursuant to Sections 444 and
7 445 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. AMENDATORY 62 O.S. 2021, Section 34.11.1, as
14 amended by Section 1, Chapter 193, O.S.L. 2024 (62 O.S. Supp. 2024,
15 Section 34.11.1), is amended to read as follows:

16 Section 34.11.1. A. There is hereby created the position of
17 Chief Information Officer who shall be appointed by the Governor.
18 The Chief Information Officer, in addition to having authority over
19 the Information Services Division of the Office of Management and
20 Enterprise Services, shall also serve as Secretary of Information
21 Technology and Telecommunications or successor cabinet position and
22 shall have jurisdictional areas of responsibility related to
23 information technology and telecommunications systems of all state
24 agencies as provided for in state law. The salary of the Chief

1 Information Officer shall not be less than One Hundred Thirty
2 Thousand Dollars (\$130,000.00) or more than One Hundred Sixty
3 Thousand Dollars (\$160,000.00).

4 B. Any person appointed to the position of Chief Information
5 Officer shall meet the following eligibility requirements:

6 1. A baccalaureate degree in Computer Information Systems,
7 Information Systems or Technology Management, Business
8 Administration, Finance, or other similar degree;

9 2. A minimum of ten (10) years of professional experience with
10 responsibilities for management and support of information systems
11 and information technology, including seven (7) years of direct
12 management of a major information technology operation;

13 3. Familiarity with local and ~~wide-area~~ wide area network
14 design, implementation, and operation;

15 4. Experience with data and voice convergence service
16 offerings;

17 5. Experience in developing technology budgets;

18 6. Experience in developing requests for proposal and
19 administering the bid process;

20 7. Experience managing professional staff, teams, and
21 consultants;

22 8. Knowledge of telecommunications operations;

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1 9. Ability to develop and set strategic direction for
2 information technology and telecommunications and to manage daily
3 development and operations functions;

4 10. An effective communicator who is able to build consensus;

5 11. Ability to analyze and resolve complex issues, both logical
6 and interpersonal;

7 12. Effective verbal and written communications skills and
8 effective presentation skills, geared toward coordination and
9 education;

10 13. Ability to negotiate and defuse conflict; and

11 14. A self-motivator, independent, cooperative, flexible and
12 creative.

13 C. The salary and any other expenses for the Chief Information
14 Officer shall be budgeted as a separate line item through the Office
15 of Management and Enterprise Services. The operating expenses of
16 the Information Services Division shall be set by the Chief
17 Information Officer and shall be budgeted as a separate line item
18 through the Office of Management and Enterprise Services. The
19 Office of Management and Enterprise Services shall provide adequate
20 office space, equipment and support necessary to enable the Chief
21 Information Officer to carry out the information technology and
22 telecommunications duties and responsibilities of the Chief
23 Information Officer and the Information Services Division.

24

1 D. ~~1. Within twelve (12) months of appointment, the first~~
2 ~~Chief Information Officer shall complete an assessment, which shall~~
3 ~~be modified annually pursuant to Section 35.5 of this title, of the~~
4 ~~implementation of the transfer, coordination, and modernization of~~
5 ~~all information technology and telecommunication systems of all~~
6 ~~state agencies in the state as provided for in the Oklahoma~~
7 ~~Information Services Act. The assessment shall include the~~
8 ~~information technology and telecommunications systems of all~~
9 ~~institutions within The Oklahoma State System of Higher Education,~~
10 ~~the Oklahoma State Regents for Higher Education and the~~
11 ~~telecommunications network known as OneNet as assembled and~~
12 ~~submitted by the Oklahoma Higher Education Chief Information~~
13 ~~Officer, as designated by the Oklahoma State Regents for Higher~~
14 ~~Education.~~

15 ~~2. Within twelve (12) months of appointment, the first Chief~~
16 ~~Information Officer shall issue a report setting out a plan of~~
17 ~~action which will include the following:~~

18 ~~a. define the shared service model organization structure~~
19 ~~and the reporting relationship of the recommended~~
20 ~~organization,~~

21 ~~b. the implementation of an information technology and~~
22 ~~telecommunications shared services model that defines~~
23 ~~the statewide infrastructure environment needed by~~
24 ~~most state agencies that is not specific to individual~~

1 ~~agencies and the shared applications that are utilized~~
2 ~~across multiple agencies,~~

3 ~~e. define the services that shall be in the shared~~
4 ~~services model under the control of the Information~~
5 ~~Services Division of the Office of Management and~~
6 ~~Enterprise Services,~~

7 ~~d. define the roadmap to implement the proposed shared~~
8 ~~services model. The roadmap shall include~~
9 ~~recommendations on the transfer, coordination, and~~
10 ~~modernization of all information technology and~~
11 ~~telecommunication systems of all the state agencies in~~
12 ~~the state,~~

13 ~~e. recommendations on the reallocation of information~~
14 ~~technology and telecommunication resources and~~
15 ~~personnel,~~

16 ~~f. a cost benefit analysis to support the recommendations~~
17 ~~on the reallocation of information technology and~~
18 ~~telecommunication resources and personnel,~~

19 ~~g. a calculation of the net savings realized through the~~
20 ~~reallocation and consolidation of information~~
21 ~~technology and telecommunication resources and~~
22 ~~personnel after compensating for the cost of~~
23 ~~contracting with a private consultant as authorized in~~
24 ~~paragraph 4 of this subsection, implementing the plan~~

1 ~~of action, and ongoing costs of the Information~~
2 ~~Services Division of the Office of Management and~~
3 ~~Enterprise Services, and~~
4 ~~h. the information required in subsection B of Section~~
5 ~~35.5 of this title.~~

6 ~~3. The plan of action report shall be presented to the~~
7 ~~Governor, Speaker of the Oklahoma House of Representatives, and the~~
8 ~~President Pro Tempore of the Oklahoma State Senate.~~

9 ~~4. The Chief Information Officer may contract with a private~~
10 ~~consultant or consultants to assist in the assessment and~~
11 ~~development of the plan of action report as required in this~~
12 ~~subsection.~~

13 ~~E.~~ The Chief Information Officer shall be authorized to employ
14 personnel, fix the duties and compensation of the personnel, not
15 otherwise prescribed by law, and otherwise direct the work of the
16 personnel in performing the function and accomplishing the purposes
17 of the Information Services Division of the Office of Management and
18 Enterprise Services.

19 ~~F.~~ E. The Information Services Division of the Office of
20 Management and Enterprise Services shall be responsible for ~~the~~
21 ~~following duties:~~ cybersecurity duties and services to state
22 agencies and political subdivisions.

