

Purchasing Handbook for Oklahoma Counties

2021

Purchasing Handbook for Oklahoma Counties

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Purchasing Handbook for Oklahoma Counties Table of Contents

Page

Introduction: How to Use This Handbook

Chapter One – County Purchasing Responsibilities

County Purchasing Practices.....	1-1
The Purchasing Agent	1-2
Appointment	1-2
Responsibilities	1-3
Training Requirements	1-4
The County Clerk	1-5
The Board of County Commissioners	1-6
Blanket Bonds	1-7
County Officers or Department Heads	1-8
Purchasing Restrictions	1-8
Responsibilities	1-8
County Boards and Commissions	1-10
The County Sheriff	1-10
The Requisitioning Officer	1-10
The Receiving Officer	1-11

Chapter Two – State Agencies’ Roles in County Purchasing

The Role of the State Auditor and Inspector In County Purchasing.....	2-1
The Role of the Oklahoma Department of Transportation in County Purchasing	2-2
The Role of the Office of Management and Enterprise Services in County Purchasing	2-2
The Role of the County Training Program, Oklahoma State University, in County Purchasing.....	2-3

Chapter Three – Purchasing Forms

County Sheriff’s Credit Card Expenditures – SA&I 112.....	3-4
Full Warranty Lease Agreement – SA&I 120A	3-6
Lease Purchase Agreement – SA&I 120B.....	3-7
Cash Voucher Claim – SA&I 270	3-8
Declaration of Surplus – SA&I 397A	3-9
Resolution for Disposing of Equipment – SA&I 397	3-10
Affidavit for Competitive Bid – SA&I 425	3-11
Appointment of Purchasing Officer – SA&I 428	3-12
Designation of Purchase Cardholders – SA&I 431.....	3-13
Requisition – Purchase Order-Claim – SA&I 1116	3-14
Requisition – Purchase Order-Claim – SA&I 1116A (Optional Form).....	3-15
Requisition – Purchase Order-Claim Instructions.....	3-16
Requisition – Purchase Order-Claim Instructions.....	3-17
Requisition – Purchase Order-Claim Instructions.....	3-18
Requisition – Purchase Order-Claim Instructions.....	3-19
Requisition – Purchase Order-Claim Instructions.....	3-20
Requisition – Purchase Order-Claim Instructions.....	3-21
Requisition – Purchase Order-Claim Instructions.....	3-22
Requisition – Purchase Order-Claim Instructions.....	3-23
Summary Report – SA&I 3512	3-24
Receiving Report – SA&I 4030	3-25
Receiving Report Instructions.....	3-26
Receiving Report Instructions.....	3-27
Receiving Report Instructions.....	3-28
Affidavit for Contracts and Payments – Form 4001.....	3-29
Invitation to Bid – SA&I 1-4040	3-30
Invitation to Bid – SA&I 1-4040 (Continued)	3-31
Bid Record – SA&I 4045	3-32

Chapter Three – Purchasing Forms (Continued)

Vendor Quote Sheet – SA&I 4046	3-33
Vendor Quote Sheet Instructions	3-34
Vendor Quote Sheet Instructions (Continued).....	3-35
Commonly Used Items – SA&I 1-4050.....	3-36
Transfer Document – SA&I 1-9001	3-37
Project Inventory Record – SA&I 1-9002	3-38
Summary Report of Consumable Items – SA&I 1-9003.....	3-39
Consumable Item Stock Record – SA&I 1-9004.....	3-40
Fixed Asset Record – Property and Equipment – SA&I 9005	3-41
Weekly Warehouse Summary – SA&I 1-9006	3-42

Chapter Four – Purchasing Methods and Procedures

Purchasing When Bidding is Required.....	4-1
The Requisitioning Officer	4-2
The Purchasing Agent.....	4-2
The County Clerk	4-3
The Requisitioning Officer	4-3
The Board of County Commissioners	4-3
Electronic Bids	4-4
The Purchasing Agent.....	4-4
Telephone Quotes	4-5
Commonly Used Items	4-5
The Purchasing Agent.....	4-6
Blanket Purchase Orders	4-7
Rental, Lease or Lease Purchase	4-7
Emergency Purchases.....	4-8
Purchasing	4-8
Credit Cards	4-8
Purchases with a Cash Voucher Claim	4-8
Purchases with Other Counties.....	4-8
Purchases Less Than \$25,000	4-9
Reverse Auction	4-9
Use of Reverse Auction for Counties.....	4-9
Reverse Auction Procedures	4-10
The Requisitioning Officer.....	4-11
The Purchasing Agent.....	4-11
The Board of County Commissioners.....	4-12

Chapter Four – Purchasing Methods and Procedures (Continued)

The Purchasing Agent	4-12
----------------------------	------

Chapter Five – Public Competitive Bidding Act

Public Competitive Bidding Act	5-1
Projects over \$50,000	5-3
Bid Notices	5-3
Content of Bid Notices.....	5-3
Bidding Documents	5-4
Required Bonds	5-5
Business Affidavit	5-5
Non Collusion Affidavit	5-6
Bid Opening	5-6
Awarding Bids	5-7
Bid Retention	5-9
Payments	5-9
Change Orders	5-10
Other	5-10
Projects Between \$5,000 and \$50,000.....	5-11
Projects Less Than \$5,000.....	5-11

Chapter Six – Purchasing Situations

Purchasing from a Single Source (exempt).....	6-1
Service or Maintenance Contracts (exempt under certain conditions)	6-1
Blanket Purchase Order – Recurring Goods and Services and Repairs	
Under \$10,000 (exempt)	6-2
The Requisitioning Officer	6-3
The Purchasing Agent.....	6-3
The County Clerk	6-4
The Board of County Commissioners	6-4
The Requisitioning Officer	6-4
The Receiving Officer.....	6-4
Blanket Purchase Orders for Repairs Exceeding #10,000 (exempt).....	6-4
The Requisitioning Officer	6-5
Road and Bridge Materials not Exceeding \$7.00 per yard or ton (exempt).....	6-5
Telephone Quotes	6-5
The Purchasing Agent.....	6-5

Chapter Six – Purchasing Situations (Continued)

The Requisitioning Officer	6-5
Telephone Quotes for When NO Bids are Received	6-6
Telephone Quotes for When NO Bids are Received – Common Bid.....	6-6
Telephone Quotes for Fuel (exempt)	6-6
Telephone Quotes for Food for Prisoners.....	6-7
Telephone Quotes for Recyclable Materials	6-7
Auctions – Purchase at Public Auctions.....	6-7
The County Officer or Representative.....	6-7
The Requisitioning Officer.....	6-7
Individuals Attending the Auction.....	6-8
Awarding Bids for Processed Native Materials	6-8
Common Bid List – Vendor Unable to Provide	6-8
State-wide Contacts (exempt)	6-9
General Services Administration (exempt).....	6-9
Purchases From a Local Vendor at State Prices or Federal Prices (exempt).....	6-10
Purchasing With Other Counties	6-10
Purchasing Heavy Equipment With Other Counties	6-10
Purchasing Cooperatives (exempt).....	6-10
Emergency Purchases	6-11
Emergency Purchases When a County Officer Declares an Emergency	6-11
The Requisitioning Officer.....	6-11
Emergency Purchases When the Governing Body of a Public Agency Declares an Emergency Under the Public Competitive Bidding Act	6-12
Leasing During an Emergency	6-12
Emergency Purchases When the Governor Declares an Emergency	6-12
Emergency Purchases When the President of the Governor Declares A Emergency Management or Disaster Emergency.....	6-13
Purchases From a State Agency or Political Subdivision of the State	6-13
The Board of County Commissioners	6-14
The Requisitioning Officer	6-14
Contracting for Services (exempt).....	6-14
Projects	6-15
Trade-Ins.....	6-15
The Requisitioning Officer	6-15
The Purchasing Agent	6-16
Incentive Awards for Safety-Related Job Performance.....	6-16

Chapter Six – Purchasing Situations (Continued)

The Board of County Commissioners.....	6-17
Wellness Programs	6-17
The Wellness Council.....	6-17
The Wellness Program Fund.....	6-17
The Board of County Commissioners	6-17

Chapter Seven – Purchasing by: Rental, Lease, or Lease Purchase

Rentals.....	7-2
Leases.....	7-2
Lease Purchases.....	7-3
County Lease Purchases Using County Funds	7-6
Lease or Lease Purchase of Road Machinery and Equipment Through the County Road Machinery and Equipment Revolving Fund.....	7-7

Chapter Eight – Purchasing With Other Counties

Purchasing with Other Counties.....	8-1
Purchasing Items with Other Counties.....	8-1
Purchasing Heavy Equipment with Other Counties	8-2
All Boards of County Commissioners Involved	8-2
Each Board of County Commissioners	8-3
Each Board of County Commissioners (Requisitioning Officer).....	8-3
The Purchasing Agent.....	8-3
The Primary County Clerk.....	8-4
The Joint Board.....	8-4
The Primary Purchasing Agent	8-4
The Primary Receiving Officer	8-4
The Primary County Clerk.....	8-5
The Primary Purchasing Agent	8-5
Each County Purchasing Agent, County Clerk, and Board of County Commissioners	8-5
The Inventory Officers of Each County	8-6
The Primary Inventory Officer.....	8-6

Chapter Nine – Credit Cards

Credit Cards for County Sheriff/Deputy Sheriff.....	9-1
Allowed Travel Expenses	9-2
Out-of-County Travel.....	9-2
In-County Fuel Purchases.....	9-3
Educational Training Expenses	9-3
Credit Card Use	9-3
The County Sheriff	9-3
The Board of County Commissioners	9-3
The County Sheriff	9-4
Individuals	9-4
Responsibilities Following Credit Card Use	9-5
The Receiving Officer.....	9-5
The County Sheriff or Designated Deputy Sheriff	9-5
The County Clerk	9-5
County Purchase Cards	9-5
Roles and Responsibilities of State Agencies/Contract Holders	9-6
The State Auditor and Inspector (SA&I)	9-6
The Office of Management and Enterprise Services (OMES), Central Purchasing Division	9-6
The County Training Program	9-6
The Contract Holder (Bank of America)	9-6
Roles and Responsibilities in County Government	9-6
Program Initiation.....	9-7
The Board of County Commissioners	9-7
The Office of Management and Enterprise Services.....	9-7
The Bank of America (BOA).....	9-7
The Board of County Commissioners	9-8
The Bank of America	9-8
Program Implementation	9-8
The Board of County Commissioners.....	9-8
The Purchase Cardholder	9-9
The Purchasing Agent (Purchase Card Administrator).....	9-9
The Purchase Cardholder	9-10
The County	9-10

Chapter Nine – Credit Cards (Continued)

Purchase Card Transaction Process.....	9-10
The Requisitioning Officer.....	9-11
The Purchasing Agent.....	9-11
The County Clerk.....	9-11
The Purchase Cardholder.....	9-11
The Receiving Officer.....	9-12
The Purchasing Agent.....	9-12
The County Clerk.....	9-12
The Board of County Commissioners.....	9-12
The County Clerk or Purchasing Agent (Purchase Card Administrator).....	9-13
The County Treasurer.....	9-13
Cardholder Purchases.....	9-13
Taxes on Credit Card Purchases.....	9-14
Sales Tax – Online Purchases.....	9-14
Lodging/Occupancy Tax.....	9-15
Purchase Card Controls/Limits.....	9-15
Exceptions to Limits.....	9-15
Travel Purchases.....	9-16
Prohibited Purchases.....	9-16
Audit Requirements.....	9-17
Transparency of Transactions Through Open Books.....	9-17

Chapter Ten – Writing Specifications

Need for Good Written Specifications.....	10-1
Requisitioning Officers.....	10-1
Writing Specifications.....	10-1
Types of Written Specifications.....	10-2
Performance Specifications.....	10-2
Dimension Specifications.....	10-3
Combination of Performance and Dimension Specifications.....	10-4
A Written Specification Example.....	10-4
Software.....	10-4
Hardware.....	10-5
The Purchasing Agent.....	10-6

Chapter Eleven – Analyzing to Determine Lowest and Best Bids

Analysis Procedures.....	11-2
Additional Considerations	11-12

Chapter Twelve – Vendor Lists

Locating Suppliers	12-1
Suppliers Indexes or Registers.....	12-2
Trade Magazines	12-2
Telephone	12-3
Letter	12-3
Product Card	12-3
Trade or Industry Associations	12-4
Catalogs and Sales Brochures.....	12-4
Catalogs	12-4
Sales Brochures	12-5
Office of Management and Enterprise Services.....	12-5
Letters of Interest.....	12-5
Technology Centers (Small Business).....	12-6
The Internet	12-6
Establishing a Listing by Product and Vendor.....	12-7
Vendor Cards	12-7
Primary information to be included on vendor cards.....	12-7
Product Index Cards	12-8

Chapter Thirteen – Inventories of County Property

Fixed Assets Inventory.....	13-1
Roles and Responsibilities for Fixed Asset Inventory	13-1
The Board of County Commissioners	13-1
County Officer or Department Head	13-2
The County Clerk	13-3
The State Auditor and Inspector	13-3
The Receiving Officer.....	13-3
The Inventory Officer	13-5
Land and Buildings.....	13-6
The Board of County Commissioners.....	13-6
Tracking Fixed Asset Inventory.....	13-6
Transfer of Inventory.....	13-6

Chapter Thirteen – Inventories of County Property (Continued)

Disposing of Fixed Assets.....	13-7
Sale of Land	13-9
Fixed Asset Forms.....	13-9
Consumable Inventory.....	13-9
Consumable Inventory – Road and Bridge Requirements	13-10
The Board of County Commissioners	13-10
Consumable Inventory – Road and Bridge Projects	13-10
The Receiving Officer.....	13-10
The Inventory Officer	13-11
Consumable Inventory – Road and Bridge Warehouse Stock.....	13-11
The Receiving Officer.....	13-11
The Inventory Officer	13-12
Tracking Consumable Inventory – Road and Bridge	13-12
Transfer of Inventory -	13-12
The Inventory Officer	13-12
Consumable Inventory – NonRoad and Bridge	13-12
The Board of County Commissioners	13-12
The Receiving Officer.....	13-13
The Inventory Officer	13-13
Tracking Consumable Inventory – Non-Road and Bridge	13-13
Transfer of Inventory -	13-13
Identification of Capital Asset Items.....	13-14
The Board of County Commissioners	13-14
Code Number Examples	13-26

Chapter Fourteen – Disposing of Surplus Property

Re-Election Restrictions on Surplus Property	14-1
Declaration of Surplus	14-2
Methods of Disposition	14-3
By Sealed Bid	14-3
The Board of County Commissioners	14-3
By Public Auction	14-4
The Board of County Commissioners	14-4
The Purchasing Agent.....	14-4
At an Oklahoma Department of Transportation (ODOT) Auction	14-4
The Board of County Commissioners	14-5

Chapter Fourteen – Disposing of Surplus Property (Continued)

The County	14-5
At a Circuit Engineering District (CED) Auction	14-5
The Board of County Commissioners	14-5
Through an Internet Auction	14-5
The Board of County Commissioners	14-5
By Trade-in	14-5
The Board of County Commissioners	14-6
The Purchasing Agent.....	14-6
By Sale to a State Agency or Political Subdivision of the State	14-6
Sale, Transfer Trade, or Disposal to a Political Subdivision	14-6
Transfer to a Political Subdivision	14-7
Junking	14-7
Resolution of Disposition	14-7
Disposition of a Damaged County Vehicle	14-8
Disposing of Real Property (Land)	14-9
Sale of Land	14-9
Sale of Unused Land	14-10
Conveyance of Land	14-10
Disposal of Recyclables	14-10

List of Tables

	<u>Page</u>
Table 3-1 Purchasing Forms Prescribed by SA&I	3-2
Table 7-1 Understanding the Counties Authority to Enter into a Lease Purchase Agreement	7-4
Table 11-1 Analysis Procedure: Listing Attributes	11-3
Table 11-2 Analysis Procedure: Awarding Weighted Values	11-4
Table 11-3 Analysis Procedure: Listing Companies Offering Bids	11-5
Table 11-4 Analysis Procedure: Analyzing Price	11-6
Table 11-5 Analysis Procedure: Analyzing the Engine Sub Attributes	11-7
Table 11-6 Analysis Procedure: Analyzing the Engine	11-8
Table 11-7 Analysis Procedure: Analyzing the Wheel Base	11-9
Table 11-8 Analysis Procedure: Analyzing the Cab.....	11-10
Table 11-9 Analysis Procedure: Totaling the Columns	11-11

List of Figures

	<u>Page</u>
Figure 10-1 Sample Invitation to Bid	10-7
Figure 10-2 Sample Terms and Conditions	10-8
Figure 12-1 Sample Index Vendor Card.....	12-8
Figure 12-2 Sample Product Index Card	12-9

Introduction

How to Use This Handbook

This document is a current revision of the *Purchasing Handbook for Oklahoma Counties*.

This handbook revision has been prepared for use by county officers, their deputies, and other employees in their offices to aid them in performing their duties. It is intended as a guide to the responsibilities, duties, and statutory mandates for their offices regarding county purchasing procedures. This handbook is not meant to be all-inclusive and complete, but it should include sufficient references and other sources to help users supplement the information that is provided.

NOTE:

This handbook has been prepared solely as a guide and source of reference for use in day-to-day job activities. It is not intended to be, nor should it be, used as a supplement to, or a replacement for, the Oklahoma State Statutes, opinions of the State Attorney General, and/or policies and procedures issued by the appropriate state agencies (Office of the State Auditor and Inspector and others).

Every effort has been made to incorporate the latest statutes, opinions, and interpretations. In every instance where a statement in this handbook disagrees with an Attorney General opinion, an interpretation of the Oklahoma State Statutes by a responsible state agency or a District Attorney, and/or procedure or policy issued by an appropriate state agency, those opinions, interpretations, procedures, and policies will take precedence over this handbook.

New Technology

This handbook revision is an interactive, web-based PDF document that County Officers and their deputies and employees can access directly from the [County Training Program \(CTP\)](#) website under the “Helpful Resources” heading, then click “handbooks and videos.” Handbooks will be located on the right of the webpage. The document can also be downloaded into office computer systems.

