

## **Section 3001 - Creation of State Use Committee - Members - Officers - Terms - Conflict of Interest**

Cite as: O.S. §, \_\_\_ \_\_

### **Version 1 (as amended by Laws 2012, HB 2646, c. 289, § 1)**

A. There is hereby created in the Department of Central Services a committee to be known as the "State Use Committee". The Committee shall consist of seven (7) members and one nonvoting member as follows:

1. A private citizen conversant with the employment needs of people with severe disabilities who shall be appointed by and serve at the pleasure of the Governor to act as an advocate for the employment needs of people with severe disabilities;
2. The Director of the Department of Central Services or designee;
3. The Director of Visual Services, or designee;
4. The past president of Oklahoma Community-Based Providers or designee to serve for a one-year period, who may be reappointed by the succeeding president;
5. An individual or a parent or guardian of an individual with severe disabilities who participates in vocational programming through a sheltered environment facility, to be selected by the Committee;
6. The Director of Human Services, or designee;
7. A certified procurement officer from any state agency appointed by the State Purchasing Director, selected to represent the customer agencies of the State of Oklahoma; and
8. As a nonvoting member, a person employed by the Department of Central Services as a contracting officer in the purchasing division, appointed by the State Purchasing Director with the advice of the Committee and designated specifically to solicit, develop, and negotiate contracts with agencies and individuals.

B. The Committee shall elect from among its membership a Chair and a Vice Chair who shall both serve for a period of one (1) year.

C. The private citizen on the Committee shall serve for a period of two (2) years and may be reappointed by the appointing authority. Any private citizen appointed pursuant to this section to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of the term.

D. Any member of the Committee shall be prohibited from voting on any issue in which the member has an interest.

## **Section 3002 - Repealed by Laws 1985, HB 1164, c. 178, § 81, emerg. eff. July 1, 1985**

Cite as: O.S. §, \_\_\_ \_\_

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Repealed by Laws 1985, HB 1164, c. 178, § 81, emerg. eff. July 1, 1985

## **Section 3003 - Definitions**

Cite as: O.S. §, \_\_ \_\_

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As used in this act:

1. "Blind person" means a person having a visual acuity not to exceed 20/200 in the better eye, with correcting lenses, or visual acuity greater than 20/200 but with limitation in the field of vision such that the widest diameter of visual field subtends an angle no greater than twenty (20) degrees;
2. "Committee" means the State Use Committee;
3. "Qualified nonprofit agency for the severely handicapped" means a nonprofit agency which is certified as a sheltered workshop by the wage and hour division of the U.S. Department of Labor and employing severely disabled persons who constitute at least seventy-five percent (75%) of the personnel engaged in direct production of products or services offered by the agency for procurement by this state;
4. "Severely disabled person" means an individual with a physical or mental disability constituting a substantial handicap to employment and preventing the person from engaging in normal competitive employment and includes any blind person;
5. "Qualified organization" means a blind person, qualified nonprofit agency for the severely handicapped, or severely disabled person contracting to supply goods or services;
6. "Manufactured" means goods made by manual labor;
7. "Produced" means to have brought into existence or created from raw materials;
8. "Processed" means the action of taking something through an established and mostly routine set of procedures or steps to substantially convert a potential product from one form to another. This action involves a sequence of multiple steps each requiring a distinct decision-making process to evolve a potential product to the next step; and
9. "Assemble" means to put or fit together or put together the parts of a potential product.

## **Section 3004 - Procurement Schedule**

Cite as: O.S. §, \_\_ \_\_

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The Committee shall designate by regulation a schedule, hereinafter referred to as the procurement schedule, of the products directly manufactured, produced, processed or assembled or services directly performed, offered or provided by any severely disabled person or qualified nonprofit agency for the severely disabled, as defined by this act, which the Committee determines are suitable for procurement by the state. No state agency shall purchase, pursuant to Section 3007 of this title, products or services purporting to be made by severely disabled persons in workshops which are not certified by the Committee or by severely disabled individuals who are not certified by the Committee.

### **Section 3004.1 - Promotion Fee Assessed Against Qualified Organization**

Cite as: O.S. §, \_\_ \_\_

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A one-percent fee of any contract for products or services of the severely disabled shall be assessed against the qualified organization and deposited in the State Use Committee Revolving Fund, as created in Section 3004.2 of this title, for the salary, administrative costs, and other expenses incurred by the Purchasing Division of the Office of Management and Enterprise Services for promoting goods and services provided by qualified organizations.