23 ~~1. Formulate and implement the information technology strategy~~
24 ~~for all state agencies;~~

- 1 ~~2. Define, design, and implement a shared services statewide~~
2 ~~infrastructure and application environment for information~~
3 ~~technology and telecommunications for all state agencies;~~
- 4 ~~3. Direct the development and operation of a scalable~~
5 ~~telecommunications infrastructure that supports data and voice~~
6 ~~communications reliability, integrity, and security;~~
- 7 ~~4. Supervise the applications development process for those~~
8 ~~applications that are utilized across multiple agencies;~~
- 9 ~~5. Provide direction for the professional development of~~
10 ~~information technology staff of state agencies and oversee the~~
11 ~~professional development of the staff of the Information Services~~
12 ~~Division of the Office of Management and Enterprise Services;~~
- 13 ~~6. Evaluate all technology and telecommunication investment~~
14 ~~choices for all state agencies;~~
- 15 ~~7. Create a plan to ensure alignment of current systems, tools,~~
16 ~~and processes with the strategic information technology plan for all~~
17 ~~state agencies;~~
- 18 ~~8. Set direction and provide oversight for the support and~~
19 ~~continuous upgrading of the current information technology and~~
20 ~~telecommunication infrastructure in the state in support of enhanced~~
21 ~~reliability, user service levels, and security;~~
- 22 ~~9. Direct the development, implementation, and management of~~
23 ~~appropriate standards, policies and procedures to ensure the success~~
24 ~~of state information technology and telecommunication initiatives;~~

1 ~~10. Recruit, hire and transfer the required technical staff in~~
2 ~~the Information Services Division of the Office of Management and~~
3 ~~Enterprise Services to support the services provided by the Division~~
4 ~~and the execution of the strategic information technology plan;~~

5 ~~11. Establish, maintain, and enforce information technology and~~
6 ~~telecommunication standards;~~

7 ~~12. Delegate, coordinate, and review all work to ensure quality~~
8 ~~and efficient operation of the Information Services Division of the~~
9 ~~Office of Management and Enterprise Services;~~

10 ~~13. Create and implement a communication plan that disseminates~~
11 ~~pertinent information to state agencies on standards, policies,~~
12 ~~procedures, service levels, project status, and other important~~
13 ~~information to customers of the Information Services Division of the~~
14 ~~Office of Management and Enterprise Services and provide for agency~~
15 ~~feedback and performance evaluation by customers of the Division;~~

16 ~~14. Develop and implement training programs for state agencies~~
17 ~~using the shared services of the Information Services Division of~~
18 ~~the Office of Management and Enterprise Services and recommend~~
19 ~~training programs to state agencies on information technology and~~
20 ~~telecommunication systems, products and procedures;~~

21 ~~15. Provide counseling, performance evaluation, training,~~
22 ~~motivation, discipline, and assign duties for employees of the~~
23 ~~Information Services Division of the Office of Management and~~
24 ~~Enterprise Services;~~

1 ~~16. For all state agencies, approve the purchasing of all~~
2 ~~information technology and telecommunication services and approve~~
3 ~~the purchase of any information technology and telecommunication~~
4 ~~product except the following:~~

5 ~~a. a purchase less than or equal to Five Thousand Dollars~~
6 ~~(\$5,000.00) if such product is purchased using a state~~
7 ~~purchase card and the product is listed on either the~~
8 ~~Approved Hardware or Approved Software list located on~~
9 ~~the Office of Management and Enterprise Services~~
10 ~~website, or~~

11 ~~b. a purchase over Five Thousand Dollars (\$5,000.00) and~~
12 ~~less than or equal to Twenty five Thousand Dollars~~
13 ~~(\$25,000.00) if such product is purchased using a~~
14 ~~state purchase card, the product is listed on an~~
15 ~~information technology or telecommunications statewide~~
16 ~~contract, and the product is listed on either the~~
17 ~~Approved Hardware or Approved Software list located on~~
18 ~~the Office of Management and Enterprise Services~~
19 ~~website;~~

20 ~~17. Develop and enforce an overall infrastructure architecture~~
21 ~~strategy and associated roadmaps for desktop, network, server,~~
22 ~~storage, and statewide management systems for state agencies;~~

23 ~~18. Effectively manage the design, implementation and support~~
24 ~~of complex, highly available infrastructure to ensure optimal~~

1 ~~performance, on-time delivery of features, and new products, and~~
2 ~~scalable growth;~~

3 ~~19. Define and implement a governance model for requesting~~
4 ~~services and monitoring service level metrics for all shared~~
5 ~~services; and~~

6 ~~20. Create the budget for the Information Services Division of~~
7 ~~the Office of Management and Enterprise Services to be submitted to~~
8 ~~the Legislature each year.~~

9 ~~G. The State Governmental Technology Applications Review Board~~
10 ~~shall provide ongoing oversight of the implementation of the plan of~~
11 ~~action required in subsection D of this section. Any proposed~~
12 ~~amendments to the plan of action shall be approved by the Board~~
13 ~~prior to adoption.~~

14 ~~H. 1. The Chief Information Officer shall act as the~~
15 ~~Information Technology and Telecommunications Purchasing Director~~
16 ~~for all state agencies and shall be responsible for the procurement~~
17 ~~of all information technology and telecommunication software,~~
18 ~~hardware, equipment, peripheral devices, maintenance, consulting~~
19 ~~services, high technology systems, and other related information~~
20 ~~technology, data processing, telecommunication and related~~
21 ~~peripherals and services for all state agencies. The Chief~~
22 ~~Information Officer shall establish, implement, and enforce policies~~
23 ~~and procedures for the procurement of information technology and~~
24 ~~telecommunication software, hardware, equipment, peripheral devices,~~

1 ~~maintenance, consulting services, high technology systems, and other~~
2 ~~related information technology, data processing, telecommunication~~
3 ~~and related peripherals and services by purchase, lease purchase,~~
4 ~~lease with option to purchase, lease and rental for all state~~
5 ~~agencies. The procurement policies and procedures established by~~
6 ~~the Chief Information Officer shall be consistent with The Oklahoma~~
7 ~~Central Purchasing Act.~~