In addition, this handbook can be printed as a hard copy. However, a printed copy will not have the interactive capabilities of the online copy. Before printing, users should be aware that this handbook is over 180 pages long.

The “find” feature in the software can be used as an index to search for particular items. Users can also page through the handbook in the same way as with a printed copy. The handbook appears on the screen exactly as it would appear if printed. End-of-chapter pages have been inserted, if necessary, for double-sided printing copies.

Statutes and Other References

The interactive capabilities of this handbook allow users to link from references in the handbook to documents on the web.

For example, using the “Click” function on a reference ([in green](#)) on the right-hand side of the pages will link directly to a complete version of a constitutional reference, an Oklahoma State Statute, an Attorney General opinion, or other references on the OSCN website. Each reference is situated so that it appears opposite the text to which it applies.

Additional links are provided in the text to forms, state offices, and other references. Using the “Click” function on any word or a group of words in the text that appear in [blue](#) on the screen will link to something related to them.

Each chapter number and name in the Table of Contents is linked directly to that chapter in the handbook. Each table and figure listed in the Table of Contents is linked to that table or figure in the document.

This handbook is not intended to be a legal source to replace the Oklahoma State Statutes. In many cases, the text paraphrases the statutes or interprets them in simpler language. For exact and complete statutory information, refer to the actual statute.

Forms

Chapter Three, [Purchasing Forms](#), in this handbook contains copies, descriptions, and instructions for the purchasing forms provided by the Oklahoma State Auditor and Inspector's office.

Questions

Every attempt has been made to provide as complete and accurate a handbook as possible. For any questions, comments, or suggestions, please contact the County Training Program at Oklahoma State University, 405-744-6160, FAX 405-744-8210, and email ctp@okstate.edu. Visit the website at <http://agecon.okstate.edu/ctp> for more information on the County Training Program.

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Chapter One

County Purchasing Responsibilities

County Purchasing Practices

County purchasing practices in Oklahoma are regulated by sections in Title 19, Chapter 33, “County Purchasing Procedures,” of the Oklahoma Statutes, commonly referred to as the County Purchasing Act. These practices are also regulated by the “Public Competitive Bidding Act” in the Oklahoma Statutes. These statutes are revised each year by the Oklahoma Legislature to keep them current and beneficial.

19 O.S. §§ 1500~1507

61 O.S. §§ 101~139

Oklahoma Constitution
Article 10 § 26

19 O.S. § 1505

The County Purchasing Procedures are used for the requisition, purchase, lease purchase, rental, and receipt of supplies, materials, equipment, road and bridge construction services, and information technology and telecommunication goods and services for the maintenance, operation, and capital expenditures of county government.

The Public Competitive Bidding Act covers all public construction contracts for public improvements, construction or repairs of any public buildings, and road construction projects.

19 O.S. § 1505

NOTE:

Large road projects may still fall under the Public Competitive Bidding Act. A recommended best practice is to consult with the county’s District Attorney.

A well-organized purchasing system ensures that good business practices are followed when goods are purchased, leased, lease purchased, or obtained by any other method that puts the goods under the control of a county entity.

Adequate records must be maintained to document the fact that the purchase and receipt of goods, inventory during use, and final disposition are done according to established procedures that follow legal mandates.

CAUTION:

Any county office, department, or other entity that makes purchases with county monies must comply with the County Purchasing Procedures. All county officers, department heads, and other administrative individuals are responsible for ensuring that the County Purchasing Procedures are followed when purchasing goods and services with county funds.

The following sections describe the functions and responsibilities of the various people involved in the county purchasing process.

The Purchasing Agent

All county purchasing is centralized in a single office and is carried out by a single Purchasing Agent whose job is to act as the facilitator in the procurement of goods and services for the county. The County Purchasing Agent researches vendors, finds the most efficient products, places the orders, and makes all purchases for which county funds are used.

19 O.S. § 1500

19 O.S. § 1501

Appointment

The County Clerk of each county, or another employee in the office appointed by the County Clerk, shall be the County Purchasing Agent. The exception is in counties with a Budget Board where the Budget Board may appoint and supervise the Purchasing Agent and set the agent's salary. If they fail to do so, the appointment and supervision revert to the County Clerk.

19 O.S. § 1500(A)

The County Clerk's salary does not increase if that individual also acts as the Purchasing Agent.

The appointing authority (either the County Clerk or the Budget Board) approves any assistants that the Purchasing Agent needs to carry out the duties and responsibilities of that position and sets the salaries of both the Purchasing Agent and the assistants.

19 O.S. § 1500(C)

The appointing authority approves the assignment of adequate office space, furnishings, equipment, and supplies necessary for the Purchasing Agent to carry out the duties of that office. The Board of County Commissioners authorizes the office space.

19 O.S. § 1500(D)
19 O.S. § 447

Responsibilities

In the county purchasing process, the Purchasing Agent has the following responsibilities:

- ☉ Shall not furnish any supplies, material, equipment, or other articles EXCEPT upon a receipt of a requisition by a county officer 19 O.S. § 1505(A)(3)
- ☉ Shall develop, implement, and promote policies and procedures that allow for the procurement of materials and equipment through contracts that are flexible and value-based and are in the best interests of the state and its political subdivisions 19 O.S. § 1501(A)(1)
19 O.S. § 1500.1
- ☉ Shall have the authority to use electronic commerce for solicitation, notification, and other purchasing processes 19 O.S. § 1505(B)

For purposes of this authority, “electronic commerce” means the use of electronic methods to enable solicitations, open bids, supplier response, bid submission, a notice of contract award, county acquisition processes, or any other function to make an acquisition.
- ☉ Shall within the unencumbered balance, make all purchases for which county funds are used for the various institutions, departments, officers, and employees of the county, except at a public auction or unless otherwise provided by law 19 O.S. § 1501(A)(1)

The Purchasing Agent procures all county purchases, and all county purchasing must be conducted through this agent.

County funds have been interpreted to mean all funds that are deposited with the County Treasurer.

Exception: The purchases made from the Court Clerk Revolving Fund do not require the Purchasing Agent’s approval. 19 O.S. § 220
- ☉ May make purchases for political subdivisions of the state within the county if authorized by appropriate action of the governing board or body of that subdivision 19 O.S. § 1501(A)(2)
- ☉ Request written recommendations from all county officers for commonly used supplies, materials, and equipment whose use does not exceed twelve months in duration and that may be included in bid lists 19 O.S. § 1505(B)(1)
- ☉ Request contracts from the Office of Management and Enterprise Services (OMES) for either making purchases directly or for comparing prices 19 O.S. § 1505(B)(1)
- ☉ Serve as administrator for the State Credit Card system (P-Card) 19 O.S. § 1505(J)

- ☉ Prepare and solicit bids for all purchases and dispositions where bidding is required by the Oklahoma Statutes, including publishing legal notices, as required 19 O.S. § 1505(B)
- ☉ Forward the bids, unopened, to the County Clerk who presents them to the Board of County Commissioners to open in an open meeting 19 O.S. § 1505(B)(3)(4)
- ☉ Notify successful vendors of bid acceptance 19 O.S. § 1505(B)(5)
- ☉ Solicit quotes of prices in cases where vendors have not submitted bids 19 O.S. § 1505(B)(6)
 The Purchasing Agent records these quotes on [OSAI Form No. 4046, Vendor Quote Sheet](#).
 At least three quotes are required unless circumstances make it impossible. In such cases, documentation is required. 19 O.S. § 1505(B)(6)(b)
- ☉ Prepare and submit requests for road machinery and equipment acquired by the following methods through the [Oklahoma Department of Transportation \(ODOT\)](#) 69 O.S. § 636.3(F)
 - Purchase
 - Lease
 - Lease Purchase
- ☉ Solicit appraised values for purchase by trade-in or sale at auction 19 O.S. § 421.1(B)
- ☉ Complete the purchase order parts of [SA&I Form No. 1116, Requisition - Purchase Order - Claim](#) 19 O.S. § 1505(C)
 Refer to “[Requisition - Purchase Order - Claim](#)” in Chapter Three, Purchasing Forms.
- ☉ Forward the Requisition - Purchase Order - Claim form to the County Clerk

Training Requirements

Within one year of being appointed or assuming their duties, all County Purchasing Agents must attend a training seminar on county purchasing procedures provided through the [County Training Program \(CTP\)](#) which is a program implemented by the [Oklahoma Cooperative Extension Service \(OCES\)](#) at Oklahoma State University. The Commission on County Government Personnel Education and Training oversees this program.

19 O.S. § 1500(B)
19 O.S. § 130.2

The County Clerk

As noted above, the County Clerk usually either assumes the duties of the County Purchasing Agent or designates an employee to perform those duties unless the Budget Board appoints a Purchasing Agent.

19 O.S. § 1500(A)

In the county purchasing process, the County Clerk has the following responsibilities as County Clerk, whether serving as the Purchasing Agent or not:

- ☉ Upon receiving the Requisition - Purchase Order - Claim form, assign a sequential number to the form and update the Purchase Order Calendar
- ☉ Encumber funds in the amount stated on the purchase order to the account specified
- ☉ Certify that sufficient funds are available by signing the certificate on the Requisition - Purchase Order - Claim form
- ☉ Compare the Requisition - Purchase Order - Claim form and the invoice with [SA&I Form No. 4030, Receiving Report](#), and the delivery document when an invoice is received from a vendor, and ensure that all three documents contain the same exact cost, quality, and quantity
- ☉ Complete the [Affidavit for Contracts and Payments \(SA&I Form No. 4001\)](#) for every contract entered into by any county for payment for an architect, contractor, engineer, or supplier of construction materials of \$25,000 or more

A vendor may submit one affidavit annually for multiple contracts.
- ☉ Submit documents to the Board of County Commissioners for payment
- ☉ Prepare warrants for payment after the Board has approved payment
- ☉ Maintain a copy of the county inventory record as prepared and submitted by the department
- ☉ Retain Requisition - Purchase Order - Claim files for five fiscal years, not counting the current year

19 O.S. § 1505(C)(D)

19 O.S. § 1505(C)(1)(2)
62 O.S. § 310.2(A)

62 O.S. § 310.3

19 O.S. § 1505(C)(3)

19 O.S. § 1505(E)(10)

62 O.S. § 310.9(A)(B)

19 O.S. § 1505(F)

19 O.S. § 1505(E)(11)

19 O.S. § 178.3

61 O.S. § 112

The Board of County Commissioners

In the county purchasing process, the Board of County Commissioners has the following general responsibilities:

- ☉ Approve all blanket purchase orders prior to actual purchase 62 O.S. § 310.8(A)(1)
- ☉ Sign all contracts 19 O.S. § 3
- ☉ Approve the payment of claims by signing the “Approval By Governing Body” portion of the Requisition - Purchase Order - Claim form 19 O.S. § 326
 - For any elected officials who will not immediately succeed themselves, the Board of County Commissioners cannot approve claims during the first six months of the fiscal year in which those officials’ terms will expire that exceed one-half of the total allocated operating budget for the entire fiscal year
 - The Board of County Commissioners cannot incur any indebtedness against the county that exceeds the amount appropriated for any specific item in the estimate of needs 19 O.S. § 347(B)
 - All claims that are held over for further information must be acted upon within 75 days from the date of the purchase order’s filing. Any Requisition - Purchase Order - Claim form not acted upon within 76 days is considered disallowed 19 O.S. § 1505(F)(2)
- ☉ Open the bids and select winning vendors by determining the lowest and best bid 19 O.S. § 1505(B)(4)
 - Refer to [Chapter Eleven, Analyzing to Determine Lowest and Best Bids](#), for a suggested selection procedure
 - Use [SA&I Form No. 4045, Bid Record](#), to list the vendor responses to the invitation to bid as the bids are opened
 - An explanation must be entered into the minutes of the meeting if the lowest bid is not selected as the lowest and best bid 19 O.S. § 1505(B)(4)
 - An explanation must be entered into the minutes of the meeting if a bid other than that recommended by the officer is selected

- Written recommendations from the Requisitioning Officer must be considered before final approval

- ☉ Prescribe a uniform identification system and create and administer an inventory system for equipment of a county having an original cost of \$500 or more
Refer to [Chapter Thirteen, Inventories of County Property](#) 19 O.S. § 1502(A)(B)

- ☉ Create and administer an inventory system for all consumable supplies and materials purchased in lots of \$500 or more 19 O.S. § 1502(A)(B)(2)
Refer to [Chapter Thirteen, Inventories of County Property](#)

- ☉ Apply for credit cards to be used by the County Sheriff's office and issue them to the County Sheriff 19 O.S. § 1506(B)

- ☉ Make application to the Oklahoma credit card system through [Office of Manangement and Enterprise Services \(OMES\)](#) on behalf of the county 19 O.S. § 1506(I)

Blanket Bonds

The Board of County Commissioners shall purchase a surety contract or contracts in the form of a “Blanket Bond” from the lowest bidder to cover all county officers, appointive officers, employees, and reserve force deputy sheriffs.

No other bond shall be accepted as surety for any elected or appointed county officer or employee unless the blanket bond is provided for as a specified item in an all-risk insurance policy purchased by the county.

The statutes define a “blanket bond” as a public employees' blanket position bond that covers all employees up to the penalty of the bond for each employee throughout their terms in office. The full penalty of the bond is always in force, no restoration is necessary, and no additional premium is required after a loss is paid. The District Attorney shall bring an action on the blanket bond to recover any loss by the county which is covered by the bond.

The statutes do not address the recommended amount for the blanket bond for any county office except the County Treasurer's office. Each officer should ensure that the amount of the blanket bond is

19 O.S. § 622

sufficient to cover any losses which might occur in their office. A copy of this bond should be kept on file in each officer's office.

All non-employee requisition and receiving officers shall provide evidence of blanket bond coverage or employee dishonesty liability insurance coverage. The coverage should be commensurate with the public dollars the individual (or department) has authority over. The bonds must be filed with the County Clerk.

19 O.S. § 1503

County Officers or Department Heads and Other Administrators

NOTE:

All county offices, departments, boards, and other county entities are required to follow the county purchasing procedures defined in the statutes for all purchases made with county funds. All funds on deposit with the county are subject to the purchasing laws. For additional information on using a Cash Voucher Claim form, refer to “Cash Voucher Claim – Form 270” in Chapter Three, Purchasing Forms.

Purchasing Restrictions

Whenever a county officer holding an elective office does not immediately serve a succeeding term in the same office, it shall be unlawful for the Board of County Commissioners, during the first six months of the fiscal year in which said term of office expires, to approve claims for the operation of said office totaling in excess of one-half the amount allocated for the operation of said office during said fiscal year, unless approval in writing is obtained from the county excise board, and any claim in excess thereof and any warrant issued pursuant thereto shall be null and void.

19 O.S. § 347(C)

It shall also be unlawful for a county officer holding elective office who will not immediately serve a succeeding term in the same office to make any changes or alterations in the licensing or source code of computer software currently being used.

19 O.S. § 347(D)

Responsibilities

In addition to the specific responsibilities listed above for certain officers, all county officers, department heads, and other administrators have the following general responsibilities in the county purchasing process:

☉ Ensure that purchasing is performed lawfully, that collusion and conflict of interest do not occur, and that purchases are made only from qualified vendors

☉ Designate, in writing, one or two employees to act as Requisitioning Officers for their office or department

19 O.S. § 1501(A)(4)

Refer to “[The Requisitioning Officer](#)” in this chapter for additional information.

☉ Designate two employees to act as Receiving Officers for their department

19 O.S. § 1503(A)

NOTE:

The **State Auditor and Inspector (SA&I)** discourages designating the same individual as both Requisitioning Officer and Receiving Officer. Separating these functions maintains the proper checks and balances and reduces the possibility of collusion between an employee and a vendor.

Refer to “[The Receiving Officer](#)” in this chapter for additional information.

☉ Prepare and forward a list of commonly used items for bidding

19 O.S. § 1505(B)(1)

☉ Review bids for special items requisitioned by their offices, and submit a written recommendation as to the lowest and best bid to the Board of County Commissioners prior to final approval by that Board

19 O.S. § 1505(B)(4)

☉ Prepare a written justification when a purchase exceeds the authorized amount on a blanket purchase order and attach it to the Requisition - Purchase Order - Claim form

62 O.S. § 310.8(A)(2)

CAUTION:

The **State Auditor & Inspector (SA&I)** strongly discourages overruns on purchase orders.

☉ Certify the existence of any emergency that requires the expenditure of funds not to exceed \$5,000 and write an explanation to attach to the purchase order

19 O.S. § 1505(I)

Refer to “[Emergency Purchases](#)” in Chapter Six, Purchasing Situations.

County Boards and Commissions

In addition to the responsibilities listed above, county boards and commissions not under the direct control of the Board of County Commissioners must designate purchasing officers by completing [SA&I Form No. 429, Appointment of Requisitioning Officers](#), and enter the resolution into the minutes of their meeting and file a copy of the resolution with the County Clerk.

62 O.S. § 310.1

19 O.S. § 1501 (A)(4)

- ☉ All non-employee departments, such as Rural Fire, shall provide evidence of blanket bond coverage or employee dishonesty liability insurance coverage

19 O.S. § 1503(B)
19 O.S. 1501(a)(4)

The County Sheriff

In the county purchasing process, the County Sheriff also has the following responsibilities in addition to those listed above:

- ☉ Notify the Board of County Commissioners in writing of the need for credit cards to be used in the County Sheriff's office
- ☉ Establish necessary controls and procedures to ensure that credit card use complies with the county purchasing laws as required by the statutes
Refer to [Chapter Nine, Credit Card Purchases](#).

19 O.S. § 1506(A)
19 O.S. § 1507(A)

19 O.S. § 1507(B)

The Requisitioning Officer

County officers and department heads may designate two employees to act as Requisitioning Officers for their department. The names of the designated officers must be filed with the County Clerk and entered in the minutes of the Board of County Commissioners.

