

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2743

By: Caldwell (Trey)

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7 AS INTRODUCED

8 An Act relating to competitive bidding; amending 61  
9 O.S. 2021, Section 139, which relates to cooperative  
10 purchasing agreements; eliminating certain authority  
11 to enter cooperative purchasing agreements for  
12 services; providing an effective date; and declaring  
13 an emergency.

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

15 SECTION 1. AMENDATORY 61 O.S. 2021, Section 139, is  
16 amended to read as follows:

17 Section 139. A. In addition to any authority to enter an  
18 agreement pursuant to the Interlocal Cooperation Act, any school  
19 district, including a technology school district, may either  
20 participate in, sponsor, conduct or administer a cooperative  
21 purchasing agreement for the acquisition of any commodities ~~or~~  
22 ~~services~~ with one or more public agencies in accordance with an  
23 agreement entered into between the participants. Such cooperative  
24 purchasing may include, but is not limited to, joint or multiparty

1 contracts between public agencies and open-ended state public  
2 procurement contracts.

3 B. Any local public procurement unit may either participate in,  
4 sponsor, conduct or administer a cooperative or piggybacking  
5 purchasing agreement for the acquisition of any commodities ~~or~~  
6 ~~services, including construction services,~~ with one (1) or more  
7 public procurement units or external procurement units in accordance  
8 with an agreement entered into between the participants. Such  
9 cooperative purchasing may include, but is not limited to, joint or  
10 multiparty contracts between public procurement units and open-ended  
11 state public procurement unit contracts which are made available to  
12 local public procurement units. Purchases made in accordance with  
13 this subsection by a local public procurement unit shall be required  
14 to satisfy any procurement regulation, including The Central  
15 Purchasing Act, the Public Competitive Bidding Act, the Finance Act,  
16 related administrative rules and federal regulations that may apply  
17 due to the federal source of the funding for the anticipated  
18 purchase.

19 C. For purposes of this section, the following definitions  
20 apply:

21 1. "Local public procurement unit" shall mean, inter alia, any  
22 county, city, town, state agency, and any other subdivision of the  
23 state or public unit or agency thereof;

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1           2. "External procurement unit" shall mean any buying  
2 organization in the United States not located in this state which,  
3 if located in this state, would qualify as a public procurement  
4 unit; and

5           3. "Cooperative or piggybacking purchasing agreement" shall  
6 mean an agreement between a local public procurement unit and  
7 another local public procurement unit or an external procurement  
8 unit to authorize the use of a contract procured by one of the  
9 parties to the agreement to benefit the other party to the  
10 agreement. This term shall also mean an agreement that provides  
11 access to a product ~~or service~~ that is lower in price than a  
12 comparable product ~~or service~~ that is available through the usage of  
13 a statewide, multistate or multigovernmental contract issued by the  
14 state Purchasing Division.

15           D. Nothing in this section shall supersede the obligation of a  
16 state agency to adhere to rules regarding statewide contracts issued  
17 by the state Purchasing Division. Neither shall any provision of  
18 this section be construed to waive the obligation of a state agency  
19 to utilize a mandatory purchasing contract as designated by the  
20 State Purchasing Director.

21           SECTION 2. This act shall become effective July 1, 2025.

22           SECTION 3. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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