8 2. ~~The Chief Information Officer, or any employee or agent of~~
9 ~~the Chief Information Officer acting within the scope of delegated~~
10 ~~authority, shall have the same power and authority regarding the~~
11 ~~procurement of all information technology and telecommunication~~
12 ~~products and services as outlined in paragraph 1 of this subsection~~
13 ~~for all state agencies as the State Purchasing Director has for all~~
14 ~~acquisitions used or consumed by state agencies as established in~~
15 ~~The Oklahoma Central Purchasing Act. Such authority shall,~~
16 ~~consistent with the authority granted to the State Purchasing~~
17 ~~Director pursuant to Section 85.10 of Title 74 of the Oklahoma~~
18 ~~Statutes, include the power to designate financial or proprietary~~
19 ~~information submitted by a bidder confidential and reject all~~
20 ~~requests to disclose the information so designated, if the Chief~~
21 ~~Information Officer requires the bidder to submit the financial or~~
22 ~~proprietary information with a bid, proposal, or quotation.~~

23 I. ~~The Information Services Division of the Office of~~
24 ~~Management and Enterprise Services and the Chief Information Officer~~

1 ~~shall be subject to the Oklahoma Central Purchasing Act for the~~
2 ~~approval and purchase of all equipment, products, and services and~~
3 ~~shall also be subject to the requirements of the Public Competitive~~
4 ~~Bidding Act of 1974, the Oklahoma Lighting Energy Conservation Act~~
5 ~~and the Public Building Construction and Planning Act. The Chief~~
6 ~~Information Officer shall be authorized to delegate all or some of~~
7 ~~the procurement of information technology and telecommunication~~
8 ~~products and services and construction of facilities and~~
9 ~~telecommunication networks to another state entity if the Chief~~
10 ~~Information Officer determines it to be cost-effective and in the~~
11 ~~best interest of the state. The Chief Information Officer shall~~
12 ~~have authority to designate information technology and~~
13 ~~telecommunication contracts as statewide contracts and mandatory~~
14 ~~statewide contracts pursuant to Section 85.5 of Title 74 of the~~
15 ~~Oklahoma Statutes and to negotiate consolidation contracts,~~
16 ~~enterprise agreements and high technology systems contracts. Any~~
17 ~~contract entered into by a state agency for which the Chief~~
18 ~~Information Officer has not acted as the Information Technology and~~
19 ~~Telecommunications Purchasing Director as required in this~~
20 ~~subsection or subsection H of this section, shall be deemed to be~~
21 ~~unenforceable and the Office of Management and Enterprise Services~~
22 ~~shall not process any claim associated with the provisions thereof.~~

23 J. F. The Chief Information Officer shall establish, implement,
24 and enforce policies and procedure for the development and

1 procurement of an interoperable radio communications system for
2 state agencies. The Chief Information Officer shall work with local
3 governmental entities in developing the interoperable radio
4 communications system.

5 ~~K.~~ G. The Chief Information Officer shall develop and implement
6 a plan to utilize open source technology and products for the
7 information technology and telecommunication systems of all state
8 agencies.

9 ~~L.~~ H. All state agencies and authorities of this state and all
10 officers and employees of those entities shall work and cooperate
11 with and lend assistance to ~~the Chief Information Officer and the~~
12 ~~Information Services Division of~~ the Office of Management and
13 Enterprise Services and provide any and all information requested by
14 the Chief Information Officer.

15 ~~M.~~ ~~The Chief Information Officer shall prepare an annual report~~
16 ~~detailing the ongoing net saving attributable to the reallocation~~
17 ~~and consolidation of information technology and telecommunication~~
18 ~~resources and personnel and shall submit the report to the Governor,~~
19 ~~the Speaker of the Oklahoma House of Representatives, and the~~
20 ~~President Pro Tempore of the Oklahoma State Senate.~~

21 ~~N.~~ ~~For purposes of the Oklahoma Information Services Act,~~
22 ~~unless otherwise provided for, "state agencies" shall include any~~
23 ~~office, officer, bureau, board, commission, counsel, unit, division,~~
24 ~~body, authority or institution of the executive branch of state~~

1 ~~government, whether elected or appointed; provided, except with~~
2 ~~respect to the provisions of subsection D of this section, the term~~
3 ~~"state agencies" shall not include institutions within The Oklahoma~~
4 ~~State System of Higher Education, the Oklahoma State Regents for~~
5 ~~Higher Education and the telecommunications network known as OneNet.~~

6 ~~0. As used in this section:~~

7 ~~1. "High technology system" means advanced technological~~
8 ~~equipment, software, communication lines, and services for the~~
9 ~~processing, storing, and retrieval of information by a state agency;~~

10 ~~2. "Consolidation contract" means a contract for several state~~
11 ~~or public agencies for the purpose of purchasing information~~
12 ~~technology and telecommunication goods and services; and~~

13 ~~3. "Enterprise agreement" means an agreement for information~~
14 ~~technology or telecommunication goods and services with a supplier~~
15 ~~who manufactures, develops and designs products and provides~~
16 ~~services that are used by one or more state agencies.~~

17 SECTION 4. AMENDATORY 62 O.S. 2021, Section 34.20.1, is
18 amended to read as follows:

19 Section 34.20.1. A. The Office of Management and Enterprise
20 Services shall recognize as a statewide contract an unencumbered
21 contract consummated ~~in~~ on behalf of the telecommunications network
22 known as OneNet by the Oklahoma State Regents for Higher Education
23 or any other state entity assigned responsibility for OneNet,
24 ~~provided, said recognition shall require recommendation by the~~

1 ~~Information Services Division of the Office of Management and~~
2 ~~Enterprise Services.~~ The Office of Management and Enterprise
3 Services shall not subject purchases pursuant to ~~said~~ such contracts
4 to any quantity limit.

5 B. For purchases ~~that require review of the purchase~~
6 ~~requisition by the Information Services Division of the Office of~~
7 ~~Management and Enterprise Services~~ and that are not available on a
8 statewide contract but are available from a General Services
9 Administration (GSA) schedule or contract, or are available from a
10 GSA schedule or contract at a lesser price than from a state
11 contract, state agencies may, ~~with the approval of the Information~~
12 ~~Services Division,~~ purchase from the vendor or vendors on the GSA
13 schedule or contract.

14 C. The Oklahoma State Regents for Higher Education and any
15 other state entity assigned responsibility for OneNet are authorized
16 to negotiate for education or government discounts from published
17 price listings and to make contracts at such prices subject to
18 adjustment for price increases nationally published.

19 SECTION 5. AMENDATORY 62 O.S. 2021, Section 34.23, is
20 amended to read as follows:

21 Section 34.23. A. There is hereby created a wide area
22 telecommunications network to be known and referred to as the
23 "Oklahoma Government Telecommunications Network (OGTN)". The OGTN
24

1 shall consist of the telecommunications systems and networks of
2 educational entities and agencies of state government.