19 O.S. § 1501(A)(4)

In the county purchasing process, the Requisitioning Officer has the following general responsibilities:

- ☉ Write specifications for supplies, materials, equipment, and information technology and telecommunication goods and services requisitioned by their office in sufficient detail so that the Purchasing Agent, vendor, and Receiving Officer know what is being ordered and that the items received are the same as those ordered
Refer to [Chapter Ten, Writing Specifications](#), for help in writing specifications.
- ☉ Complete the requisition part of the Requisition - Purchase Order - Claim form

19 O.S. § 1505(A)(1)

- ☉ Communicate with the Receiving Officer to ensure that the items received are the same as those requested

These employees are authorized to sign requisitions in the absence of the county officer or department head or administrator.

The Receiving Officer

19 O.S. § 1503(A)

County officers and department heads must designate two employees to act as Receiving Officers for their department. The names of the designated officers must be filed with the County Clerk and entered in the minutes of the Board of County Commissioners.

The Receiving Officer plays a key role in the county's purchasing process. The major function of the Receiving Officer is to visually inspect all goods received to ensure that the items that are received are the same as the ones requested and are of the desired quality.

19 O.S. § 1504

This visual inspection, which includes counting and measuring, ensures that county funds are paying for the goods that are requested, meet the specifications, and are of the quality and quantity stated in the Requisition - Purchase Order - Claim.

When Receiving Officers sign the receiving report, they are certifying that an inspection has been made and that the goods are as requested on the Requisition - Purchase Order - Claim.

The Requisitioning Officer and the Receiving Officer should communicate to ensure that the items received are the same as those requested.

The Receiving Officer has the following general responsibilities regarding purchasing:

- ☉ Receive all supplies, materials, equipment, and information technology and telecommunication goods and services purchased, lease purchased, or rented by their department and identify these items
 - ☉ Communicate with the Requisitioning Officer to ensure that the items received are the same as those requested
 - ☉ Determine that a valid purchase order exists for the items being received
- If no Requisition - Purchase Order - Claim exists, the Receiving Officer refuses the items and returns them to the vendor.

19 O.S. § 1504

19 O.S. § 1505(E)

19 O.S. § 1505(E)(2)

19 O.S. § 1505(E)(3)

- ☉ Obtain a copy of the delivery ticket, bill of lading, or other such delivery documents from the person making the delivery 19 O.S. § 1505(E)(4)
- ☉ Prepare a list of the items
- ☉ Obtain the signature of the person making the delivery, if possible, and the type of delivery, such as UPS, US Postal Service, or other types
- ☉ Note the delivery date and time of the delivery
- ☉ Prepare [SA&I Form No. 4030, Receiving Report](#), in quadruplicate, which indicates the quantity and quality of the goods received and lists the items that are back-ordered and their estimated date of delivery 19 O.S. § 1505(E)(5)
- ☉ File the original Receiving Report and a copy 19 O.S. § 1505(E)(6)
- ☉ Forward a copy of the Receiving Report and a copy of the Requisition - Purchase Order - Claim to the Purchasing Agent 19 O.S. §1505(E)(6)
- ☉ Forward a copy of the Receiving Report with the delivery documents to the County Clerk 19 O.S. §1505(E)(6)
- ☉ Maintain a record of all supplies, materials, and equipment received, disbursed, stored, and consumed by the department 19 O.S. § 1504(A)
19 O.S. § 1505(G)

Normally, one of the Receiving Officers is designated as the Inventory Officer and is specifically assigned this duty.

Chapter Two

State Agencies' Roles in County Purchasing

The following sections describe the roles of certain state agencies in the county purchasing process as defined in the Oklahoma Statutes.

The Role of the State Auditor and Inspector in County Purchasing

The [State Auditor and Inspector \(SA&I\)](#) is responsible for establishing the procedures necessary to ensure the proper implementation of the county purchasing system and for developing the forms required for record-keeping and auditing purposes.

In the county purchasing process, the SA&I has the following general responsibilities:

- ④ Provide procedures, forms, and guidance for operating the county purchasing system 74 O.S. § 214
- ④ Receive and review documentation for the full warranty lease of road machinery and equipment 69 O.S. § 636.3(G)
- ④ Forward documentation of the lowest and best bid to the [Office of Management and Enterprise Services \(OMES\)](#) 69 O.S. § 636.3(G)
- ④ Ensure compliance by performing audits of county purchasing procedures 19 O.S. § 171 et. seq

The Role of the Oklahoma Department of Transportation in County Purchasing

In the county purchasing process, the [Oklahoma Department of Transportation \(ODOT\)](#) has the following general responsibilities:

- ☉ Provide general oversight of Federal and State Fund Allocations for use on roads and bridges 69 O.S. § 636.1
- ☉ Use the County Road Machinery and Equipment Revolving Fund to purchase new or used road and bridge equipment for lease or lease purchase to counties upon request by the county 69 O.S. § 636.2
Refer to [Chapter Seven, Purchasing by Rental, Lease, or Lease Purchase](#).
- ☉ Assist Counties in road plans and specifications
- ☉ Allow participation in ODOT auctions for the sale of county property
- ☉ Certify to the county that funds are unavailable in the County Road Machinery and Equipment Revolving Fund 69 O.S. § 636.3(E)

The Role of the Office of Management and Enterprise Service in County Purchasing

[OMES, Central Purchasing Division](#), performs procurement functions and provides oversight of state agencies' procurement activities as defined by the Oklahoma Central Purchasing Act and ensures fair and equitable processes for procurement functions resulting in timely delivery of quality products and support service. OMES services are extended to counties under the County Purchasing laws.

- ☉ Provide access to statewide contracts 74 O.S. § 85.1 et seq
- ☉ Solicit bids on behalf of a county when requested 19 O.S. § 1501(A)(3)(m)
- ☉ Provide access to the State of Oklahoma Credit Card contract, also known as P-Card or purchase card contract 19 O.S. § 1505(B)(1)
74 O.S. § 85.2
Refer to [Chapter Nine, Credit Card Purchases](#). 74 O.S. § 85.5

The Role of the County Training Program, Oklahoma State University, in County Purchasing

The [County Training Program \(CTP\)](#) at Oklahoma State University (implemented by the [Oklahoma Cooperative Extension Service \[OCES\]](#)) has the following responsibilities regarding county purchasing in Oklahoma:

- ☉ Prepare, revise, publish, and distribute the Purchasing Handbook for Oklahoma Counties 19 O.S. § 130.2
- ☉ Plan and conduct training sessions for county Purchasing Agents at least once each year 19 O.S. § 1500 (B)
- ☉ Provide technical assistance to county Purchasing Agents, county offices, and other county entities on purchasing procedures. 19 O.S. § 130.5

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Chapter Three

Purchasing Forms

The State Auditor and Inspector (SA&I) is responsible for establishing the procedures necessary to ensure the proper implementation of the county purchasing system and for developing the forms required for record-keeping and auditing purposes.

74 O.S. § 214

The purchasing forms are available on the SA&I website (<https://www.sai.ok.gov/index.php>). Most of the SA&I purchasing forms have been converted into fillable, digital forms.

Table 3-1 contains a list of the purchasing forms prescribed by SA&I. Examples of these forms with explanatory information is shown on the pages following Table 3-1.

NOTE:

Effective November 1, 2018, the County Clerk is to retain the original of SA&I Form No. 1116, Requisition - Purchase Order - Claim. The distribution of the remaining copies will vary from county to county. All departments should receive a copy of the encumbered purchase order.

Table 3-1: Purchasing Forms Prescribed by SA&I

Form Number	Form Title	Related Chapters
SA&I 112 (2011)	County Sheriff's Credit Card Expenditures	Chapter Nine, Credit Card Purchases
S.A.& I. 120-A (2008)	Lease Agreement for Equipment	Chapter Seven, Purchasing by: Rental, Lease, or Lease Purchase
OSAI 120B (2017)	Lease Purchase Agreement	Chapter Seven, Purchasing by: Rental, Lease, or Lease Purchase
OSAI Form 270 (2019)	Cash Voucher Claim	Chapter Four, Purchasing Methods and Procedures
SAI 397A (2016)	Declaration of Surplus	Chapter Thirteen, Inventories of County Property Chapter Fourteen, Disposal of County Property
SAI 397 (2015)	Resolution for Disposing of Equipment	Chapter Thirteen, Inventories of County Property Chapter Fourteen, Disposal of County Property
S.A.&I. 425 (2000)	Affidavit for Filing with Competitive Bid	Chapter Four, Purchasing Methods and Procedures Chapter Five, Public Competitive Bidding Act Chapter Eight, Purchasing with Other Counties
SA&I 429 (2021)	Appointment of Requisition Officers	Chapter One, County Purchasing Responsibilities
OSAI Form 431 (2016)	Designation of Purchase Cardholders	Chapter Nine, Credit Card Purchases
SAI Form 1116 (2017)	Requisition - Purchase Order - Claim	Chapter Four, Purchasing Methods and Procedures
OSAI Form 1116A (2017)	Requisition (Optional Form)	Chapter Four, Purchasing Methods and Procedures

Table 3-1: Purchasing Forms Prescribed by SA&I (Continued)

Form Number	Form Title	Related Chapters
S. A. & I. 3512 (2007)	Summary Report	Chapter Thirteen, Inventories of County Property
S.A. & I. Form 4030 (2000)	Receiving Report	Chapter Thirteen, Inventories of County Property
S. A.& I. Form 4001 (2021)	Affidavit for Contracts and Payments	Chapter One, County Purchasing Responsibilities
SA&I 1-4040 (2012)	Invitation to Bid	Chapter Four, Purchasing Methods and Procedures Chapter Ten, Writing Specifications
S. A. & I. 4045 (2000)	Bid Record	Chapter One, County Purchasing Responsibilities
OSAI Form 4046 (2020)	Vendor Quote Sheet	Chapter Four, Purchasing Methods and Procedures Chapter Five, Public Competitive Bidding Act Chapter Eleven, Analyzing to Determine Lowest and Best Bid
S. A. & I. 1-4050 (2000)	List of Commonly Used Items to County or State Central Purchasing	Chapter Four, Purchasing Methods and Procedures
SA&I 1-9001 (2000)	Transfer Document	Chapter Thirteen, Inventories of County Property
S. A. & I. 1-9002 (2000)	Project Inventory Record	Chapter Thirteen, Inventories of County Property
S. A. & I. 1-9003 (2000)	Summary Report of Consumable Items	Chapter Thirteen, Inventories of County Property
SA&I 1-9004 (1982)	Consumable Item Stock Record	Chapter Thirteen, Inventories of County Property
OSAI Form # 9005 (2019)	Fixed Asset Record - Property and Equipment	Chapter Thirteen, Inventories of County Property
S. A. & I. 1-9006 (2000)	Weekly Warehouse Summary	Chapter Thirteen, Inventories of County Property

Lease Agreement for Equipment – Form 120-A

19 O.S. § 1505.B
69 O.S. § 636.3
62 O.S. § 430.1

This Full Warranty Lease Agreement is used whenever a county officer or department makes a lease agreement for equipment with the approval of the County Commissioners.

The information comes from the bidding process and submission from the successful vendor.

S.A. & L. 120-A(2008)

_____ County
STATE OF OKLAHOMA

LEASE AGREEMENT FOR EQUIPMENT

This agreement is made on this ____ day of _____, 20____, by and between _____
County, Oklahoma, designated throughout this agreement as the Lessee, and _____, designated
vendor throughout this agreement as the Lessor.

I. Equipment

Subject to the terms and conditions as set forth in this agreement, the Lessor leases to the Lessee the following described equipment, all of which shall be designated throughout this instrument as the "Equipment":

MAKE/MODEL	DESCRIPTION	QUANTITY	UNIT PRICE	LEASE
			\$ ____ mo. @ \$ ____ mo.	
			____ mo. @ \$ ____ mo.	
Total			\$ ____	

II. Payment of Lease Installments

In consideration of the agreement by the Lessor to provide for the Equipment, the Lessee promises to pay the Lessor the above sums during the term of this agreement or any renewal of the agreement. The Lessee promises to pay to the Lessor lease payments as set forth in the lease schedule which is attached to this instrument and which is incorporated by reference. No payment shall be made by the Lessee under the terms of this agreement unless the Equipment shall have been delivered to the requisitioning agency and is at all times, except when made necessary by an emergency, retained by the agency.

III. Lease Term

This lease shall commence on the date the Equipment is accepted by the Lessee and shall automatically terminate, unless renewed in accordance with the terms set forth below, at the end of the fiscal year of the State of Oklahoma during which the lease is commenced.

IV. Option to Renew

The Lessee is hereby granted _____ successive options to renew this lease for additional terms not to exceed one fiscal year each, plus one final option to renew this lease for a period of _____ months, all upon the same terms and conditions, provided that such options may be exercised, as a matter of right, solely and exclusively by the Lessee. The exercise of any such option shall be accomplished by the issuance of a purchase order upon or within ten (10) days after the expiration of the terms of this lease or any renewal then in effect.

V. Title to Equipment

The Equipment is and shall at all times during the term of this lease and any renewal terms remain the sole property of the Lessor and the Lessee shall have or acquire no right, or title to the Equipment.

VI. Delivery and Return of Equipment

The Lessor shall bear all costs of shipping and delivering the Equipment to the Lessee. Installation costs, if any, shall be borne by the Lessor. The Equipment shall be delivered to or installed at the location designated by the Lessee.

VII. Repairs and Maintenance

The Lessee shall maintain the Equipment in good working order and shall make all necessary routine adjustments and repairs, as a result of fair wear and tear, and will provide tires and ground engaging tools, all at the expense of the Lessee. The Lessor and the Lessee may provide for the maintenance and repair of the Equipment by separate written agreement, and, in the event they make such agreement, its terms shall supersede and replace the provisions of this paragraph of this lease.

VIII. Taxes

The Lessor shall forthwith pay all taxes which may be imposed upon it with respect to the Equipment subject to the terms of this lease.

IX. Insurance

The Lessee shall obtain and maintain all risk coverage casualty insurance covering the Equipment from the time the Equipment is delivered until this lease is terminated. This insurance shall be in a form acceptable to the Lessor and shall insure the full value of the Equipment against the risk of loss or damage. The Lessee shall provide the Lessor with written notice at least ten (10) days prior to any change in the insurance required under the terms of this paragraph.

X. Patents

In the event any suit is instituted against the Lessee which is based upon any claim that any of the Equipment is implicated in an infringement of any provision of United States Patent Law, the Lessor shall, at its own expense, defend such suit against the Lessee; provided, Lessee provides the Lessor with prompt notice of the institution of such suit and permits the Lessor to fully participate in the defense. The Lessee shall also retain the right to participate in such defense and shall, in any event, provide the Lessor with all available information, assistance and authority to enable the Lessor to conduct the defense. No compromise or settlement of such suit resulting in a judgment against the Lessee shall obligate or bind the Lessor unless the Lessor shall have accepted such compromise or settlement. The Lessor shall have the right to enter into negotiations for and effect a compromise or settlement of such patent action, but no such compromise or settlement shall be binding upon Lessee unless approved by Lessee. Subject only to the terms of this paragraph, the Lessor shall hold the Lessee harmless from any liability arising from any patent suit such as is described above. In the event any of the Equipment shall be held, in any suit, to constitute an infringement of patent law, and its use shall be enjoined, then the Lessor shall, at its sole option and at the Lessor's expense:

1. Obtain for the Lessee the right to continue to use the Equipment;
2. Replace or modify the Equipment in a manner acceptable to the Lessee so that the Equipment no longer infringes any provision of patent law.

XI. Funding

Notwithstanding any other provision of this agreement, the parties acknowledge and agree that funds to be paid by the Lessee under the terms of this lease will be available only as appropriate on a fiscal year-to-fiscal year basis by properly constituted legal authority. In the event that the Lessee determines that sufficient funds have not been appropriated to make the payments required under the terms of this agreement, the obligations of the Lessee under this agreement shall terminate. In such event, the Lessee shall give prompt written notice of termination to the Lessor.

XII. Assignment

The Lessor may, with the prior written approval of the Lessee, assign its rights to receive payment of lease due under the terms of this agreement. However, any such assignment shall not relieve the Lessor of its responsibilities to perform the duties and obligations imposed upon it by this agreement.

XIII. Entire Agreement of the Parties and Severability

Except as otherwise provided in the above terms and conditions, this lease, together with applicable purchase orders and the invitation to bid, constitute the entire agreement of the parties. This agreement may not be modified or terminated except as provided in the above terms and conditions or by written agreement of the Lessor and the Lessee. If any provision of this agreement shall be determined to be invalid, it shall be considered as deleted from this agreement and no remaining provision of the agreement shall be deemed invalid.

XIV. Choice of Law

This lease shall be governed in all respects by the laws of the State of Oklahoma. In the event any litigation shall occur concerning the terms and conditions of this lease or the rights and duties of the parties, the parties agree that any such suit shall be maintained in the District Court in and for Oklahoma County, State of Oklahoma.

Lessee (County)

_____, Chairman
_____, Member
_____, Member

For the Lessor (vendor)

Title:

Lease Purchase Agreement – Form 120B

The purpose of the Lease Purchase Agreement form is to obtain road machinery and equipment or other equipment for the county when bidding and purchasing under the County Purchasing Act in the Oklahoma Statutes.

19 O.S. § 1505 et. seq.
19 O.S. § 1505.B
62 O.S. § 430.1
69 O.S. § 636.3

This form is used whenever a county officer or department makes a lease purchase agreement for equipment with the approval of the Board of County Commissioners.

The information comes from the bidding process and the submission from the successful vendor.

OSAI Form 120B (2017)
62 O.S. § 430.1

County, Oklahoma

Lease Purchase Agreement

This agreement is made this day of _____ by and between the Board of County Commissioners of _____ County, Oklahoma, designated throughout this agreement as the Lessee and _____ designated throughout this agreement as the Lessor.

I. Equipment
Subject to the terms and conditions as set forth in this agreement, the Lessor leases to the Lessee the following described Equipment, all of which shall be designated throughout this instrument as the "Equipment."