### **Section 3004.2 - Creation of State Use Committee Revolving Fund**

Cite as: O.S. §, \_\_ \_\_

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There is hereby created in the State Treasury a revolving fund for the Office of Management and Enterprise Services to be designated the "State Use Committee Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all proceeds from the one-percent fee on contracts for purchases of products or services of the severely disabled, as provided in Section 3004.1 of this title. The fund shall be invested in any of the types of instruments in which the State Treasurer is authorized by law to invest. Interest earned shall be retained by the fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Office of Management and Enterprise Services for the salary and other administrative expenses of the buyer and clerical and technical support in the Purchasing Division of the Office of Management and Enterprise Services responsible for contracts for the products and services of the severely disabled and expenses the Office incurs to support Committee operations. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

### **Section 3005 - Determination of Fair Market Price**

Cite as: O.S. §, \_\_ \_\_

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The Committee shall determine the fair market price of all products and services included in the procurement schedule and shall revise such prices in accordance with changing market conditions; provided, however, a change in price shall not be effective prior to the expiration of fifteen (15) days from the date on which such change is made by the Committee.

### **Section 3006 - Distribution Agency**

Cite as: O.S. §, \_\_ \_\_

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The Committee may designate a central nonprofit agency to facilitate the distribution of orders of the state for products or services on the procurement schedule among qualified nonprofit agencies for people with severe disabilities.

## **Section 3007 - State or Agency to Procure a Product or Service at Fair Market Price**

Cite as: O.S. §, \_\_\_ \_\_

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### **Version 1 (as amended by Laws 2012, HB 2646, c. 289, § 3)**

A. Whenever the State of Oklahoma or any of its agencies intends to procure any product or service included in the procurement schedule, that entity shall secure the product or service from a qualified nonprofit agency providing employment to people with severe disabilities at the fair market price determined by the Committee if the product or service is available within the period required by the entity.

B. An agency of this state shall not evade the intent and meaning of this section by slight variations from standards adopted by the Department of Central Services.

C. Provided, the requirements of this section shall not apply to the procurement of janitorial services by the Oklahoma State Bureau of Investigation. The Bureau shall conduct background investigations and national criminal history record checks on companies and individuals with which it contracts to provide janitorial services.

D. When the fair market price for a product or service approved by the Committee exceeds a current market price for the same product or service, and such lower market price has been verified by the agency through compliance with the fair market analysis process approved by the Department of Central Services, the state use contracting officer may grant a temporary exception to a requesting agency so that the agency may purchase the product or service from the vendor offering the lower market price. The temporary exception shall automatically expire when a new fair market price is established by the State Use Committee.

## **Section 3008 - Exceptions - Competitive Bid Requirement Not Applicable**

Cite as: O.S. §, \_\_\_ \_\_

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Nothing in Sections 3001 et seq. of this title pursuant to purchases of products and services from people with severe disabilities shall be construed to prohibit any department or agency of the state from manufacturing or supplying its own products or services for its own use. Procurements made pursuant to this act shall not be subject to the competitive bid requirements of the Oklahoma Central Purchasing Act, Section 85.1 et seq. of this title.

## **Section 3009 - Rules - Requirements - Reporting of Violations of Intent of Laws - Annual Report to Legislature**

Cite as: O.S. §, \_\_\_ \_\_

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A. The State Use Committee shall prescribe rules to carry out the purposes of the provisions of Sections 3001 through 3009 of this title.

B. The rules shall include requirements for:

1. Publishing a catalog listing goods and services and jobs that workshops can provide the state, annually;

2. Conducting a minimum of six meetings per year, in compliance with the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes;

3. Making available to contractors the minutes of all meetings;

4. Notifying contractors at least ten (10) days prior to meeting dates. Meetings shall be called by the Committee Chair; and

5. Establishing guidelines by which a vendor may file a grievance.

C. The Committee shall report any violations of the intent of the laws to the Attorney General's office within thirty (30) days of their determination of such violations.

D. The Committee shall file an Annual Report within sixty (60) days after the close of the legislative year with the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Governor.

**Section 3010 - Municipality or County Agency Authority to Purchase Products and Services from Sheltered Workshops**

Cite as: O.S. §, \_\_ \_\_

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Any municipality or county agency of this state is authorized to purchase products and services from any qualified nonprofit agency providing employment to persons with severe disabilities which is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor.

Procurements made pursuant to the provisions of this section shall not be subject to competitive bid requirements. To participate, a qualified nonprofit agency for the severely disabled must be able to meet the needs and specifications for the products or services required by the purchasing body at a fair market price.