3 B. Notwithstanding the provisions of subsection A of this
4 section:

5 1. The Oklahoma State Regents for Higher Education may continue
6 to operate, maintain and enhance the State Regents Educational
7 Telecommunications Network, ~~subject to the provisions of the~~
8 ~~Oklahoma Information Services Act~~ known as OneNet. The Oklahoma
9 State Regents for Higher Education shall submit all plans for the
10 enhancement of ~~the State Regents Educational Telecommunications~~
11 ~~Network~~ OneNet to the ~~Information Services Division of the~~ Office of
12 Management and Enterprise Services (OMES) for review and approval
13 within the context of the statewide telecommunications network
14 provided for in subsection C of this section and shall participate
15 ~~with the Information Services Division~~ in joint efforts to provide
16 services for the OGTN; and

17 2. The Department of Public Safety may continue to operate,
18 maintain and enhance the statewide law enforcement data
19 communications network provided for in Section 2-124 of Title 47 of
20 the Oklahoma Statutes, ~~subject to the provisions of the Oklahoma~~
21 ~~Information Services Act~~. ~~The Department of Public Safety shall~~
22 ~~submit all plans for the enhancement of the statewide law~~
23 ~~enforcement data communications network to the Information Services~~
24 ~~Division of the Office of Management and Enterprise Services for~~

1 ~~review and approval and shall participate with the Information~~
2 ~~Services Division in joint efforts to provide services for the OGTN.~~

3 C. The ~~Information Services Division~~ Office of Management and
4 Enterprise Services shall be responsible for developing, operating
5 and maintaining the OGTN. The purposes of the OGTN shall include
6 the following:

7 1. Development of a comprehensive, unified statewide
8 telecommunications network to effectively, efficiently, and securely
9 meet the communication needs of educational entities and agencies of
10 state government;

11 2. Effective and efficient utilization of existing
12 telecommunications systems operated by educational entities and
13 agencies of state government; and

14 3. Elimination and prevention of unnecessarily duplicative
15 telecommunications systems operated by educational entities and
16 agencies of state government.

17 D. In developing, operating and maintaining the OGTN, ~~the~~
18 ~~Information Services Division~~ OMES shall:

19 1. Develop a statewide master plan for meeting the
20 communications needs of educational entities and of agencies of
21 state government. To facilitate the development of a statewide
22 master plan as provided for in this paragraph:

23 a. the Oklahoma State Regents for Higher Education shall
24 submit a report annually to the Chief Information

1 Officer identifying the telecommunications plans of
2 each member of The Oklahoma State System of Higher
3 Education. For purposes of developing such report,
4 each member shall cooperate with and submit to the
5 State Regents a plan of its telecommunications needs,
6 including, but not limited to, Internet, eGovernment,
7 as referenced in Sections 34.24 and 34.25 of this
8 title, any interactive video plans, the purchase of
9 informational data bases, software for manipulation of
10 bibliographic records, and the use of
11 telecommunications equipment or services,

12 b. the ~~State~~ Superintendent of Public Instruction shall
13 submit a report annually to the Chief Information
14 Officer identifying the telecommunications plans of
15 the public common school system of the state. For
16 purposes of developing such report, the respective
17 public elementary and secondary schools shall
18 cooperate with and submit to the ~~State~~ Superintendent
19 a plan of their telecommunications needs, including,
20 but not limited to, Internet, eGovernment, any
21 interactive video plans, the purchase of informational
22 data bases, software for manipulation of bibliographic
23 records, and the use of telecommunications equipment
24 or services,

1 c. the Director of the Oklahoma Department of Career and
2 Technology Education shall submit a report annually to
3 the Chief Information Officer identifying the
4 telecommunications plans of technology center school
5 districts. For purposes of developing such report,
6 each technology center school district as defined in
7 Section 14-108 of Title 70 of the Oklahoma Statutes
8 shall cooperate with and submit to the Director of the
9 Oklahoma Department of Career and Technology Education
10 a plan of its telecommunications needs, including, but
11 not limited to, Internet, eGovernment, any interactive
12 video plans, the purchase of informational data bases,
13 software for manipulation of bibliographic records,
14 and the use of telecommunications equipment or
15 services,

16 d. the chief administrative officer of each state agency
17 of the executive branch shall submit a plan annually
18 to the Chief Information Officer identifying the
19 telecommunications needs of the state agency,
20 including, but not limited to, Internet, eGovernment,
21 any interactive video plans, the purchase of
22 informational data bases, software for manipulation of
23 bibliographic records, and the use of
24 telecommunications equipment or services, and

1 e. the Director of the Oklahoma Department of Libraries
2 shall submit a report annually to the Chief
3 Information Officer identifying the telecommunications
4 plans of public libraries and public library systems.
5 For purposes of developing such report, the chief
6 administrative officer of any public library or public
7 library system not otherwise required to submit a plan
8 of its telecommunications needs pursuant to the
9 provisions of this paragraph shall cooperate with and
10 submit annually to the Director of the Oklahoma
11 Department of Libraries a plan of its
12 telecommunications needs, including, but not limited
13 to, Internet, eGovernment, any interactive video
14 plans, the purchase of informational data bases,
15 software for manipulation of bibliographic records,
16 and the use of telecommunications equipment or
17 services. To assure inclusion in the report of the
18 plans of the telecommunications needs of any library
19 that is a part of any member of The Oklahoma State
20 System of Higher Education, a public elementary or
21 secondary school, or technology center school
22 district, all such plans relating to libraries
23 received by the Oklahoma State Regents for Higher
24 Education, the ~~State~~ Superintendent of ~~Higher~~

1 ~~Education~~ Public Instruction, and the ~~State~~ Director
2 of the Oklahoma Department of Career and Technology
3 Education shall be submitted to the Director of the
4 Oklahoma Department of Libraries by the respective
5 recipients thereof as soon as practicable after
6 receipt. The Director of the Oklahoma Department of
7 Libraries shall certify ~~to the Information Services~~
8 ~~Division~~ that such plans are consistent with the plan
9 developed by the Oklahoma Library Technology Network
10 or explain any inconsistencies therewith;

11 2. Identify the most cost-effective means of meeting the
12 telecommunications needs of educational entities and of agencies of
13 state government;

14 3. Develop minimum mandatory standards and protocols for
15 equipment, facilities and services of the OGTN;

16 4. Evaluate the advantages and disadvantages of utilizing
17 equipment, facilities, and services of both private entities and
18 those owned and operated by the state; and

19 5. Recommend a fee structure to provide for the operation and
20 maintenance of the OGTN.