Make	Model	Description	Qty	Unit Price	Lease Purchase Price

II. Payment of Lease Purchase Installments
In consideration of the agreement by the Lessor to lease purchase the Equipment, the Lessee promises to pay the Lessor for the Equipment, the sum of _____ per _____ (see enclosed payment schedule) during the term of this agreement or any renewal of the agreement.

III. Lease Term
This lease shall commence on the date the Equipment is accepted by the Lessee and shall automatically terminate, unless renewed in accordance with the terms set forth below, at the end of the fiscal year of the State of Oklahoma during which the lease is commenced.

IV. Option to Renew:
The Lessee is hereby granted _____ successive options to renew this lease for additional terms not to exceed one fiscal year, plus one final option to renew this lease for a period of _____ months, all upon the same terms and conditions, provided that such options may be exercised, as a matter of right, solely and exclusively by the Lessee, the exercise of any such option shall be accomplished by the issuance of a purchase order upon or within thirty (30) days after the expiration of the terms of this lease or any renewal then in effect.

V. Title to Equipment
The Equipment is and shall at all times during the term of this lease and any renewal term remain the sole property of the Lessor and the Lessee shall have or acquire no right, or title to Equipment until the final payment is made.

VI. Option to Purchase
In the event the Lessee shall have exercised all of its options for renewal of this lease as provided in paragraph IV, above, upon tender of the last lease payment due under the last renewal term, the Lessee shall acquire title to and ownership of the Equipment. In the alternative, the Lessee, at its sole and exclusive option, may purchase the Equipment at any time during the term of this lease or during any renewal term as provided by paragraph IV, above, giving written notice to the Lessor of the Lessee's intent to purchase accompanied by a single, final payment of _____. (If the purchase price is to be reduced by a percentage of the lease payments made prior to the exercise of the purchase option, describe fully, the manner in which such reduction shall be computed. Attach a written schedule of purchase option prices which shall be incorporated in the terms of this agreement by references). In the event the Lessee shall exercise any option to purchase the Equipment, the Lessor assigns to the Lessee all rights and claims which the Lessor may have or acquire arising under the antitrust laws of the United States or any State regarding the Equipment purchased under the terms of this agreement.

Page 1 of 3

OSAI Form 120B (2017)

VII. Deliver and Return of Equipment
The Lessor shall bear all costs of shipping and delivering the Equipment to the Lessee. Installation costs, if any, shall be borne by the Lessor. The Equipment shall be delivered to or installed at the location designated by the Lessee.

VIII. Repairs and Maintenance
The Lessee shall maintain the Equipment in good working order and shall make all necessary routine adjustments and repairs, as a result of fair wear and tear, all at the expense of the Lessee. The Lessor and the Lessee may provide for the maintenance and repair of the Equipment by separate written agreement, and in the event they make such agreement, its terms shall supersede and replace the provisions of this paragraph of this lease.

IX. Taxes
The Lessor shall forthwith pay all taxes which may be imposed upon it with respect to the Equipment.

X. Insurance
The Lessee shall obtain and maintain fire and extended coverage casualty insurance covering the Equipment from the time the Equipment is delivered until this lease is terminated. This insurance shall be in a form acceptable to the Lessor and shall insure the full value of the Equipment against the risk of loss or damage. The Lessee shall provide the Lessor with written notice at least ten days prior to any change in the insurance required under the terms of this paragraph.

XI. Patents
In the event any suit is instituted against the Lessee which is based upon any claim that any of the Equipment is implicated in an infringement of any provision of the United States Patent Law, the Lessor shall, at its own expense, defend such suit against the Lessee; provided, Lessee provides the Lessor with prompt notice of the institution of such suit and permits the Lessor to fully participate in the defense. The Lessee shall also retain the right to participate in such defense and shall, in any event, provide the Lessor with all available information, assistance and authority to enable the Lessor to conduct the defense. No compromise or settlement of such suit resulting in a judgment against the Lessee shall obligate or bind the Lessor unless the Lessor shall have accepted such compromise or settlement, the Lessor shall have the right to enter into negotiations for and effect a compromise or settlement of such patent action, but no such compromise or settlement shall be binding upon Lessee unless approved by the Lessee. Subject only to the terms of this paragraph, the Lessor shall hold the Lessee harmless from any liability arising from any patent suit such as is described above. In the event of any of the Equipment shall be held, in any suit, to constitute an infringement of patent law, and its use shall be enjoined, then the Lessor shall, at its sole option and at the Lessor's expense:

1. Obtain for the Lessee the right to continue to use the Equipment;
2. Replace or modify the Equipment in a manner acceptable to the Lessee so that the Equipment no longer infringes any provision of patent Law.

XII. Funding
Notwithstanding any other provision of this agreement, the parties acknowledge and agree that the funds to be paid by the Lessee under the terms of this lease will be available only as appropriated on a fiscal year to fiscal year basis by properly constituted legal authority. In the event that the Lessee determines that sufficient funds have not been appropriated to make the payments required under the terms of this agreement, the obligations of the Lessee under this agreement shall terminate. In such event, the Lessee shall give prompt written notice of termination to the Lessor.

Page 2 of 3

OSAI Form 120B (2017)

XIII. Assignment
The Lessor may, with the prior written approval of the Lessee, assign its right to receive payment of lease due under the terms of this agreement. However, any such assignment shall not relieve the Lessor of its responsibilities to perform the duties and obligations imposed upon it by this agreement.

XIV. Road Machinery and Equipment
If the terms of this agreement are in regards to road machinery or Equipment, the Lessee assumes all risk and liability for and shall hold the Lessor harmless from all damages to property and injuries and death to persons arising out of the use, possession or transportation of said road machinery or Equipment.

XV. Entire Agreement of the Parties and Severability
Except as otherwise provided in the above terms and conditions, this lease, together with applicable purchase orders and the invitation to bid, constitute the entire agreement of the parties. This agreement may not be modified or terminated except as provided in the above terms and conditions or by written agreement of the Lessor and Lessee. If any provision of the agreement shall be determined to be invalid, it shall be considered as deleted from this agreement and no remaining provision of the agreement shall be deemed invalid.

XVI. Choice of Law
This lease shall be governed in all respects by the laws of the State of Oklahoma. In the event that any litigation shall occur concerning the terms and conditions of this lease or the rights and duties of the parties, the parties agree that any such suit shall be maintained in the District Court in and for _____ County (Leasing County), State of Oklahoma.

Approved by the Board of County Commissioners at _____ Oklahoma
Lessor:

Title:

Attest: _____

The back page of the Lease Purchase Agreement form is where the Board of County Commissioners sign off on the agreement, along with a representative of the vendor making the agreement with the county.

Page 3 of 3

Cash Voucher Claim – Form 270

19 O.S. § 691

OSAI Form 270 (2019)
19 O.S. §§ 691 & 693

Cash Voucher Claim

Office or Department:	<input type="text"/>	County, Oklahoma	Claim # <input type="text"/>	Voucher # <input type="text"/>	Fund # <input type="text"/>
In account with:	<input type="text"/>		Acct # <input type="text"/>	Date: <input type="text"/>	
Address: <input type="text"/>					

Date	Description	Amount Claimed	Disallowed
Totals:		\$ 0.00	

County Purchasing Agent

This claim has been reviewed by the County Purchasing Agent for compliance with the appropriate bidding procedures as required by law. (Not required for refunds issued on cash voucher claims in accordance with 19 O.S. § 691).

I hereby certify receipt of the above stated goods/ services in quantity indicated on delivery documentation.

Receiving Officer Date

The County Clerk is hereby authorized to mail vouchers issued in payment of this claim to the claimant at the address indicated above.

I, the undersigned, upon oath, do depose and say that I have full knowledge of the above and foregoing account, that the said account is just, correct, due and according to law; that the amount claimed, after allowing all just credits, is now due and wholly unpaid; and that I am authorized to make this affidavit, so help me God.

Signature of claimant authorized to initiate cash voucher claim

Subscribed and sworn to before me this date of: _____

County Clerk: _____ Audited and approved for _____
By Deputy: _____

NOTICE: This form is to be used in making claims for those accounts specifically authorized as a cash voucher account, not subject to Board of County Commissioners' Approval.

Cash Voucher Claim

The Cash Voucher Claim form is used to expend funds from accounts other than those that require use of a warrant, bond, coupon, or depository voucher.

When making a purchase from the Resale Property Fund and other Trust and Agency funds, a Cash Voucher Claim is used instead of the Requisition - Purchase Order - Claim. These purchases are still subject to the county purchasing laws, and the claim form must be reviewed and signed by the Purchasing Agent PRIOR to purchase.

The Cash Voucher Claim is also used by the County Treasurer to refund a payor for payments made that were collected through error. This is an exception to the purchasing agent requirement.

19 O.S. §§ 339
19 O.S. §§ 421-421.2

Declaration of Surplus – Form 397A

SAI 397A (2016) Resolution Number

DECLARATION OF SURPLUS

WHEREAS, in compliance with 19 O.S. §§ 339, & 421 thru 421.2, the Board of County Commissioners of County, Oklahoma, are required and have power to make all orders respecting the property of the county, and to do and perform such other duties and acts as may be required by law, and

WHEREAS, the Board of County commissioners of County, Oklahoma, has under its management and control the following described assets of the office or department:

Description	Inventory ID # Original Cost	Serial number Date Acquired
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Signature of officer requesting declaration of surplus: _____

AND, upon proper and careful consideration, find that the above equipment is obsolete and not economical to continue to use for county purposes.

The Board further directs that in accordance with 62 O.S. § 335, proceeds collected from the disposal of said property be deposited into the Fund, which is the fund from which said property was purchased.

Passed and approved in open meeting this day of

ATTEST:

County Clerk County, Oklahoma

By: _____
Deputy

Chairman _____

Member _____

Member _____

Declaration of Surplus

The Declaration of Surplus form creates a record of county-owned equipment deemed to be surplus.

This form is used whenever departments request the County Commissioners to declare items to be surplus and a directive for proceeds collected.

The information comes from the county's inventory record.

Resolution for Disposing of Equipment – Form 397

19 O.S. § 339
19 O.S. 421

SAI 397 (2015)

Resolution Number

RESOLUTION FOR DISPOSING OF EQUIPMENT

WHEREAS, in compliance with 19 O.S. §§ 339 and 421, the Board of County Commissioners of _____ County, Oklahoma, are required and have power to make all orders respecting the property of the county, and to do and perform such other duties and acts as may be required by law, and

WHEREAS, the Board of County commissioners of _____ County, Oklahoma, has under its management and control an item of equipment described as follows:

Serial Number _____ Date Acquired _____

Name and address of whom acquired: _____

Acquisition cost or contract price (if under lease-purchase agreement): _____

Name and address of the person or firm to whom property was transferred:

Price received: _____

AND, upon proper and careful consideration, find that the above equipment is obsolete and not economical to continue to use for county purposes.

THEREFORE, after due consideration and deeming it to be for the best interest of _____ County, the Board of County Commissioners hereby orders the above described property

Junked
 Sold
 Traded
 Other (please explain): _____

And that the title to the same be transferred by the Chairman of the Board of County commissioners upon receipt of the above amount by the County Treasurer.

Passed and approved in open meeting this _____ day of _____, _____

ATTEST:

County Clerk _____ County, Oklahoma

By: _____
Deputy

Chairman _____

Member _____

Member _____

Note: 19 O.S. § 421, requires that the above resolution or record be made within 30 days of the disposition of property and entered on the inventory record.

Resolution for Disposing of Equipment

The Resolution for Disposing of Equipment form creates a record for disposal of county-owned equipment.

This form is used whenever departments report final disposition of items to the BOCC. The information comes from the county's inventory record.

Affidavit for Filing With Competitive Bid – Form 425

61 O.S. § 138

S.A.&I. 425 (2000)

AFFIDAVIT FOR FILING WITH COMPETITIVE BID

STATE OF OKLAHOMA)
COUNTY OF _____) SS

_____, of lawful age, being first duly sworn, on oath says, that (s)he is the agent authorized by the bidder to submit the attached bid.

Affiant further states that the bidder has not been a party to any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding; or with any county official or employee as to quantity, quality or price in the prospective contract, or any other terms of said prospective contract; or in any discussions between bidders and any county official concerning exchange of money or other thing of value for special consideration in the letting of a contract.

BIDDER:

Signature

Subscribed and sworn to before me this _____ day of _____

20 ____ .

Notary Public (or Clerk or Judge)

My commission expires: _____

Note:

Each competitive bid submitted to a county, school district or municipality must be accompanied with the above Affidavit as required by 61 Okl.St. Ann. § 138

Affidavit for Filing with Competitive Bid

The Affidavit for Filing with Competitive Bid allows the competitive bidder to make a statement under oath that no collusion exists in the process of obtaining a successful bid award from the county.

This form is used whenever goods or services are provided to a county by a vendor.

The information comes from the vendor participating in the competitive bid process. This is returned with the bid if not included in the Invitation to Bid Form.

Appointment of Requisition Officers – Form 429

19 O.S. § 1501.A.4

SA&I 429 (2021)

Resolution _____

Appointment of Requisition Officers

Be it resolved, in accordance with provisions of 19 OS § 1501 (paragraph 4) the following INDIVIDUALS are designated as requisitioning officers and are authorized to request purchases against the indicated funds. The elected official may designate two individuals per fund.

Employee	Position	Fund
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Further, entities described in subparagraphs a, b, c and d of Title 19 OS § 1502.4 choosing to have any nonemployee of the county designated as a receiving and requisitioning officer shall provide evidence of blanket bond coverage or employee dishonesty liability insurance for each such designee. Said bond is herein attached.

Elected Officer/Board/Department Head

DATE

Presented to the Board of County Commissioner on this ____ day of _____.

Chairperson

ATTEST: _____

County Clerk

Date: _____

Appointment of Requisition Officers

The purpose of the Appointment of Requisition Officers form is to designate purchasing officers for specific county departments and set limits on encumbrances.

Two officers may be appointed for each department.

The written designation of the county employees shall be filed with the County Clerk and shall be entered in the minutes of the Board of County Commissioners.

This form is used annually by the Board of County Commissioners to make appointments or whenever it becomes necessary.

The information comes from recommendation of the department and from the commissioners working with the County Clerk.

Requisition - Purchase Order - Claim Instructions

On the following pages, a numbered Requisition - Purchase Order - Claim form is provided with the instructions for completing the form.

CC – County Clerk	RO – Requisitioning Officer	PA – Purchasing Agent	BOCC – Board of County Commissioners
SAI Form 1116 (2017)		REQUISITION - PURCHASE ORDER - CLAIM PO No. 24 - CC	
Requisition No. 1 - RO	Federal Award 2 - RO	I approve the processing of this purchase request and the encumbering on the designated account to a maximum of 7 - RO	
3 - RO County, Oklahoma	Requisitioning Dept. 4 - RO		
Date Req. Rec. 17 - PA	Date Assigned: 18 - PA	Acct: 8 - RO	10 - RO
Project No. 5 - RO	Date Material Needed: 6 - RO	Date 9 - RO	Requisitioning County Official

#1	Requisitioning Officer	Requisition No.	Enters the sequential number for the requisition (optional)
#2	Requisitioning Officer	Federal Award	Enters Federal award number, if applicable
#3	Requisitioning Officer	County	Enters the name of the county
#4	Requisitioning Officer	Requisitioning Dept.	Enters the designation of the department
#5	Requisitioning Officer	Project No.	Enters the project number when requisitions are prepared to request items that are to be used in accomplishing a specified number of projects
#6	Requisitioning Officer	Date Material Needed	Enters the date material is needed. This can be a very important entry if several items being requisitioned are needed at the same time to satisfactorily complete a job.
#7 - #10	Requisitioning Officer		Enters the maximum amount to be encumbered, the fund account from which payment is to be made, dates, and signs

Requisition - Purchase Order - Claim Instructions

CC – County Clerk **RO – Requisitioning Officer** **PA**

SAI Form 1116 (2017) **REQUISITION - PU**

Requisition No. **1 - RO** Federal Award **2 - RO**

3 - RO County, Oklahoma Requisitioning Dept.

Date Req. Rec. **17 - PA** Date Assigned: **18 - PA**

Project No. **5 - RO** Date Material Needed: **6 - RO**

Suggested Vendors: **11 - RO**

12 - RO Purchasing Method Regular PO Blanket PO Purchase Card/ Vend

Type of bid (if required)

State Contract/Purchasing Cooperative **19 - PA**

County Purchasing Act

Public Competitive Bidding Act

Issued To: **20 - PA**

Shipped To: **13 - RO**

ALL PRICES ARE FOB DESTINATION UNLESS OTHERWISE NOTED.

Quantity	Unit	Description
14 - RO	15 - RO	16 - RO

#11	Requisitioning Officer	Suggested Vendors	Enters the names of suggested vendors that should be contacted if any are known. The Purchasing Agent is not restricted to contacting only the vendors entered
#12	Requisitioning Officer	Purchasing Method	Check the square block preceding the appropriate method – Regular PO, blanket PO, or purchase card. The vendor will be assigned by the Purchasing Agent
#13	Requisitioning Officer	Shipped To	Enters the address and/or location the item(s) are to be shipped
#14	Requisitioning Officer	Quantity	Enters the quantity of the item(s) being requested
#15	Requisitioning Officer	Unit	Enters the unit of issue for the item(s) being requested, such as gallons, tons, cubic yards, or each
#16	Requisitioning Officer	Description	Enters the description of the item(s) being requested, describing it sufficiently for the Purchasing Agent and vendors to recognize the item(s). If there is insufficient room on the form, attach another sheet to the form. In cases where the item is described by written specifications, attach a copy of the specifications to the form.

Requisition - Purchase Order - Claim Instructions

CC – County Clerk
RO – Requisitioning Officer
PA

REQUISITION - PU

SAI Form 1116 (2017)

Requisition No. 1 - RO Federal Award 2 - RO

3 - RO County, Oklahoma Requisitioning Dept.