21 SECTION 6. AMENDATORY 62 O.S. 2021, Section 34.24, is
22 amended to read as follows:

23 Section 34.24. A. In order to be at the forefront of
24 electronic commerce and provide constituents, agencies and out-of-

1 state users with state-of-the-art electronic commerce and Internet
2 tools, the ~~State of Oklahoma~~ state recognizes the need for a state
3 portal system connecting state agency websites and information
4 systems.

5 B. The ~~Information Services Division of the~~ Office of
6 Management and Enterprise Services shall manage the installation,
7 maintenance and administration of the state portal system.

8 C. For purposes of this section and Section 34.27 of this
9 title, a "portal system" shall mean a system that hosts and connects
10 to a collection of online government and public services and serves
11 as the single point of access to state government services,
12 information, and transaction processing with a common enterprise
13 wide user interface allowing navigation among the services.

14 SECTION 7. AMENDATORY 62 O.S. 2021, Section 34.27, is
15 amended to read as follows:

16 Section 34.27. A. There is hereby established the State
17 Governmental Technology Applications Review Board. The Board shall
18 be composed of the following members:

19 1. The Director of the Office of Management and Enterprise
20 Services or a designee;

21 2. Four representatives from different state agencies, boards,
22 commissions, or authorities to be appointed by the Governor, at
23 least one of which shall be employed by a law enforcement agency;

24

1 3. Two members who are not state government employees to be
2 appointed by the Speaker of the House of Representatives; and

3 4. Two members who are not state government employees to be
4 appointed by the President Pro Tempore of the Senate.

5 B. Members of the Board shall serve for terms of two (2) years.
6 The Board shall select a chair from among its members.

7 C. Members of the Board shall not receive compensation for
8 serving on the Board, but shall be reimbursed for travel expenses
9 incurred in the performance of their duties by their respective
10 agencies or appointing authority in accordance with the State Travel
11 Reimbursement Act.

12 D. Notwithstanding any other section of law, any member of the
13 Board attending a meeting via teleconference shall be counted as
14 being present in person and shall count toward the determination of
15 whether a quorum of the Board is present at the meeting.

16 E. The Board shall have the duty and responsibility of:

17 1. Reviewing for approval all convenience fees and merchant
18 fees as defined in Section 34.25 of this title and changes in
19 convenience fees and merchant fees charged by state agencies,
20 boards, commissions, or authorities;

21 2. Monitoring all portal systems and applications for portal
22 systems created by state agencies, boards, commissions, or
23 authorities, reviewing portal systems applications approved or
24 denied by the ~~Information Services Division of the Office of~~

1 Management and Enterprise Services, and making recommendations to
2 the Legislature and Governor to encourage greater use of the open-
3 systems concept ~~as is defined in Section 34.26 of this title;~~

4 3. Granting an exemption for a specific license or permit to a
5 state agency from the requirements of Section 34.24.1 of this title.
6 The exemption shall be limited in time as warranted by the
7 circumstances. The Board shall grant the exemption only if
8 presented compelling evidence that the issuance of the license or
9 permit requires the provision of information that cannot be provided
10 through an online licensing or permitting process and that the
11 failure of the applicant to provide the information would create a
12 significant risk to the integrity of the license or permit. The
13 exemption provided for in this paragraph shall not apply to license
14 renewals pursuant to the Oklahoma Vehicle License and Registration
15 Act;

16 4. ~~Providing ongoing oversight of implementation of the plan of~~
17 ~~action developed by the Chief Information Officer pursuant to~~
18 ~~Section 34.11.1 of this title and approving any amendments to the~~
19 ~~plan of action;~~

20 5. ~~Approving charges to state agencies established by the~~
21 ~~Information Services Division pursuant to Section 35.5 of this title~~
22 ~~for shared services as defined in Section 35.3 of this title;~~

23 6. Functioning in an advisory capacity to the Chief Information
24 Officer; and

1 ~~7.~~ 5. Approving a plan by which public elementary and secondary
2 schools of the state may recover the cost of instructional
3 technology resources issued by the schools.

4 SECTION 8. AMENDATORY 62 O.S. 2021, Section 34.31, is
5 amended to read as follows:

6 Section 34.31. A. No state agency, as defined ~~by Section 250.3~~
7 ~~of Title 75 of the Oklahoma Statutes~~ in subsection E of this
8 section, nor the Purchasing Division of the Office of Management and
9 Enterprise Services ~~nor the Information Services Division of the~~
10 ~~Office of Management and Enterprise Services~~, unless otherwise
11 provided by federal law, shall enter into a contract for the
12 acquisition of customized computer software developed or modified
13 exclusively for the agency or the state, unless the vendor agrees to
14 place into escrow with an independent third party the source code
15 for the software and/or modifications.

16 B. The vendor must agree to place the source code for the
17 software and any upgrades supplied to an agency in escrow with a
18 third party acceptable to the agency and to enter into a customary
19 source code escrow agreement which includes a provision that
20 entitles the agency to receive everything held in escrow upon the
21 occurrence of any of the following:

22 1. A bona fide material default of the obligations of the
23 vendor under the agreement with the agency;

1 2. An assignment by the vendor for the benefit of its
2 creditors;

3 3. A failure by the vendor to pay, or an admission by the
4 vendor of its inability to pay, its debts as they mature;

5 4. The filing of a petition in bankruptcy by or against the
6 vendor when such petition is not dismissed within sixty (60) days of
7 the filing date;

8 5. The appointment of a receiver, liquidator or trustee
9 appointed for any substantial part of the vendor's property;

10 6. The inability or unwillingness of the vendor to provide the
11 maintenance and support services in accordance with the agreement
12 with the agency; or

13 7. The ceasing of a vendor of maintenance and support of the
14 software.

15 The fees of any third-party escrow agent subject to this section
16 shall be borne by the vendor.

17 C. The State Purchasing Director or a procurement officer of a
18 state agency shall not process any state agency request for the
19 customization, modernization, or development of computer software
20 unless the proposed vendor provides documentation that complies with
21 subsections A and B of this section.

22 D. The State Purchasing Director shall provide advice and
23 assistance, as may be required, in order for state agencies to
24 comply with the provisions of this section.

1 E. As used in this section:

2 1. "State agency" shall include all state agencies, whether
3 subject to ~~The~~ the Oklahoma Central Purchasing Act or not, except
4 the Oklahoma Lottery Commission; and

5 2. "Source code" means the programming instruction for a
6 computer program in its original form, created by a programmer with
7 a text editor or a visual programming tool and saved in a file.