Date Req. Rec. 17 - PA Date Assigned: 18 - PA

Project No. 5 - RO Date Material Needed: 6 - RO

Suggested Vendors: 11 - RO

12 - RO Purchasing Method Regular PO Blanket PO Purchase Card/ Vendors

Type of bid (if required)

State Contract/Purchasing Cooperative 19 - PA
 County Purchasing Act
 Public Competitive Bidding Act

Issued To: 20 - PA

Shipped To: 13 - RO

ALL PRICES ARE FOB DESTINATION UNLESS OTHERWISE NOTED.

Quantity	Unit	Description
14 - RO	15 - RO	16 - RO

#17	Purchasing Agent	Date Req. Rec.	<p>Enters the date the requisition was received in the Purchasing Agent's office</p> <p>Must begin, within two days after receipt, the action necessary to obtain prices, either by shopping, telephone quotes, or bidding as the situation requires</p> <p>Forwards prices when they are received, along with state contract prices when applicable, to the Requisitioning Officer</p>
#18	Purchasing Agent	Date Assigned	Enters the date assigned to be encumbered
#19	Purchasing Agent	Type of Bid (if required)	Checks the box for State Contract/Purchasing Cooperative or County Purchasing Act or Public Competitive Bidding Act
#20	Purchasing Agent	Issued To	<p>Enters the vendor's name and address</p> <p>NOTE:</p> <p>When using the Purchasing Card method, the Purchasing Agent will enter Bank of America under "Issued To". The actual vendor will be entered on the purchase card method line.</p>

Requisition - Purchase Order - Claim Instructions

PA – Purchasing Agent **BOCC – Board of County Commissioners**

PURCHASE ORDER - CLAIM PO No. **24 - CC**

I approve the processing of this purchase request and the encumbering on the designated account to a maximum of **7 - RO**

Dept. **4 - RO**

Acct: **8 - RO** **9 - RO** **10 - RO**

Date Requisitioning County Official

Vendor for part: _____

Date: _____ Fiscal Year 20____ - 20____

Appropriation Account: _____
I hereby approve the issuance and encumbrance of this purchase order.

23 - PA

Purchasing Agent

I hereby certify that the amount of this encumbrance has been entered against the designated appropriation accounts and that this encumbrance is within the authorized available balance of said appropriation.

Dated this _____ day of **25 - CC**, 20____

County Clerk / Deputy _____
of _____ County.

§90A, St. Ann. §1505 requires the vendor to furnish an itemized invoice which states the vendor's name and address, a clear description of each item purchased, it's unit price, the number or volume of each item, it's total price, the total of the purchase, and the date of the purchase.

Unit Price	Amt To Be Encumbered	Adjustment Amount	Total	Approved
21 - PA	22 - PA	28 - CC	29 - CC	33 - BOCC

#21	Purchasing Agent	Unit Price	Enters the unit price quoted from the vendor
#22	Purchasing Agent	Amt To Be Encumbered	Enters the amount to be encumbered for each item listed and totals (If the total exceeds the amount in #7, the Requisitioning Officer must agree to adjust the amount in #7 for the continuation of the purchase)
#23	Purchasing Agent	Approval	Completes the form by entering the fiscal year, date, appropriation account from which funds are to be encumbered and signing it—forward form to County Clerk
#24	County Clerk	PO No.	Enters the purchase order number
#25	County Clerk	Certification	Completes the form by entering the date and signing it

Requisition - Purchase Order - Claim Instructions

26 - PA
County Clerk
Billing Address
City, State, Zip Code
I hereby certify that the invoice, receiving report and delivery documentation have been compared to this purchase order, and any discrepancies have been reconciled as noted above. This purchase order is therefore approved for consideration for payment by the governing board.
Date 30 - CC
County Clerk / Deputy
Date Returned For Filing For Consideration By The Governing Board 31 - CC
COMPLETE WHEN USED WITH BLANKET PURCHASE ORDER
I also certify that the maximum amount of the blanket purchase order has not been exceeded.
32 - CC
County Clerk / Deputy Date
27 - RO
Requesting County Officer Date

#26	Purchasing Agent	Charge and Invoice To	Completes by entering the account to be charged and invoiced. Notifies selected vendor and places the order. Files a copy of the form Sends copy to the Receiving Officer in the department receiving the item(s)
#27	Requisitioning Officer	Complete when used with Blanket Purchase Order	Must provide written justification for the over expenditure and attach it to the form if the amount of the purchase order is exceeded

Requisition - Purchase Order - Claim Instructions

I hereby certify that the invoice, receiving report and delivery documentation have been compared to this purchase order, and any discrepancies have been reconciled as noted above. This purchase order is therefore approved for consideration for payment by the governing board.

_____ Date **30 - CC**

_____ County Clerk / Deputy

Date Returned For Filing For Consideration By The Governing Board **31 - CC**

COMPLETE WHEN USED WITH BLANKET PURCHASE ORDER

I also certify that the maximum amount of the blanket purchase order has not been exceeded. **32 - CC**

_____ County Clerk / Deputy _____ Date

27 - RO Requesting County Officer _____ Date

MEMBER

Member

PAYMENT RECORD

Warrant Number: _____

Amounts: _____

Pursuant to 62 O. S. § 310.6 the Encumbering Officer has the approving authority for payment of requisitions with attached invoices against Governing Board approved blanket purchase orders. Therefore, I hereby authorize payment of the attached approved invoice.

_____ Date **35 - CC**

_____ Clerk / Encumbering Office

36 - CC

Warrant No. _____

37 -

#30	County Clerk	Consideration for Payment	Completes the consideration for payment by entering the date and signing
#31	County Clerk	Date Returned for Filing for Consideration by Governing Board	Enters the date the document package for payment is returned for consideration for payment by the Board of County Commissioners
#32	County Clerk	Complete when used with Blanket Purchase Order	Dates and signs after verification that the maximum amount has not been exceeded. Verifies that written justification is attached if the maximum amount is exceeded. Holds the document package for three days or more after the considered payment date

Receiving Report – Form 4030

The Receiving Report is used by the Receiving Officer to document the receipt of materials, goods, services, or equipment as requisitioned and ordered on a county purchase order. The form is used each time delivery is made of goods and services. Any discrepancies should be noted on the form. The information for the Receiving Report comes from invoices and accompanying purchase/requisition orders.

19 O.S. § 1505 (E)
19 O.S. § 1503

All purchase orders must have a receiving report with the following exceptions:

- ☉ Travel claim and payroll
- ☉ Utility bills only require verification by date and signature

Receiving Reports for blanket purchase orders should have a separate receiving report for EACH date.

RECEIVING REPORT						
S.A. & I. 4030 (2000)						
① <input type="checkbox"/> Rec. on Blanket P.O. _____ County, Oklahoma						
2 Vendor _____						6 Date _____ 20 ____
3 F. O. B. _____				7 Rec. Dept./Project No _____		
4 Delivery Ticket No _____		5 Requisition No. _____		8 Purchase Order No. _____		
(For Blanket P.O.)						
QTY. ORD.	QTY. REC.	BACK-ORD.	UNIT	DESCRIPTION (include Condition of Goods)	UNIT PRICE	TOTAL
9	10	11	12	13	14	15
TOTAL						

16 Remarks _____

17 Received by _____

18 Delivered by _____

NOTE: Strike through any unused lines

Copy 1 -White-County Clerk Copy 2-Canary-Send to Inventory Officer with Copy 2 of P.O.
Copy 3-Pink-Receiving Officer Copy 4-Goldenrod-Send to Purch. Agent with Orig. P.O.

Receiving Report Instructions

On the following pages, a numbered Receiving Report form is provided with the instructions for completing the form.

RECEIVING REPORT	
① S.A. & I. 4030 (2000) <input type="checkbox"/> Rec. on Blanket P.O.	_____ County, Oklahoma
② Vendor _____	⑥ Date _____ 20 _____
③ F. O. B. _____	⑦ Rec. Dept./Project No. _____
④ Delivery Ticket No. _____	⑤ Requisition No. _____ (For Blanket P.O.)
	⑧ Purchase Order No. _____

#1	Rec. on Blanket P.O.	Check this block if the items received were purchased on a blanket purchase order
#2	Vendor	Indicates the name of the vendor from which the goods were received
#3	F.O.B. Carrier	Indicates how the goods were delivered (i.e., vendor truck, commercial carrier, county truck, etc.) and the name of the carrier if delivered by commercial carrier
#4	Delivery Ticket No.	Indicates the delivery ticket number, if available
#5	Requisition No.	Indicates the requisition number from the original Requisition - Purchase Order - Claim form
#6	Date	Indicates the date the Receiving Report is completed
#7	Rec. Dept./Project No.	Indicates the department receiving the goods such as the County Clerk, the County Treasurer, or the Health Department If goods are received for a designated project, it indicates the project number
#8	Purchase Order No.	Indicates the purchase order number from which the goods were ordered

Receiving Report Instructions

QTY. ORD.	QTY. REC.	BACK-ORD.	UNIT	DESCRIPTION (include Condition of Goods)	UNIT PRICE	TOTAL
⑨	⑩	⑪	⑫	⑬	⑭	⑮

S.A. & I. 4030 (2000)		RECEIVING REPORT	
① <input type="checkbox"/> Rec. on Blanket P.O.	_____ County, Oklahoma		
② Vendor _____	⑥ Date _____ 20 ____		
③ F. O. B. _____	⑦ Rec. Dept./Project No. _____		
④ Delivery Ticket No. _____	⑤ Requisition No. _____	⑧ Purchase Order No. _____	
	<small>(For Blanket P.O.)</small>		

#9	Qty. Ord.	Indicates the number of items ordered on the original purchase order
#10	Qty. Rec.	Indicates the actual quantity received, confirming by actual inspection, or counting
#11	Back-Ord.	Indicates the quantity of the goods that are short and back-ordered
#12	Unit	Indicates the unit of measurement (such as gallons, tons, dozen, each)
#13	Description	Describes the goods (such as culver pipes, pencils, asphalt) and the condition of the goods upon receipt (any damage must be entered with a complete description of the damage) Attaches another sheet if space is insufficient If damage is sufficient, refuses to accept the goods and returns them to the vendor
#14	Unit Price	Enters the unit price as shown on the original Requisition - Purchase Order - Claim If the unit price is different, the Receiving Officer refuses the goods
#15	Total	Indicates the total cost of the goods

Invitation to Bid – Form 4040 (Continued)

19 O.S. § 1505 (B)(2)

TERMS and CONDITIONS

1. Sealed bids will be opened in the Commissioner's Conference Room, _____ County Courthouse, _____, Oklahoma, at the time and date shown on the invitation to bid form.
2. Late bids will not be considered. Bids must be received in sealed envelopes (one to an envelope) with bid number and closing date written on the outside of the envelope.
3. Unit prices will be guaranteed correct by the bidder.
4. Firm prices will be F.O.B. destination.
5. Purchases by _____ County, Oklahoma, are not subject to state or federal taxes.
6. This bid is submitted as a legal offer and any bid when accepted by the County constitutes a firm contract.
7. Oklahoma laws require each bidder submitting a bid to a county for goods or services to furnish a notarized sworn statement of non-collusion. A form is supplied below.
8. Bids will be firm until _____ (Date)

AFFIDAVIT: I, the undersigned, of lawful age, being first duly sworn on oath say the he (she) is the agent authorized by the bidder to submit the above bid. Affiant further states that the bidder has not been a party to any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding; or with any state official or employee as to quantity; quality or price in the prospective contract or any other terms of said prospective contract; or in any discussions between bidders and any state official concerning exchange of money or other thing of value for special consideration in the letting of a contract; that the bidder/contractor has not paid, given or donated or agreed to pay, give or donate to any officer or employee of the State of Oklahoma (or other entity) any money or other thing of value, either directly or indirectly in the procuring of the award of a contract pursuant to this bid.

Subscribed and sworn before this _____ day
of _____, 20____ (SEAL)

Firm: _____

My commission expires _____ Signed by: _____
(Manual Signature of Undersigned)

Address: _____ Phone: _____
Zip: _____

NOTARY PUBLIC (CLERK OR JUDGE)

In accordance with 62 O.S. § 310.9

NOTE: Other terms and conditions can be added at the discretion of the county officers.

Print Form

Reset Form

Invitation to Bid Form

On the back page is an affidavit for the vendor/bidder to sign and swear that the bid information is correct and are not a party to any collusion among bidders.

Vendor Quote Sheet – Form 4046

The vendor quote sheet is used to obtain accurate pricing information by phone, fax, or email in the following situations:

- ☉ When no bids are received and the vendor is not willing to commit to a firm price for a reduced period 19 O.S. § 1505(B)(6)
- ☉ For purchases of fuel 19 O.S. § 1501.A.g
- ☉ For purchases of food for prisoners in counties with a population of more than 100,000 persons 19 O.S. § 1501.A.i
- ☉ When a vendor is unable to perform on a bid price already submitted (See Chapter Six, Purchasing Situations) 19 O.S. § 1501.A.k
19 O.S. § 1505.B.5
- ☉ For the removal of recyclable materials 19 O.S. § 421.1(H)
- ☉ For Public Improvement Projects under \$5,000 61 O.S. § 103(D)

The information comes from the actual quotes assembled by the Purchasing Agent, or their designated person authorized to obtain the quotes for them.

OSAI Form 4046 (2020)

Vendor Quote Sheet						
Department	Date	Buyer obtaining quote			Price	
		Description			Unit	Total
Vendor Representative						
Phone or email						
Quote expiration date						
Delivery date						
PO number						
Requisition number						
Vendor Representative						
Phone or email						
Quote expiration date						
Delivery date						
PO number						
Requisition number						
Vendor Representative						
Phone or email						
Quote expiration date						
Delivery date						
PO number						
Requisition number						

Vendor Quote Sheet Instructions

On the following pages, the OSAI Vendor Quote Sheet form is provided with the instructions for completing the form.

OSAI Form 4046 (2020)					
Vendor Quote Sheet					
Department	Date	Buyer obtaining quote			
Description			Price Unit	Qty	Total
Vendor Representative					
Phone or email					
Quote expiration date					
Delivery date					
PO number					
Requisition number					

Purchasing Agent	Enters data on this form as quotes are received
Purchasing Agent	Solicits quotes from at least three vendors
Purchasing Agent	Documents the situation if three vendors cannot be contacted by attaching an explanation sheet to this form
Department	Enters the name of the department for which quotes are being sought
Date	Enters the date the telephone calls are made
Buyer Obtaining Quote	Enters the name of the individual making the calls. Normally, this would be the Purchasing Agent
Description	Describes the item(s) being ordered sufficiently that they can be easily identified

Vendor Quote Sheet Instructions (Continued)

OSAI Form 4046 (2020)

Vendor Quote Sheet

Department	Date	Buyer obtaining quote	Price		
Description			Unit	Qty	Total
Vendor					
Representative					
Phone or email					
Quote expiration date					
Delivery date					
PO number					
Requisition number					

Vendor	Enters the name of the vendor giving the quote
Representative	Enters the name of the person making the quote for the vendor
Phone or Email	Enters the phone number or email address of the vendor
Quote Expiration Date	Enters the last date for which the quote is good
Delivery Date	Enters the date the vendor agrees to deliver the goods ordered
P.O. Number	Enters the purchase order number from the Requisition - Purchase Order - Claim form prepared for this purchase
Req. Number	Enters the requisition number obtained from the Requisition - Purchase Order - Claim form
Unit Price	Enters the unit price for the item being purchased
Quantity	Enters the quantity of the item for this sequential line number
Total Price	Enters the total price quoted for the item(s) being purchased. The total price is obtained by multiplying the unit price by the quantity

Fixed Asset Record - Property and Equipment – Form #9005

19 O.S. § 1502

The Fixed Asset Record creates a record showing equipment owned by the county costing \$500 or more. An office or department may use the form to track all equipment, not limited to only those items costing \$500 or more.

This form is used each time equipment is acquired or disposed of in each office and department.

The information comes from purchase orders, receiving reports and accompanying invoices, and warrant activity.

OSAI Form # 9005 (2019) 19 O.S. §§ 178.1 et seq., 421.1, 421.2 and 1502		FIXED ASSET RECORD - PROPERTY AND EQUIPMENT (Vehicles, Furniture, Equipment, Machinery, Radios, Electronics, Etc.)	
County	Identification Number		
Department	Account		
Inventory Officer			
Record of Acquisition			
Item	Estimated Useful Life		
Trade Name			
Description			
Serial Number			
Model Number			
Vendor (or donor)			
Date Acquired			
Cost	Estimated Fair Market Value (if donated)		
Purchase Order Number			
Warrant Number			
Location of Asset			
Federal Grant Funds used	Federal Grant Number		
Lease-Purchase Assets or Leased (rented) Assets			
Vendor			
Payment Contract with			
Date of contract			
Purchase Price	<input type="checkbox"/> Lease- Purchase (title will transfer to the County upon final payment).		
Date of Final Payment	<input type="checkbox"/> Leased/Rented <small>(For tracking purposes only - full warranty leases and rented equipment are not to be include in total value of County owned fixed assets).</small>		
Asset Disposition			
Date Declared Surplus			
Disposition (check one)	<input type="checkbox"/> Sold <input type="checkbox"/> Traded <input type="checkbox"/> Junked		
Date Sold or Traded			
Receipt Number	Amount		
Sold or Traded to:			
Method of disposal (if declared junk)			
Instructions: Fill in the applicable fields for fixed asset acquisitions and disposals			
		<input type="button" value="Print"/>	<input type="button" value="Clear Form"/>

Weekly Warehouse Summary – Form 1-9006

19 O.S. § 1505(G)

The Weekly Warehouse Summary tracks a running balance of stockpiles of road and bridge materials on hand in each commissioner district.

This form is used each week.

The information comes from purchase records, receiving reports, and transfer records.

WEEKLY WAREHOUSE SUMMARY	
S. A. & 1. 1-9006 (2000)	DATE _____
TO: County Road & Bridge Inventory Officer	
FROM: County _____, District _____	
SUBJECT: Receiving Report and Transfer Document (Warehouse Only)	
Week Ending _____	
Balance Last Report	\$ _____
Add: Receiving Reports	_____
Deduct- Transfer Documents	_____
Warehouse Stock Balance	\$ _____

Chapter Four

Purchasing Methods and Procedures

Counties in Oklahoma may use any of several methods for purchasing supplies, materials, equipment, road and bridge construction services, information technology, and telecommunication goods and services. This chapter explains the various methods to help Purchasing Agents and their customers determine the method(s) best suited to each particular situation and need.