8 SECTION 9. AMENDATORY 62 O.S. 2021, Section 34.32, as
9 amended by Section 25, Chapter 228, O.S.L. 2022 (62 O.S. Supp. 2024,
10 Section 34.32), is amended to read as follows:

11 Section 34.32. A. ~~The Information Services Division of the~~
12 Office of Management and Enterprise Services shall create a standard
13 security risk assessment for state agency information technology
14 systems that complies with the International Organization for
15 Standardization (ISO) and the International Electrotechnical
16 Commission (IEC) ~~Information Technology - Code of Practice for~~
17 ~~Security Management~~ Information security, cybersecurity and privacy
18 protection - Information security controls (ISO/IEC 27002).

19 B. Each state agency that has an information technology system
20 shall obtain an information security risk assessment to identify
21 vulnerabilities associated with the information system. The
22 ~~Information Services Division of the~~ Office of Management and
23 Enterprise Services shall approve not less than two firms which
24

1 state agencies may choose from to conduct the information security
2 risk assessment.

3 C. A state agency with an information technology system that is
4 not consolidated under the Information Technology Consolidation and
5 Coordination Act or that is otherwise retained by the agency shall
6 additionally be required to have an information security audit
7 conducted by a firm approved by the Information Services Division
8 that is based upon the most current version of the NIST ~~Cyber-~~
9 ~~Security~~ Cybersecurity Framework, and shall submit a final report of
10 the information security risk assessment and information security
11 audit findings to the Information Services Division each year on a
12 schedule set by the Information Services Division. Agencies shall
13 also submit a list of remedies and a timeline for the repair of any
14 deficiencies to the Information Services Division within ten (10)
15 days of the completion of the audit. The final information security
16 risk assessment report shall identify, prioritize, and document
17 information security vulnerabilities for each of the state agencies
18 assessed. The Information Services Division may assist agencies in
19 repairing any vulnerabilities to ensure compliance in a timely
20 manner.

21 ~~D. Subject to the provisions of subsection C of Section 34.12~~
22 ~~of this title, the Information Services Division shall report the~~
23 ~~results of the state agency assessments and information security~~
24 ~~audit findings required pursuant to this section to the Governor,~~

1 ~~the Speaker of the House of Representatives, and the President Pro~~
2 ~~Tempore of the Senate by the first day of January of each year. Any~~
3 ~~state agency with an information technology system that is not~~
4 ~~consolidated under the Information Technology Consolidation and~~
5 ~~Coordination Act that cannot comply with the provisions of this~~
6 ~~section shall consolidate under the Information Technology~~
7 ~~Consolidation and Coordination Act.~~

8 ~~E.~~ This section shall not apply to state agencies subject to
9 mandatory North American Electric Reliability Corporation (NERC)
10 cybersecurity standards and institutions within The Oklahoma State
11 System of Higher Education, the ~~Social Security~~ Disability
12 Determination Services Division of the State Department of
13 Rehabilitation Services, and the Oklahoma State Regents for Higher
14 Education and the telecommunications network known as OneNet that
15 follow the International Organization for Standardization (ISO), the
16 ~~Oklahoma~~ Military Department ~~(OMD)~~ of the State of Oklahoma, and the
17 International Electrotechnical Commission (IEC) ~~Security techniques~~
18 ~~Code of Practice for Information Security Controls~~ Information
19 security, cybersecurity and privacy protection - Information
20 security controls or National Institute of Standards and Technology.

21 SECTION 10. AMENDATORY 74 O.S. 2021, Section 85.5, as
22 amended by Section 1, Chapter 102, O.S.L. 2024 (74 O.S. Supp. 2024,
23 Section 85.5), is amended to read as follows:

24

1 Section 85.5. A. Except as otherwise provided in this section,
2 the State Purchasing Director, under the supervision of the Director
3 of the Office of Management and Enterprise Services, shall have sole
4 and exclusive authority and responsibility for all acquisitions by
5 state agencies. ~~In order to carry out the powers and duties of the~~
6 ~~Chief Information Officer and the Information Services Division, the~~
7 ~~Chief Information Officer shall have sole and exclusive authority~~
8 ~~and responsibility for all acquisitions of information and~~
9 ~~telecommunications technology, equipment, software, products and~~
10 ~~related peripherals and services by state agencies.~~ Public
11 construction contracts are awarded pursuant to Title 61 of the
12 Oklahoma Statutes and are not subject to the Oklahoma Central
13 Purchasing Act.

14 B. Every state agency shall determine its own quantitative
15 needs for acquisitions and the general class or nature of the
16 acquisitions. The State Purchasing Director, after consultation
17 with the requisitioning state agency, shall have authority to
18 determine the particular brand, model or other specific
19 classification of each acquisition and to draft or invoke pursuant
20 to the Oklahoma Central Purchasing Act specifications establishing
21 the requirements for all necessary contracts or purchase orders.

22 C. The Director of the Office of Management and Enterprise
23 Services shall have authority and responsibility to promulgate rules
24

1 in connection with provisions of the Oklahoma Central Purchasing Act
2 for:

3 1. The time, manner, authentication and form of making
4 requisitions for acquisitions;

5 2. Inspection, analysis and testing of acquisitions or samples
6 bidders submit prior to contract award;

7 3. The form and manner of submission for bids or proposals a
8 bidder submits and the manner of accepting and opening bids or
9 proposals;

10 4. The conditions under which the Office of Management and
11 Enterprise Services shall require written contracts for
12 acquisitions, the conditions under which acquisitions may be made on
13 an open account basis, and the conditions and manner of negotiating
14 such contracts;

15 5. Obtaining acquisitions produced by state institutions;

16 6. Conditions under which any of the rules herein authorized
17 may be waived;

18 7. The amounts of and deposits on any bond or other surety
19 required to be submitted with a bid or contract for the furnishing
20 of acquisitions and the conditions under which such bond or other
21 surety shall be required;

22 8. The manner and conditions of delivery, which shall include
23 the designation of the common carrier of property to be used to
24 transport acquisitions whenever a common carrier is used, and the

1 acceptance, or rejection, including check of quantities, of any
2 acquisitions;

3 9. The form of any estimate, order or other information
4 required in connection with an acquisition;

5 10. State agency acquisitions not exceeding the acquisition
6 threshold amount requiring competitive bid to ensure
7 competitiveness, fairness, compliance with the Oklahoma Central
8 Purchasing Act and Section 3001 et seq. of this title, which relates
9 to the State Use ~~Committee~~ Advisory Council. The rules shall
10 include separate provisions based on acquisition amounts as follows:

11 a. state agencies shall make acquisitions not exceeding
12 Twenty-five Thousand Dollars (\$25,000.00), provided
13 the acquisition process is fair and reasonable and is
14 conducted pursuant to rules authorized pursuant to
15 this section, and

16 b. state agencies with certified procurement officers and
17 internal purchasing procedures found compliant by the
18 State Purchasing Director may make acquisitions in
19 excess of the fair and reasonable acquisition
20 threshold amount provided for in this section and not
21 exceeding Two Hundred Fifty Thousand Dollars
22 (\$250,000.00), pursuant to rules authorized by this
23 section;

24

1 11. Training by the State Purchasing Director of state agency
2 procurement officers;

3 12. Review and audit by the State Purchasing Director of state
4 agency acquisitions;

5 13. The conditions for increasing acquisition limits for state
6 agencies which have had a prior reduction in acquisition limit by
7 the Director of the Office of Management and Enterprise Services;

8 14. Use of a state purchase card to make acquisitions;

9 15. Any other matter or practice which relates to the
10 responsibilities of the State Purchasing Director;

11 16. Conditions for determination and authorization of
12 acquisition threshold amounts of state agencies;

13 17. The form and manner of verification by suppliers that the
14 supplier is eligible to do business in ~~the State of Oklahoma~~ this
15 state and has obtained all necessary permits and licenses, pursuant
16 to applicable provisions of law; and

17 18. Payment procedure rules for state agencies to adhere to
18 regarding statewide contracts.

19 D. The State Purchasing Director shall provide training for
20 state agency procurement officials, and other procurement staff, and
21 is authorized to require retraining of such procurement personnel
22 found not to be in compliance with provisions of the Oklahoma
23 Central Purchasing Act or associated rules. The training may
24 include any matters related to state procurement practices. State

1 agency purchasing officials that demonstrate proficiency shall be
2 certified as "certified procurement officers" by the State
3 Purchasing Director and shall be authorized to make acquisitions
4 pursuant to provisions of the Oklahoma Central Purchasing Act and
5 associated rules. The State Purchasing Director may assess a fee to
6 state agencies for the training that does not exceed each state
7 agency's pro rata share of the costs the State Purchasing Director
8 incurs to provide the training.

9 E. The State Purchasing Director shall review state agency
10 acquisitions for the purposes of:

11 1. Ensuring state agency compliance with provisions of the
12 Oklahoma Central Purchasing Act;

13 2. Ensuring state agency compliance with rules promulgated by
14 the Office of Management and Enterprise Services pursuant to the
15 Oklahoma Central Purchasing Act;

16 3. Ensuring state agency compliance with provisions of Section
17 3001 et seq. of this title pertaining to the State Use ~~Committee~~
18 Advisory Council;

19 4. Reporting any acquisition by any state agency found not to
20 be in compliance with those sections or rules to the Director of the
21 Office of Management and Enterprise Services;

22 5. A determination by the State Purchasing Director to reduce a
23 state agency's acquisition authority amount when the state agency is
24 found not to be in compliance with the Oklahoma Central Purchasing

1 Act or associated rules or requirements of the State Purchasing
2 Director pursuant to this section; and

3 6. A determination by the State Purchasing Director to increase
4 a state agency's acquisition authority amount after the agency cures
5 deficiencies in connection with a prior reduction in the authority
6 amount by the State Purchasing Director.

7 F. Based on written findings and when recommended by the State
8 Purchasing Director, the Director of the Office of Management and
9 Enterprise Services may:

10 1. Transmit written findings by the State Purchasing Director
11 to the State Auditor and Inspector for further investigation,
12 indicating purchasing procedures that do not conform to the Oklahoma
13 Central Purchasing Act or associated rules; or

14 2. Transmit to the Attorney General or the State Auditor and
15 Inspector for further investigation a report made by the State
16 Purchasing Director that the Director of the Office of Management
17 and Enterprise Services reasonably believes indicates that an action
18 that constitutes a criminal violation pursuant to the Oklahoma
19 Central Purchasing Act or other laws has been taken by any state
20 agency, state agency official, bidder or supplier.

21 G. 1. Pursuant to the requirements of the Oklahoma Central
22 Purchasing Act, the State Purchasing Director shall have authority
23 to enter into any statewide, multistate or multigovernmental
24 contract. ~~The state entity designated by law, as specified in~~

1 ~~Section 1010.3 of Title 56 of the Oklahoma Statutes, shall~~
2 ~~participate in the purchase of pharmaceuticals available through~~
3 ~~such multistate or multigovernmental contracts entered into by the~~
4 ~~State Purchasing Director.~~

5 2. Whenever it appears advantageous to the state or to any
6 state agency to purchase or otherwise acquire any acquisition which
7 may be offered for sale by the United States government or any
8 agency thereof, the State Purchasing Director may execute a contract
9 for the acquisition with the federal government or federal agency
10 and may also utilize contracts awarded by other governmental
11 agencies including, but not limited to, agencies of the United
12 States ~~of America.~~

13 3. The State Purchasing Director may designate, for use by
14 state agencies, contracts described in this subsection and contracts
15 awarded on behalf of one or more state agencies.

16 4. Prior to exercising the authority to cancel a contract, the
17 State Purchasing Director may authorize renegotiation of an existing
18 contract with an incumbent supplier for the purposes of obtaining
19 more favorable terms for the state.

20 5. The State Purchasing Director shall have the authority to
21 designate certain contracts for state agencies as statewide
22 contracts and mandatory statewide contracts. ~~In order to carry out~~
23 ~~the powers and duties of the Chief Information Officer and~~
24 ~~Information Services Division, the Chief Information Officer shall~~

1 ~~have the authority to designate certain information technology and~~
2 ~~telecommunication contracts as statewide contracts and mandatory~~
3 ~~statewide contracts and may negotiate consolidation contracts,~~
4 ~~enterprise agreements and high technology system contracts in lieu~~
5 ~~of or in conjunction with competitive bidding procedures to reduce~~
6 ~~acquisition cost.~~

7 6. The State Purchasing Director may publish such
8 specifications relating to materials, supplies, equipment and
9 services to be acquired for the state as may best promote
10 competition and apprise potential suppliers of the type of product
11 desired.