Purchases When Bidding is Required

All purchases that exceed \$25,000, including rentals, leases, and lease purchases other than those exempted by law (see Chapter Six, Purchasing Situations), must be bid. The following chapter outlines the steps in a normal bidding procedure. Any deviations from these procedures will be noted in [Chapter Six, Purchasing Situations](#).

19 O.S. §1501 (A)(3)

WARNING:

Splitting purchases for the purpose of avoiding competitive bidding and paying an amount in excess of \$25,000 is prohibited. Any persons convicted of violating this provision will be guilty of a misdemeanor and will forfeit their position or office.

19 O.S. § 1505(A)(3)

Oklahoma Constitution
Article 10, § 26

The Requisitioning Officer

In the bidding process, the Requisitioning Officer has the following general responsibilities:

- ☉ Prepare the requisition portion of [SA&I Form No. 1116, Requisition - Purchase Order - Claim](#)
Specifications shall be attached to the Requisition Form.
- ☉ Forward the Requisition Form to the Purchasing Agent

19 O.S. § 1505(A)(1)

The Purchasing Agent

In the bidding process, the Purchasing Agent has the following general responsibilities:

- ☉ Solicit advertised bid requests on [SA&I Form No. 4040, Invitation to Bid](#) 19 O.S. § 1505(B)(2)

The non-collusion affidavit on the back side of this form must be completed before any bid can be accepted. In those cases where the description is contained on lengthy specification sheets, enter “See attached specification sheets” under “Description”.

Refer to [Chapter Ten, Writing Specifications](#).
- ☉ Mail a notice to all persons or firms that have submitted a written request to be notified, plus any other person or firm that might be expected to bid 19 O.S. § 1505(B)(2)

Proof of the bidder solicitation must be made by affidavit of the person making the mailing, or e-mail solicitation and must become a permanent part of the official records of the Purchasing Agent.

Whenever any prospective supplier or vendor dealing in or listing for sale, any particular item or article required to be purchased or acquired by sealed bids fails to enter or offer a sealed bid for three successive bid solicitations, the name of the supplier or vendor may be dropped from the mailing lists of the Board of County Commissioners.
- ☉ Publish a notice of the bid solicitation one time in a newspaper of general circulation
- ☉ File stamp time and date when a bid is received
- ☉ Give sealed bids received and any state contract prices from the [Office of Management and Enterprise Services \(OMES\)](#) (when available) to the County Clerk

The County Clerk

After receiving the sealed bids from the Purchasing Agent, the County Clerk has the following responsibilities:

- ☉ Forward the sealed bids to the Board of County Commissioners 19 O.S. § 1505(B)(3)

- ☉ Forward the state contract prices to the Board of County Commissioners, if available

The Requisitioning Officer

After the public opening, review the bids and submit a written recommendation to the Board of County Commissioners.

19 O.S. § 1505(B)(4)

Whenever the lowest bid is not considered to be the lowest and best, the reason should be documented in the recommendation to the Board of County Commissioners.

The Board of County Commissioners

At an open meeting, the Board of County Commissioners must complete the following actions:

- ☉ Open the sealed bids and compare them to state contract prices
 - If no bids are received, telephone quotes may be solicited by the Purchasing Agent. Refer to [“Telephone Quotes”](#) in Chapter Six, Purchasing Situations.
- ☉ Award bids within 30 days to a SINGLE vendor
 - An exception is for Processed Native Material. Refer to [“Awarding Bids for Processed Native Materials”](#) in Chapter Six, Purchasing Situations.
- ☉ Keep a written record of the meeting as required by law
- ☉ Whenever the lowest bid is not considered to be the lowest and best bid, record the reason for that conclusion
- ☉ Whenever the Board of County Commissioners rejects the written recommendation of the Requisitioning Officer pertaining to a special item, the reasons for the rejection shall be entered in their minutes and stated in a letter to the Requisitioning Officer and County Purchasing Agent

19 O.S. § 1505(B)(6)

Refer to [Chapter Eleven, Analyzing to Determine Lowest and Best Bids](#), for more information.

Electronic Bids

The Board of County Commissioners shall have the authority to establish an online bidding process with a vendor authorized by state contract as provided by the [Office of Management and Enterprise Services \(OMES\)](#).

19 O.S. §1500.1

The Purchasing Agent shall comply with all bid notice requirements as prescribed in the Oklahoma Statutes or the Public Competitive Bidding Act of 1974.

Solicitations shall designate an opening and closing date and time for bids. Sealed bids received pursuant to Oklahoma Statutes shall be first opened in an open meeting of the Board of County Commissioners concurrently with other sealed bids received as provided in the Oklahoma Statutes or the Public Competitive Bidding Act of 1974.

The Board of County Commissioners shall be authorized to require online bidders to register before the opening date and time and, as part of that registration, require bidders to agree to any terms, conditions, or other requirements of the solicitation or applicable acts.

The Board of County Commissioners shall be authorized to require potential online bidders to prequalify as bidders. Solicitations and published bid notices shall indicate the prequalification requirements for online bids. Bids submitted by online bidders not meeting a prequalification requirement shall be disqualified from consideration.

The Purchasing Agent

In the bidding process, the Purchasing Agent has the following general responsibilities:

- ☉ Notify the successful bidder(s)
- ☉ Prepare and maintain a vendors list specifying the successful bidder for the common bid list and provide a copy to county officers
- ☉ Complete the requisition as presented for the bid item and place the order
- ☉ Maintain a bid file containing the following items:
 - Copy of Requisition-Purchase Order-Claim
 - Specifications
 - Affidavit of publication
 - Affidavit of mailing listing all the vendors that were notified of the bid proposal
 - List of vendors that responded ([SA&I Form No. 4045 – Bid Record](#))
 - Written evaluation from the Requisitioning Officer

- Copy of Agenda for bid opening
 - Copy of minutes of Board of County Commissioners awarding of the bid
- Bids received
- State Contract pricing (if considering evaluation)
- Other items as applicable

For items exempt from bidding, refer to [Chapter Six, Purchasing Situations](#).

Telephone Quotes

Quotes can be used in specific situations as prescribed by law. Telephone quotes as used in the Oklahoma Statutes would include those quotes by fax and e-mail. All quotes should be entered on [OSAI Form No. 4046, Vendor Quote Sheet](#). Refer to “Telephone Quotes” in Chapter Six, Purchasing Situations.

19 O.S. § 1505(B)(6)(b)

Commonly Used Items

The county maintains accurate pricing information to plan, budget, and requisition commonly used items by placing items on a bid list and soliciting bids in advance of needs. The bid list also permits the Purchasing Agent to easily identify an item requisitioned by using the bid list number in combination with the specifications. Commonly used items are used on a regular basis, such as file folders, paper, rock, culverts, and other items.

19 O.S. § 1505(B)(1)

A common bid list cannot exceed twelve months. The most common time frame is six months. Common bids are often referred to as six month bids.

The Purchasing Agent

The Purchasing Agent has the following responsibilities when preparing a bid list of commonly used items (common bid list):

19 O.S. § 1505(B)(1)

- ☉ Solicit, from county officials and department heads, recommendations of needed or commonly used supplies, materials, and equipment for their departments
- ☉ Refer to [SA&I Form No. 1-4050, List of Commonly Used Items to County or State Central Purchasing](#), for information on completing the form used for this purpose

- ☉ Prepare a list of needed or commonly used items within the county from the recommendations received, previous requisitions, purchase orders, and inventory records

The criterion for placing an item on the list should be that it is needed, commonly used, or used often and repeatedly by the department or county.

This list of items becomes the basis for a common bid list.

The bid for a common bid list can be for less than 12-months. The most common time frame is a six-month bid.

Once the common bid list is complete, the Purchasing Agent may complete the following steps:

19 O.S. § 1505(B)(1)

- ☉ Request the [Office of Management and Enterprise Services \(OMES\)](#) to purchase the items on the common bid list for the county

OR

- ☉ Advertise the bids locally for the county office, department, or county entity (most commonly used method)
- ☉ Follow bidding procedures as outlined under “[Purchases When Bidding is Required](#)” in this chapter
- ☉ Refer to “[Awarding Bids for Processed Native Materials](#)” in Chapter Six, [Purchasing Situations](#), for awarding deviations from normal practices

19 O.S. § 1505(B)(2)

For a common bid list, if no bids are received after following the bidding procedures as outlined under “[Purchases When Bidding is Required](#)” in this chapter, the Purchasing Agent has the following responsibilities:

19 O.S. §1505(B)(6)

- ☉ Determine if vendors are willing to commit to bids for a shorter period
- ☉ If vendors are willing, solicit bids and award for the shorter period

A vendor can lower a bid on a common bid list but cannot increase the pricing during the bid period. If a vendor cannot provide an item at any time during the contract, refer to [Chapter Six, Purchasing Situations](#).

Blanket Purchase Orders

The issuance of a blanket purchase order requires approval by the Board of County Commissioners PRIOR to encumbrance.

62 O.S. § 310.8

A blanket purchase order MAY be used for the purchase of recurring goods and services. Using blanket purchase orders provides an easy, controlled method for making recurring purchases of goods and services while avoiding excess paperwork, saving time, and ensuring that goods and services are received when they are needed.

62 O.S. § 310.8(A)(2)
19 O.S. § 1501(B)

A blanket purchase order MUST be used for the repair of county equipment, machinery, or vehicles when the estimated cost exceeds \$10,000.

Refer to [“Blanket Purchase Order – Recurring Goods and Services and Repairs Under \\$10,000 \(exempt\)”](#) in Chapter Six, Purchasing Situations.

Rental, Lease, or Lease Purchase

Rental, lease, and lease purchase arrangements are made through the Purchasing Agent. The Board of County Commissioners signs the actual contract agreement.

19 O.S. § 1501(A)(3)

In an emergency, specialized road machinery or equipment may be leased for periods not to exceed thirty days without an approved contract. However, if the cost of the lease will exceed the current bid limit, it must be bid.

69 O.S. § 636.3(A)

Refer to [Chapter Seven, Purchasing by: Rental, Lease or Lease Purchase](#).

Emergency Purchases

The Emergency Management Act of 2003 was written to ensure that preparations for a state of emergency will adequately deal with natural and man-made disasters and emergencies, generally provide for the common defense and protect the public peace, health, and safety; preserve the lives and property of the people of Oklahoma, and carry out the objectives of state and national survival and recovery in the event of a disaster or emergency.

63 O.S. § 683.1~683.24

The statutory definition of an emergency is defined as a condition resulting from a sudden, unexpected happening or unforeseen occurrence or condition whereby the public health or safety is in danger.

The County Disaster Recovery Plan or County Emergency Mitigation Policy should be reviewed for local purchasing procedures.

Refer to “[Emergency Purchases](#)” in Chapter Six, Purchasing Situations.

Purchasing

Credit Cards

Counties are authorized to use credit cards as a form of payment. All purchasing procedures apply to purchases paid for by a credit card. Refer to [Chapter Nine, Credit Card Purchases](#).

19 O.S. § 1506(A)

74 O.S. § 85.5

Purchases with a Cash Voucher Claim

Resale Property and other Trust and Agency funds use [SA&I Form No. 270, Cash Voucher Claim](#), instead of the Requisition - Purchase Order - Claim form in making purchases. Purchases are still subject to the county purchasing laws. Only the method of payment is different.

Refer to [Chapter Three, Purchasing Forms](#).

Purchases with Other Counties

Counties can purchase jointly with other counties.

Refer to [Chapter Eight, Purchasing with Other Counties](#).

Purchases Less Than \$25,000

Purchases less than \$25,000 will be made with a single purchase order. The County Purchasing Agent is responsible for promoting policies and procedures for the procurement of goods and services.

19 O.S. § 1501 (A)(3)(a)

If an item or service is needed that IS NOT on a common bid list and is less than \$25,000, the county policy should be followed. Consult with your county Purchasing Agent. Refer to “[Requisition - Purchase Order - Claim Instructions](#)” in Chapter Three, Purchasing Forms, for information on completing [SA&I Form No. 1116, Requisition - Purchase Order - Claim](#).

CAUTION:

The \$25,000 bid limit is a “by department” threshold. The Purchasing Agent shall monitor departmental purchasing to ensure the limit is not exceeded.

Reverse Auction

Use of Reverse Auction for Counties

Reverse auctions allow suppliers to compete to obtain county business by using internet bidding. In a traditional auction, multiple buyers bid for a particular item, with the highest bidder receiving the item. In a reverse auction, the sellers lower the price of the goods with each bid placed. A county is authorized to use a reverse auction bidding procedure to obtain bids for the purchase of goods or services of any type.

19 O.S. § 1801

Reverse auctions must be a real-time bidding process that takes place at a previously scheduled time and Internet location and for a previously established duration, in which multiple suppliers, anonymous to each other, submit bids to provide the goods or services. County purchasing personnel can view each supplier’s identity as the suppliers place their bids.

19 O.S. § 1801(A)

Reverse auctions require a proprietary platform that provides a real-time, secure, web-based electronically sealed bidding process. Many providers are available for counties to use for reserve auction bidding. Providers may or may not charge a fee to the county for this service, or the fee may be charged to the winning vendor.

Reverse Auction Procedures

The reverse auction procedure may be used as an alternative to any state law applicable to the purchase of goods or services. All bids submitted electronically through the reverse auction bidding process are subject to the same public disclosure laws that govern bids received pursuant to any other laws of this state governing procurement procedures for a county. Upon completion of the biddings, the county should make available a transcript of the bids as posted.

19 O.S. § 1801(A)
19 O.S. § 1801(C)

Reserve auction is also referred to as Request for Proposal or “Invitation to Bid Online”. Vendors must pre-qualify as potential bidders by responding to a Request for Proposal as advertised by the county. Vendors initially respond to the request, which outlines the product information. Detail instructions for

19 O.S. § 1801(B)(4)

response and online bidding should be outlined in the Request for Proposal. The following points should be considered:

- ☉ No pricing is included in the Request for Proposal
- ☉ The date, time, and place of the internet bidding must be reference
- ☉ The date and time for responses to the Request for Proposal must be referenced
- ☉ Vendors must receive an invitation to bid by the Board of County Commissioners by pre-qualifying
- ☉ Vendors must pre-register prior to internet bidding

Request for Proposal's will be opened in a public meeting by the Board of County Commissioners. The Board of County Commissioners, along with the Requisitioning Officer, will evaluate the Request for Proposal's. The Board of County Commissioners will approve the qualified vendors. Vendors will then be notified of their acceptance or rejection to participate in the online bidding.

As previously stated, reverse auction bidding procedures must meet the total disclosure laws of all public bidding. With the few minor adjustments, the bidding is very similar to the prescribed purchasing procedures as outlined under "[Purchases When Bidding is Required](#)" in this chapter.

The most significant difference between traditional sealed bids and a reverse auction is the bid closure. The law allows the county to extend the closing time by notifying the reverse auction bidders of the extended closing time by public announcement at the Internet location at least fifteen (15) minutes prior to the original closing time.

19 O.S. § 1801(B)(1)

Because a reverse auction is "real-time," vendors are changing the bid as the auction progresses. The county could extend the bid deadline after each posted bid, which allows vendors "one last bid" or an "equal opportunity to bid." The county may want to include a minimum increment that the bids can be changed in the specification (incremental changes should be substantial amounts, such as \$25, \$100, or other appropriate amounts) to avoid small changes that could extend the deadline for an unreasonable length of time.

Vendors are also required to register before the opening date and time of the online bidding. The registration requires the bidders to agree to the terms and conditions. A beginning bid may also be required with the registration. A recommended good practice is for counties to require vendors to participate in an

19 O.S. § 1801(B)(3)

online orientation of the bidding process. Specific instructions should be included in the Request for Proposal outlining the registration period deadlines and requirements.

The Board of Commissioners retains the authority to award the bid. The county may accept electronic bids after the specified closing date and time if it is determined that a significant error or event occurred that affected the electronic receipt of any reverse auction bid.

19 O.S. § 1801(B)(5,6)

All remedies available to the county and the suppliers through a bid process pursuant to any other law of this state are also available to the county reverse auction bidders in the reverse auction bidding process.

19 O.S. § 1801(D)

A purchase made through the reverse auction process requires the following procedures:

The Requisitioning Officer

- ☉ Prepare the specifications and the requisition portions of [SA&I Form No. 1116, Requisition - Purchase Order - Claim](#)

The Purchasing Agent

- ☉ Prepare the Request for Proposal or Invitation to Bid online

The Request for Proposal will not include any pricing and will reference the following items:

- Date, time, and internet location of bidding
- Deadline for Request for Proposal response

The response from the vendors will indicate if they can meet the specifications of the item being bid.

- ☉ Mail the Request for Proposal to the vendors
- ☉ Publish notification at least ten days prior to the Request for Proposal opening

The Board of County Commissioners

- ☉ Open and evaluate the Request for Proposals and approve the qualified vendors

The Purchasing Agent

- ☉ Notify the vendors of their acceptance or rejection to participate in the online bidding and provide further instructions regarding the bidding.

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Chapter Five

Public Competitive Bidding Act

Public Competitive Bidding Act

The Public Competitive Bidding Act of 1974 applies to all buildings, improvements to public buildings, and the construction of the highway system. Under the Public Competitive Bidding Act, improvement is defined as any beneficial or valuable change or addition intended to enhance its value, beauty, or utility or to adapt it to new or further purposes.

61 O.S. § 101 ~138
69 O.S. § 1101
61 O.S. § 102

NOTE:

Road and bridge construction services have been added to the County Purchasing Law in Title 19 of the Oklahoma Statutes. A recommended best practice is that purchasing for construction “projects” follows the mandates of Title 61 in the Oklahoma Statutes and that the District Attorney be consulted for advice.

While some road and bridge construction contracts require engineering that is not a requirement in the Public Competitive Bidding Act. See reference to Title 69.