12 H. 1. The State Purchasing Director may develop and test new
13 contracting policies, procedures and innovations that hold potential
14 for making state procurement more effective and efficient and
15 identify, and make recommendations to the Legislature of, any
16 appropriate changes in law. Such development and testing, proof of
17 concept, pilot project or other similar test shall not be considered
18 an acquisition subject to the Oklahoma Central Purchasing Act.

19 2. The State Purchasing Director is authorized to explore and
20 investigate cost savings in energy, resource usage and maintenance
21 contracts and to identify and negotiate contract solutions
22 including, but not limited to, pilot projects to achieve cost
23 savings for this state.

24

1 I. The State Purchasing Director shall endeavor to satisfy
2 state agencies in terms of cost, quality and timeliness of the
3 delivery of acquisitions by using bidders who have a record of
4 successful past performance, promoting competition, minimizing
5 administrative operating costs and conducting business with
6 integrity, fairness and openness.

7 J. The State Purchasing Director shall undertake the following:

8 1. The use of electronic commerce pursuant to the Oklahoma
9 Online Bidding Act for solicitation, notification and other
10 purchasing processes;

11 2. Monitoring rules promulgated pursuant to the Oklahoma
12 Central Purchasing Act to ensure that the rules satisfy the
13 interests of the state, are clear and succinct and encourage
14 efficiency in purchasing processes;

15 3. A program to identify suppliers' performance records;

16 4. Development of criteria for the use of sealed bid
17 contracting procedures, negotiated contracting procedures, selection
18 of types of contracts, postaward administration of purchase orders
19 and contracts, addendums, termination of contracts and contract
20 pricing;

21 5. Continual improvement in the quality of the performance of
22 the Purchasing Division through training programs, management
23 seminars, development of benchmarks and key management indicators,
24 and development of standard provisions, clauses and forms;

1 6. The State Purchasing Director shall prescribe standardized
2 contract forms and all other forms or certifications requisite or
3 deemed necessary by the State Purchasing Director to effectuate the
4 provisions of the Oklahoma Central Purchasing Act and associated
5 rules;

6 7. Development of programs to improve customer relations
7 through training, improved communications and appointment of
8 technical representatives;

9 8. Provide for public two-way communication between procurement
10 officers and potential bidders who have questions regarding a
11 request for proposal or invitation to bid; and

12 9. Determine whether and to what extent information included in
13 a bid or similar offer is confidential and reject all requests to
14 disclose the information so designated.

15 K. The State Purchasing Director may utilize and authorize
16 state agencies to utilize reverse auctions to obtain acquisitions.

17 L. Prior to the award of a contract to a supplier, the State
18 Purchasing Director shall verify, pursuant to applicable provisions
19 of law, that the supplier is eligible to do business in this state
20 by confirming registration with the Secretary of State and franchise
21 tax payment status pursuant to Sections 1203 and 1204 of Title 68 of
22 the Oklahoma Statutes. The provisions of this subsection shall be
23 applicable only if the contract amount is Two Hundred Fifty Thousand
24 Dollars (\$250,000.00) or greater.

1 M. On an annual basis, the State Purchasing Director shall
2 transmit to the Governor, Speaker of the House of Representatives
3 and President Pro Tempore of the Senate a report documenting the
4 savings realized by each agency through the application of best
5 spend practices including the collection and tracking of spend data,
6 strategic sourcing programs and implementation of managed and
7 mandatory statewide contracts and include in the report information
8 regarding emergency acquisitions.

9 N. The acquisition threshold amount applicable to an
10 acquisition made pursuant to ~~this act~~ the Oklahoma Central
11 Purchasing Act or associated rules shall not apply to state agency
12 purchases; provided, the State Purchasing Director determines the
13 agency has subject matter experts on staff having the specialized
14 expertise to purchase goods or services, the agency possesses the
15 necessary legal and procurement staff to procure and monitor the
16 contracts and provided the Director of the Office of Management and
17 Enterprise Services shall certify that the proposed purchase does
18 not conflict with consolidated statewide spend initiatives.

19 1. Nothing in this subsection shall give an agency authority to
20 issue statewide, multistate or multigovernmental contracts.

21 2. Agencies making purchases pursuant to this subsection shall:
22 a. be responsible for contracts awarded pursuant to this
23 subsection, which includes, but may not be limited to,
24 contract management, protest costs, all costs

1 connected with or incurred as a result of the
2 contract, including legal representation,

3 b. comply with rules and policies of the Office of
4 Management and Enterprise Services, and

5 c. report contracts issued pursuant to this subsection to
6 the Office of Management and Enterprise Services,
7 ~~Central~~ Purchasing Division, on a quarterly basis.

8 3. Purchases made in accordance with this subsection shall be
9 made pursuant to rules authorized by this section.

10 O. The State Purchasing Director, with approval by the Director
11 of the Office of Management and Enterprise Services, is authorized
12 to make use of any state laboratories for the tests and analyses
13 authorized in this section wherever practicable and to use private
14 laboratories or the laboratories of another government agency if it
15 is impracticable to use state laboratories. The State Purchasing
16 Director is further authorized to cooperate in test and analysis
17 programs or agreements with other states or the United States
18 government and to accept federal funds and funds donated by private
19 endowments or foundations for the purpose of participation in such
20 testing programs.

21 P. The State Purchasing Director shall require all contractors
22 or subcontractors who have entered into a contract with a public
23 employer to submit an affidavit that the contractor or subcontractor
24 is in compliance with the provisions of Section 1313 of Title 25 of

1 the Oklahoma Statutes. If the State Purchasing Director determines
2 that a contractor or subcontractor has knowingly submitted a false
3 affidavit:

4 1. The contractor or subcontractor shall be liable for an
5 administrative penalty of Five Thousand Dollars (\$5,000.00) for the
6 first offense, which shall increase by Two Thousand Dollars
7 (\$2,000.00) for each subsequent offense; and

8 2. The public employer or the Office of Management and
9 Enterprise Services may terminate the contract with the contractor
10 or subcontractor.

11 SECTION 11. REPEALER 62 O.S. 2021, Sections 34.11.8,
12 34.12, as amended by Section 2, Chapter 74, O.S.L. 2022, 34.13,
13 34.15, 34.19, 34.20, 34.21, 34.22, 34.26, 34.28, 34.30, 34.33, 35.1,
14 35.2, 35.3, 35.4, 35.5, 35.6, 35.6.1, 35.6.2, 35.7, 35.8, and 35.9
15 (62 O.S. Supp. 2024, Section 34.12), are hereby repealed.

16 SECTION 12. This act shall become effective July 1, 2025.

17 SECTION 13. 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
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