69 O.S. § 633

As a political subdivision of the state, counties are subject to the Public Competitive Bidding Act, as is any department or agency of the county. Any departments receiving monies from the county are subject to the Public Competitive Bidding Act, just as they are subject to the County Purchasing Laws.

All public construction contracts must have prior Board of County Commissioners approval. The project should be submitted on a posted agenda in accordance with the Open Meeting Law.

Three different bidding thresholds are in place when bidding under the Public Competitive Bidding Act:

- Applies to any public construction.
- Applies to road-construction projects.
- Applies to any repairs or construction of public buildings.

Bidding Levels		
Standard Contracts	Construction Manager Contracts	
Contracts without Construction Managers	Construction Management Trade Contracts (Agency)	Construction Management Subcontracts (At-Risk)
\$100,000 and over	\$50,000 and over	\$50,000 and over
\$10,000 to \$100,000	\$10,000 to \$50,000	\$25,000 to \$50,000
Under \$10,000	Under \$10,000	Under \$25,000

There are two types of project delivery methods:

- Standard contracts are a project delivery method in which the County contracts directly with the entity doing the work without the help of a Construction Manager.
- Construction Management Contracts are a project delivery method based on an agreement whereby the County acquires from a construction entity a series of services that include, but are not necessarily limited to, design review, scheduling, cost control, value engineering, constructability evaluation, preparation and coordination of bid packages, and construction administration.

[Title 61 O.S. § 202\(6\)\(a\)](#)

- “Agency Construction Management” - the construction entity provides services to the County without taking on financial risks for the execution of the actual construction or time of performance, and the County contracts directly with those awarded trade contracts for the work.

[Title 61 O.S. § 202\(6\)\(b\)](#)

- “At-risk Construction Management” – the construction entity, after providing agency services during the pre-construction period:
 - (1) Takes on the financial obligation to timely carry out construction under a specified cost agreement.
 - (2) Enters into written subcontracts for the work in accordance with the construction management procedures.

Each threshold requires different procedures.

Written specifications should accompany all projects completed under the Public Competitive Bidding Act. A written description of the project or work to be performed helps communicate the scope of the project and the technical requirements. Refer to [Chapter Ten, Writing Specifications](#). Some projects are such that plans will be prepared by an architect or engineer. However, even the small projects should have written specifications to ensure the written quotes satisfy the scope of the project.

61 O.S. § 131

No contract shall be split into partial contracts for the purpose of avoiding the requirements of the Public Competitive Bidding Act . However, Attorney General Opinion 2009-19 provides some insight as to allowing partial contracts. Splitting a project into multiple contracts does not in and of itself constitute “bid splitting.” A highly recommended best practice is that a careful review of this section of the law and the Attorney General Opinion should be made when reviewing a project on the basis of “multiple” contracts. Items or services of like nature should never be split. Thus, accepting the same vendor for two contracts under one project could become suspect to bid splitting.

61 O.S. § 126
AG Opinion 2009-19
61 O.S. § 131

A contractor who has a public contract with a county, or a subcontractor to that public contract, may make purchases exempt from sales tax of tangible personal property or services that are necessary for carrying out the public contract. The contractor must obtain the following documentation required for this limited exemption:

OAC 710:65-7-13

- ☉ Documentation indicating the contractual relationship between the contractor and the county
- ☉ A copy of the exemption letter or card issued to the county as described in the statutes
- ☉ Certification by the purchaser, on the face of each invoice or sales receipt, that sets out the name of the exempt county, that the purchases are being made on behalf of the county, and that they are necessary for the completion of the contract

Standard Contracts over \$100,000 and Construction Management Contracts over \$50,000

Unless otherwise provided by law, all public construction contracts exceeding as stated for standard contracts and construction management contract and subcontracts shall be let and awarded to the lowest responsible bidder by open competitive bidding after a solicitation for sealed bids. No work shall be started until a written contract is executed, and all required bonds and insurance have been provided by the contractor to the awarding public agency.

61 O.S. §103(A)

Bid Notices

All proposals for construction contracts shall be made equally and uniformly known to all prospective bidders and the public. The bid notice shall meet the following requirements:

61 O.S. 104

- ☉ Publication in a county newspaper where the work is to be performed
- ☉ Publication in two consecutive issues, the first being at least 21 days prior to the bid opening
- ☉ Notice of the project sent to one in-state-trade or construction magazine

NOTE:

Notice only is required. In-state trade magazines include SW Construction and McGraw Hill (Dodge) Construction.

- ☉ Notification by the Board of County Commissioners to the [Oklahoma Department of Transportation \(ODOT\)](#) at least 21 days prior to accepting bids on any public bid road or bridge projects

69 O.S. § 601.6

Content of Bid Notices

All bid notices shall set forth the following information:

- ☉ Sufficient details to ensure that all bidders shall know what their obligation will be, either in the bid notice itself or by reference to bidding documents on file in the main office of the awarding county
- ☉ The name of the officer, agent, or employee of the awarding county and the office location and address of such person, from whom a complete set of bidding documents regarding the proposed contract may be obtained, together with the amount of the cost deposit required, if any
- ☉ The date, time, and place of opening of the sealed bids
- ☉ The name and office location and address of the office of the awarding county to whom the sealed bids should be submitted

61 O.S. § 105

- ☉ Any additional information regarding the proposed contract deemed by the awarding county to be of beneficial interest to prospective bidders or the public

In order to determine the responsibility of bidders, the awarding county or public agency may require prospective bidders to prequalify as responsible bidders prior to submitting bids on a public construction contract. Prequalification to bid or perform work does not constitute a license. Notice of any such prequalification requirement shall be made known equally and uniformly by the awarding county to all prospective bidders and the public in the same manner as proposals to award public construction contracts as set forth in the statutes. Refer to “**Bid Notices**” in this chapter. Financial information including, but not limited to, audited financial statements required by the awarding public agency as part of prequalification shall remain confidential.

61 OS § 118(A)

61 O.S. § 104

Bidding Documents

At least one complete set of bidding documents regarding a proposed public construction contract shall be on file in the main office of the awarding public agency at least 21 days prior to the date set for opening bids. The officer, agent, or employee of the awarding county or public agency designated in the bid notice shall have a sufficient number of complete sets of the bidding documents and shall provide a complete set of those documents to any prospective bidder upon request. However, the awarding public agency may require a reasonable deposit for each such set; provided, that that deposit shall not exceed the actual cost of duplicating or printing. The public agency may retain all or part of the deposit if so stated in the notice for bids.

AG Opinion 1983-124

61 O.S. § 106

Payments received for the deposit of bidding documents should be deposited to the County Clerk depository account. The funds should be held there until they are refunded. Refunds would be made by depository voucher. A recommended best practice is to require a written request for a refund, which would provide for good checks and balances. If no refund is allowed, or at the time specified in the bid documents, the funds should be paid to the General Fund or the Mechanic Lien Account at the close of the month.

61 O.S. § 106

The county may retain all or part of the deposit as stated in the notice of bids.

Required Bonds

The bid must be accompanied by one of the following items:

61 O.S. § 107

- ☉ A bid bond (certified check, cashier's check, or actual bond) equal to five percent of the bid, which shall be deposited with the awarding county as a guaranty
- ☉ An irrevocable letter of credit containing terms prescribed by the [Construction and Properties Division of the OMES](#), issued by a financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation for the benefit of the state, on behalf of the awarding county, in an amount equal to five percent of the bid

The bid bond serves to recover the cost of republication of the notice to bidders, actual expenses incurred by reason of the bidder's default, and the difference between the low bid of the defaulting bidder and the amount of the bid of the bidder to whom the contract is subsequently awarded. The costs and expenses shall not exceed the amount of the bid bond. The irrevocable letter of credit may, at the discretion of the awarding county, be forfeited to the awarding county in the event the successful bidder fails to execute the contract or fails to provide the required bonds or irrevocable letters of credit and insurance to the awarding county.

The county shall return the bid bond or the irrevocable letter of credit to the successful bidder on execution and delivery of the contract and required bonds or irrevocable letters of credit and insurance. Checks of unsuccessful bidders shall be returned to them in accordance with the terms of the bid solicitation.

The bid bond may be returned if it is determined that the bidders committed what the courts have determined under the common law to be an excusable bidding error (clerical error).

Business Affidavit

The business relationship affidavit must accompany the bid. The affidavit is a written statement under oath disclosing the following information:

61 O.S. § 108

- ☉ The nature of any partnership, joint venture, or other business relationships then in effect or which existed within one year prior to the date of the statement with the architect, engineer, or another party to the project
- ☉ Any such business relationship then in effect or which existed within one year prior to the date of such statement between any officer or director of the bidding company and any officer or director of the architectural or engineering firm, or another party to the project
- ☉ The names of all persons having any business relationships and the positions they hold with their respective companies or firms

If none of these business relationships exist, then a statement shall be made to that effect.

NOTE:

Neptotism laws do apply to all projects under the Public Competitive Bidding Act.

61 O.S. § 114

Non Collusion Affidavit

Any agreement or collusion among bidders, prospective bidders, or material suppliers in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding, or otherwise, shall render the bids of such bidders void. Each bidder shall accompany the bid with a sworn statement that the bidder has not been a party to any such agreement. [SA&I Form No. 4001, Affidavit for Contracts and Payments](#), must accompany the bid.

61 O.S. § 115

61 O.S. § 138

WARNING:

Persons willfully violating this section in the Oklahoma Statutes shall be guilty of a felony.

Bid Opening

Any disclosure by an employee of the county regarding the terms of a bid submitted in response to a bid notice issued by the county before the opening of all bids submitted is unlawful. It is also unlawful for any person to solicit, possess, or receive information that is to be contained in a bid notice of the county for use in preparing a bid before the date on which the bid notice is to be made equally known to all prospective bidders and the public. It is further unlawful for any employee of the county to withhold or impede the distribution of information after notice of the bid has been given unless the solicitation of bids has been withdrawn or the particular information in question has been deleted or replaced through alteration of the bid notice and the withdrawal or alteration has been made equally known.

61 O.S. §116(A)

WARNING:

Any violation of this subsection in the Oklahoma Statutes is a felony and shall render the proceedings void and require a new solicitation and award.

The estimate of the actual cost of the project made by the county, construction manager, or consultant for the agency shall not be considered confidential and shall be available to the public in accordance with the Oklahoma Open Records Act.

61 O.S. §116(B)

Bids received 96-hours prior to or after the time set for the opening (excluding Saturdays, Sundays, and holidays) shall not be considered. These bids shall be returned unopened. A recommended best practice is that a copy of the bid envelope is made for county records. A notation should be made on the outside of the bid of the date and time received and the date and time returned.

61 O.S. §109

All bids shall remain sealed until the bid opening. They shall be opened by the Board of County Commissioners at a public meeting at the time and place mentioned in the bid documents and read aloud.

61 O.S. §110

The Board of County Commissioners has, by majority vote, the right to reject any and all bids if, in their opinion, they believe it is in the best interest of the people to do so. A statement should be entered into the minutes regarding the disposition of the bids.

61 O.S. §119

NOTE:

If no bids are received or if all bids are rejected, the project must rebid.

61 O.S. §119

Awarding Bids

The Board of County Commissioners has the authority to award to the lowest and most responsible bidder. If an award is made to other than the lowest bidder, the awarding public agency shall accompany its action with a publicized statement setting forth the reasons for its action. This statement shall be an open record.

61 O.S. §117

Counties may provide for a local bid preference of not more than 5% of the bid price if the awarding public agency determines that there is an economic benefit to the local area or economy. Provided, however, the local bidder or contractor must agree to perform the contract for the same price and terms as the bid proposed by the nonlocal bidder or contractor. Any bid preference granted must be in accordance with an established policy adopted by the governing body of the awarding public agency to clearly demonstrate the economic benefit to the local area or economy. Provided, further, no local bid preference shall be granted unless the local bidding entity is the second-lowest qualified bid on the contract.

61 O.S. §103(B)

The bid specifications shall clearly state that the bid is subject to a local bidder preference law. For purposes of this section, “local bid” means the bidding person is authorized to transact business in this state and

maintains a bona fide establishment for transacting such business within this state. This provision does not apply to any construction contract for which federal funds are available for expenditure when its provisions may be in conflict with federal laws or regulations.

Awards shall be made within 30 days after the opening of the bids unless the governing body of the awarding public agency, by formal recorded action and for a good cause shown, provides for a reasonable extension of that period. The extension period shall not, in any event, exceed the following timeframes:

61 O.S. §111

- ☉ 15 days where only state or local funds are involved
- ☉ Not to exceed 90 days on any award of contract for the construction of a public improvement where funds are utilized that are furnished by an agency of the United States Government

Upon mutual written agreement between the lowest responsible bidder or bidders and the awarding public agency, the Division may extend the contract award period no more than 120 days from the bid opening date.

Within 60 days of the awarding of the bid, all contractual requirements as set forth in the bid documents must be completed. The contract shall NOT be executed until all bonds and insurance are provided. A bid bond or a single irrevocable letter of credit

61 O.S. §113(A)

61 O.S. §113(B)

- ☉ A Payment/Performance Bond in the amount equal to the contract amount
The purpose of this bond is to ensure the proper and prompt completion of the work in accordance with the contract and shall ensure that the contractor shall pay all indebtedness incurred for subcontractors, labor, materials, rental of equipment, and other items.
- ☉ A bond in a sum equal to the contract price or an irrevocable letter of credit in a sum equal to the contract price, to protect the awarding public agency against defective workmanship and materials for a period of one year after acceptance of the project
- ☉ Public liability and workers' compensation insurance during construction in reasonable amounts
A public agency may require the contractor to name the public agency and its architects or engineers, or both, as an additional assured under the public liability insurance. This requirement, if made, shall be specifically set forth in the bidding documents.

Builder's risk insurance may be required.

61 O.S. §128

All insurances must be licensed to do business in the state of Oklahoma.

61 O.S. §134

Bid Retention

All bids, both successful and unsuccessful, and all contracts and required bonds shall be placed on file and maintained in the main office of the awarding public agency for a period of five years from the date of the bid opening or for a period of three years from the date of completion of the contract, whichever is longer. These documents shall be open to public inspection and shall be matters of public record.

61 O.S. §112

Payments

A public construction contract shall provide for partial payment based upon work completed. The contract shall provide that up to five percent of all partial payments made shall be withheld as retainage.

61 O.S. §113.1
61 O.S. §113.2

NOTE:

Withdrawing of any retainage is subject to Oklahoma Statutes mandates. A recommended best practice is to review this subject with the District Attorney.

All statements or invoices submitted to the awarding public agency for work performed shall contain a certification by the supervising architect, engineer, or other supervisory officials if no supervisory architect or engineer is employed for the project, that work for which payment is claimed has been performed and that such work conforms to the plans and specifications for the project. No such statement or invoice shall be paid by the awarding public agency without such certification.

61 O.S. §123

If project progressive payments are based on the public agency's estimated quantities of materials provided and work performed, certifications are not required. Final estimates shall contain a sworn certification signed by the contractor that the work performed and the material provided conform to the requirements of the contract, plans, specifications, and special provisions.

All awarding public agencies shall make provisions for the inspection of projects prior to acceptance by the agency and shall approve all claims for payment only after proper inspections have been made as provided in the plans and specifications of the project.

61 O.S. §124

Change Orders

Change orders or addenda to public construction contracts of \$1,000,000 or less shall not exceed a 15% cumulative increase in the original amount. Change orders or addenda to public constructions contracts of over one million (1,000,000) shall not exceed the greater of \$150,000 or a ten percent (10%) increase in the original contract.

61 O.S. §121

Change orders or cumulative change orders that exceed the limits shall require a readvertising of bids on the incomplete portion of the contract.

All change orders shall be formally approved by the Board of County Commissioners, and the reasons for approval recorded in the permanent records. Alternates or add items bid with the original bid and contained in the awarded contract as options of the awarding agency shall not be construed as change orders.

NOTE:

A highly recommended best practice is that any addendum or change order should be reviewed by the District Attorney to ensure compliance.

Other

No public construction contract shall be assignable by the successful bidder without the written consent of the governing body of the awarding public agency, evidenced by resolution. In no event shall such a contract be assigned to a bidder who was declared by the awarding public agency not to be a responsible bidder in consideration of bids received for the particular contract.

61 O.S. §120

Any taxpayer of the State of Oklahoma, or any bona fide unsuccessful bidder on a particular public construction contract, within ten days after such a contract has been executed, is empowered to bring suit in the District Court of the county where the work, or the major part of it, is to be done to enjoin the performance of such contract if entered into in violation of the provisions of the Public Competitive Bidding Act.

61 O.S. §122

Standard Contracts over \$10,000-\$100,000; Construction Management Trade Contracts \$10,000-\$50,000 and Construction Management Subcontracts over \$25,000-\$50,000

All public construction projects must be approved by the Board of County Commissioners prior to any solicitations in an open meeting. Standard Construction contracts for the purpose of making any public improvements or constructing any public building or making repairs to the same or for construction of highways or bridges for less than \$100,000; Construction management trade contracts \$10,000-50,000 and Construction Management Subcontracts over \$25,000-\$50,000 shall be let and awarded to the lowest responsible bidder by receipt of written bids or awarded on the basis of competitive quotes to the lowest responsible, qualified contractor.

61 O.S. §103

A recommended best practice is that three written quotes be obtained and recorded on [OSAI Form No. 4046, Vendor Quote Sheet](#). The contract must be awarded by the Board of County Commissioners. Nothing shall prohibit the county from requiring additional bonding or insurance on projects.

Written bids should be accompanied by a sworn non-collusion affidavit.

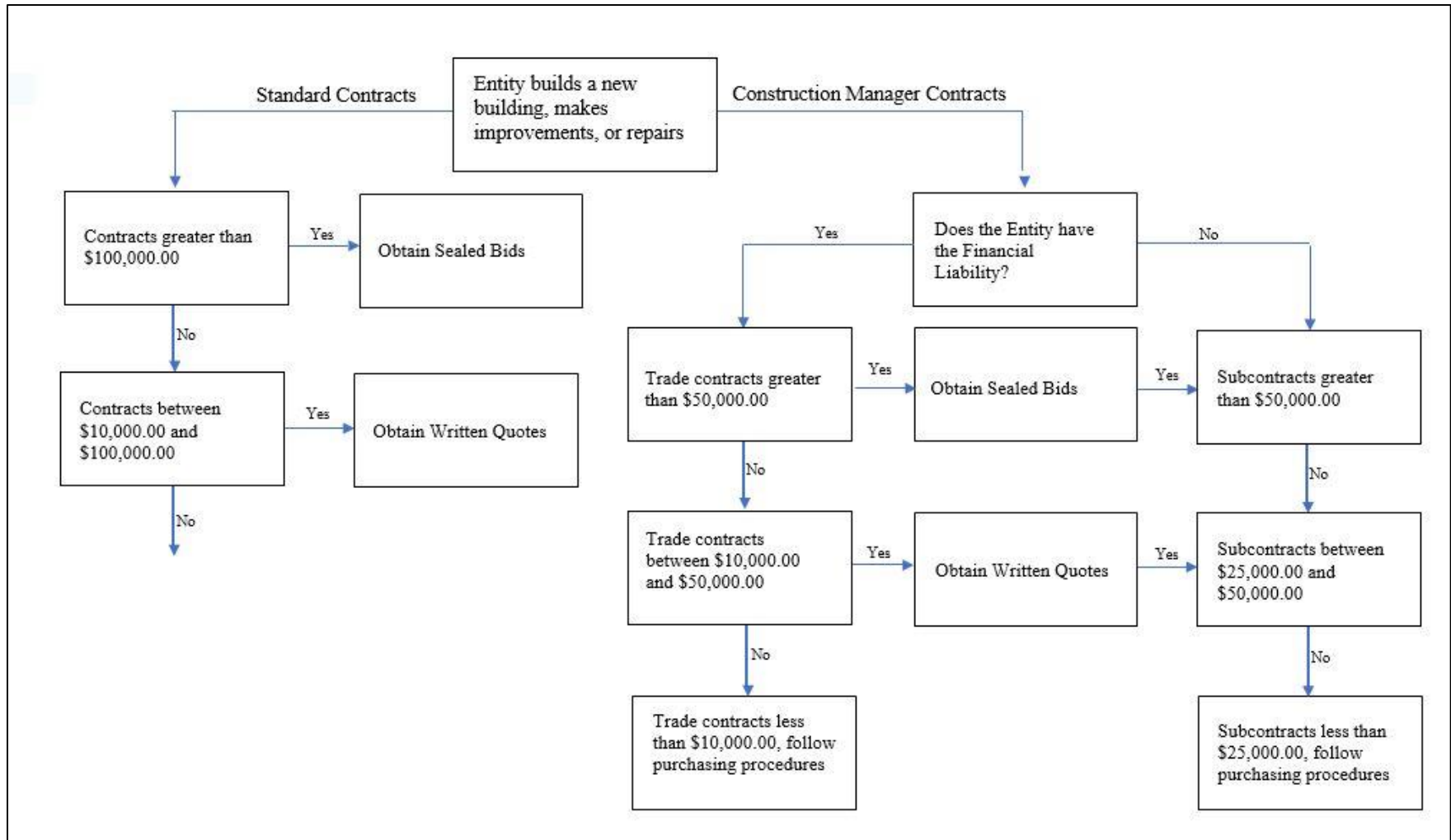
61 O.S. § 138

After receipt of written contract, work may begin in accordance with the purchasing policies of the county.

Contracts under \$10,000

Construction contracts for less than \$10,000 may be negotiated with a qualified contractor. The Board of County Commissioners must award the contract. Work may begin in accordance with the purchasing policies of the county.

Public Construction Contract Diagram



Business Relationships Affidavit

BUSINESS RELATIONSHIPS AFFIDAVIT

_____ (PROJECT NAME)

STATE OF OKLAHOMA)
)SS
COUNTY OF _____)

_____, of lawful age, being duly sworn, on oath says that he or she is
the agent authorized by the bidder to submit the attached bid. Affiant further states that the nature of
any partnership, or other business relationship presently in effect, of which existed within one (1) year
prior to the date of this statement with the architect, engineer, or other party to the project is as follows:

Affiant further states that any such business relationship presently in effect of which existed within
one (1) year prior to the date of this statement between any officer or director of the bidding company
and any officer or director of the architectural or engineering firm or other party to the project is as
follows:

Affiant further states that the names of all persons having any such business relationships and the
positions they hold with their respective companies or firms are as follows:

(If none of the business relationships herein above mentioned exist, affiant should so state.)

(Signature of Affiant)

Subscribed and sworn to before me this _____ day of _____, 20 ____

Notary Public _____

My Commission Expires _____

Checklist for Sealed Bids

The Public Competitive Bidding Act of 1974
Checklist for Sealed Bids

Standard Construction Contracts \$100,000 and over
Construction Management Trade Contracts (Agency) over \$50,000
Construction Management Subcontracts (At-Risk) over \$50,000

(NOT All-Inclusive)

- 1) Start project file.
- 2) List project on BOCC agenda.
- 3) BOCC approval to let bids documented in minutes.
- 4) Bidding documents on file with County Clerk.
- 5) Notice of bid sent to DOT 21 days prior to accepting/awarding bids in open meeting.
- 6) Publication in County newspaper twice, first publication should be 21 days prior to accepting/awarding bids.
- 7) Date and time stamp bids.
- 8) Open bids in open meeting as stated in publication.
- 9) Ensure all bid documents are enclosed – including bid bond, business relationship affidavit, non-collusion bidding certification.
- 10) Bid should be awarded within 30 days of opening bids (some exceptions).
- 11) All bid bonds of unsuccessful bidders should be returned.
- 12) Written, executed contract signed by BOCC and Contractor. All bonds should be provided to the County prior to executing the contract. Evidence of insurance should be provided to the County prior to executing the contract.
- 13) After contract is signed, the Contractor's bid bond may be returned.
- 14) Work can be commenced upon execution of written contract.
- 15) Inspection of project should be made prior to approving claims.

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Chapter Six

Purchasing Situations

Chapter Six outlines specific instructions for making purchases under the varied situations encountered by county offices, departments, and other entities. Many of the following situations are exempt from competitive bidding. If the word (exempt) appears in the situation heading, then that particular situation is exempt from a competitive bid. However, other requirements apply.

Purchase From A Single Source (exempt)

Single source items are very rare. Often, the only sure way to make this determination is to open the purchase for bid. However, if a single source has been identified, the vendor must sign an affidavit to the fact as outlined in the Oklahoma Statutes.

19 O.S. § 1501(A)(3)(c)

74 O.S. § 85.44(D)(1)

The Requisitioning Officer

For purchases from a single source, the Requisitioning Officer has the following general responsibilities:

- ☞ Prepare justification for making a single source purchase
- ☞ Ensure that the goods or service can only be supplied by one source, if more than \$25,000 is to be spent
- ☞ Attach affidavit from vendor to the requisition form
- ☞ Follow normal purchasing procedures as outlined in [Chapter Four, Purchasing Methods and Procedures](#)

Service or Maintenance Contracts (exempt under certain conditions)

Service or maintenance contracts on equipment or machinery entered into at the time of purchase do not require bidding, regardless of cost. Renewal of these contracts does not require bidding, provided the contract contains a renewal clause.

19 O.S. § 1501(A)(3)(d)

Other service or maintenance contracts must be bid on if the costs exceed \$25,000 and are acquired AFTER the purchase. Follow normal bidding procedures as outlined in [Chapter Five, Public Competitive Bidding Act](#).

All contracts (and renewals) must be approved by the Board of County Commissioners.

Blanket Purchase Order – Recurring Goods and Services and Repairs Under \$10,000 (exempt)

A blanket purchase order MAY be used for the purchase of recurring goods and services and repairs UNDER \$10,000. Using blanket purchase orders provides an easy, controlled method for making recurring purchases of goods and services while avoiding excess paperwork, saving time, and ensuring that goods and services are received when they are needed.

19 O.S. § 1501(A)(3)(e)

62 O.S. § 310.8(A)(2)

19 O.S. § 1501(B)

However, blanket purchase orders MUST be used for the repair of county equipment, machinery, or vehicles when the estimated cost exceeds \$10,000. Refer to [“Blanket Purchase Orders for Repairs Exceeding \\$10,000 \(exempt\)”](#) in this chapter.

The maximum authorized amount of a blanket purchase order may be increased to cover unforeseen expenses. A written explanation must be attached to the blanket purchase order prior to payment.

CAUTION:

Excessive overages in blanket purchase orders will be noted in an audit.

Blanket purchase orders are useful in cases such as the following examples:

- ☉ Drug stores for medications and medical supplies
- ☉ Hospitals and doctors for treatment of prisoners

- ☉ Grocery suppliers for prisoner food items
- ☉ Auto parts stores for spare parts
- ☉ Tire stores for tires and batteries

Items on any of the county's bid lists or state-wide contracts may be requisitioned and purchased on a blanket purchase order.

The Oklahoma Statutes do not limit the length of time a blanket purchase order can run except that it must not run past the end of the fiscal year. A recommended best business practice is to close out a blanket purchase order at the end of 30 days. Any blanket orders that are made for a specific project should be closed when the project is completed. Blanket purchase orders issued but not used should be voided in a timely manner.

NOTE:

The following blanket purchase order procedures differ somewhat from the normal purchasing process.

The Requisitioning Officer

When using blanket purchase orders, the Requisitioning Officer has the following responsibilities:

- ☉ Initiate a blanket purchase order by submitting to the Purchasing Agent [SA&I Form No. 1116, Requisition - Purchase Order - Claim](#) as outlined in [Chapter Three, Purchasing Forms](#), that is marked as a blanket purchase order
- ☉ Write a general description of the items to be purchased or repaired
 - This is an exception to not using “miscellaneous” as a description
 - If orders are for repairs, estimates should be attached
- ☉ Submit the blanket purchase order request to the Purchasing Agent

62 O.S. § 310.8(B)

The Purchasing Agent

When using blanket purchase orders, the Purchasing Agent has the following responsibilities:

- ☉ Review the blanket purchase order and ensure a proper vendor is being used if on a common bid list
- ☉ Forward the blanket purchase order to the County Clerk

The County Clerk

When using blanket purchase orders, the County Clerk has the following responsibilities:

- ☉ Submit the blanket purchase order to the Board of County Commissioners at the next available meeting
- ☉ Upon approval, assign a purchase order number and encumber the funds

The Board of County Commissioners

The Board of County Commissioners must approve the Requisition - Purchase Order - Claim prior to use. The blanket purchase orders are not required to be listed separately in the approval, but a motion must be recorded.

To purchase an item, follow the procedures as outlined:

The Requisitioning Officer

- ☉ Upon receipt of the approved blanket purchase order, the Requisitioning Officer may place orders as needed
- ☉ Ensure that the funds encumbered are not exceeded, or attach a written explanation to the Requisition - Purchase Order - Claim before payment that the maximum amount authorized has been increased to cover unforeseen expenses

62 O.S. § 310.8(A)(2)

The Receiving Officer

- ☉ Follow normal receiving procedures upon receipt/delivery of items/service
 - A separate receiving report must be made for EACH DATE of purchase
- ☉ Forward the entire document packet to the Purchasing Agent
 - Normal purchasing procedures are followed upon closing out the blanket purchase order

19 O.S. § 1505(E)

Blanket Purchase Orders for Repairs Exceeding \$10,000 (exempt)

Repairs for county-owned equipment, machinery, or vehicles costing more than \$10,000 MUST be made by a blanket purchase order. The requesting department shall make the estimate for the repairs.

19 O.S. § 1501(A)(3)(e)
19 O.S. § 1501(B)

The Requisitioning Officer

- ☉ Attach the repair estimate to the Requisition - Purchase Order - Claim
- ☉ Follow normal blanket purchase orders procedure as outlined above

Road and Bridge Materials not Exceeding \$7 per Yard or Ton (exempt)

Road and bridge materials not exceeding a unit price of \$7 per yard or ton are not required to be bid. Follow normal purchasing procedures. Refer to [Chapter Four, Purchasing Methods and Procedures](#).

19 O.S. § 1501(A)(3)(f)

Telephone Quotes

NOTE:

Telephone quotes can include those written quotes received by fax or email. All quotes, regardless of how they are received, must be entered on [OSAI Form No. 4046, Vendor Quote Sheet](#).

In certain situations, the purchasing laws allow for telephone quotes in lieu of bidding. Refer to the situations outlined below. Quotes may be received by telephone, fax, or email.

The Purchasing Agent

The Purchasing Agent has the following responsibilities when obtaining quotes and estimates as authorized:

- ☉ Solicit and record at least three quotes on the Vendor Quote Sheet form
- ☉ Document if three quotes are not secured
 - List those vendors contacted even if no quote is given
- ☉ Attach quotes sheets to the Requisition - Purchase Order - Claim form

- ☉ Forward the prices to the Requisitioning Officer

Requisitioning Officer

The Requisitioning Officer has the following responsibilities for telephone quotes:

- ☉ Select the lowest and best quote
- ☉ Document in writing if the lowest quote is not recommended
- ☉ Forward the information to the County Clerk

If the county procedures allow for the Requisitioning Officer to solicit quotes, the same procedure and documentation are required. All quotes must be reviewed by the Purchasing Agent prior to submission to the Board of County Commissioners.

Telephone Quotes for When NO Bids are Received

If the county solicits bids and no bids are received, the Purchasing Agent shall solicit quotes as outlined above, following normal bidding procedures. Refer to [Chapter Four, Purchasing Methods and Procedures](#).

19 O.S. § 1505(B)(6)

Telephone Quotes for When NO Bids are Received – Common Bid

The Purchasing Agent shall contact vendors to confirm if the vendors are willing to commit to a firm price for a reduced period of time. If such is the case, rebid the items following the bid procedures described in [Chapter Four, Purchasing Methods and Procedures](#).

If vendors are not willing to commit to a firm price for a reduced period, follow the procedures as outlined above in “[Telephone Quotes](#)”.

Telephone Quotes for Fuel (exempt)

Fuel may be purchased by telephone quotes in lieu of competitive bidding. When telephone quotes are used to purchase fuel, the Purchasing Agent must follow the same procedures as outlined above in “[Telephone Quotes](#)”.

19 O.S. § 1501(A)(3)(g)

The Board of County Commissioners may purchase motor fuel for county use from a cooperative agricultural association in which [one] member of the Board of County Commissioners has a financial or proprietary interest provided that the member abstains from voting on the purchase. This process would require Board of County Commissioners approval.

62 O.S. § 371(E)

This purchase shall follow normal purchasing procedures as outlined in [Chapter Four, Purchasing Methods and Procedures](#).

Telephone Quotes for Food for Prisoners

No bid is required to purchase food for prisoners incarcerated in the county jail. However, in counties having a population in excess of one hundred thousand (100,000) persons, the County Purchasing Agent shall follow bidding procedures as provided by law unless the County Purchasing Agent obtains telephone quotes pursuant to the total food items requisitioned prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the County Clerk.

19 O.S. § 1501(A)(3)(i)

This purchase shall follow normal purchasing procedures as outlined in [Chapter Four, Purchasing Methods and Procedures](#), or under “Telephone Quotes” as outlined above.

Telephone Quotes for Recyclable Materials

The Board of County Commissioners may solicit telephone quotes for the removal of recyclable materials. The Board of County Commissioners (or Requisitioning Officer) shall solicit three quotes for the disposal of recyclable materials on [OSAI Form No. 4046, Vendor Quote Sheet](#). The quotes shall be placed on the Board of County Commissioners agenda and awarded to the highest quote.

19 O.S. 421.1(H)

Auctions – Purchase at Public Auctions

County officials, or a designated individual, may attend a public auction to make purchases, which includes purchases in excess of the bidding requirement. Refer to [Chapter Fourteen, Disposing of Surplus Property](#), for information on selling at a public auction.

19 O.S.339 (A)(15)

The County Officer or Representative

A recommended best practice is for the county officer or representative to conduct an on-site inspection prior to the date of an auction to determine the maximum amount to be paid for each item for which they plan to bid.

The Requisitioning Officer

- ☉ Prepare [SA&I Form No. 1116, Requisition - Purchase Order - Claim](#)
- ☉ Enter the type of auction in the “Suggested Vendors” box

19 O.S. §1501(A)

- ☉ Indicate that the material is to be picked up by the county in the “Shipped To” box
- ☉ Describe the items to be purchased in the “Description” column
 - All items should be put on one Requisition - Purchase Order - Claim. Each item should be described as specifically as possible.
- ☉ Enter the maximum bid, if desired, to be made on each item described in the “Amt To Be Encumbered” column. Each item does not have to have an amount specified
 - The Requisition - Purchase Order - Claim has a total maximum amount that cannot be exceeded.

19 O.S. §1501(A)

Individuals Attending the Auction

- ☉ Take a copy of the encumbered and certified purchase order to the auction for verification
 - The individual SHOULD NOT make purchases for personal use at the same auction.
 - The maximum encumbrance CANNOT be exceeded.
- ☉ Follow the normal purchasing procedures as outlined in [Chapter Four, Purchasing Methods and Procedures](#)

Awarding Bids for Processed Native Materials

When the county solicits bids for the purchase of processed native materials for road and bridge improvement, the County may accept one vendor per geographical location within the commissioner districts. The Board of County Commissioners shall outline the geographical locations and award bids accordingly. This process is an exception to the rule of awarding to a single vendor. The evaluation is based on availability, price, and transportation costs.

19 O.S. §1501(A)(3)(J)

Common bid List – Vendor Unable to Provide

If the awarded vendor is not able to supply a particular item on a common bid during the contract period, the Purchasing Agent has the following options:

- ☉ Remove the bidder from the list if authorized by the Board of County Commissioners and rebid the item

19 O.S. §1505(B)(5)

- If this is an isolated situation, removal from the bid list is not recommended
- ☉ Purchase from the next low bidder
- ☉ Solicit telephone quotes provided; however, the purchase does not exceed \$25,000
 - This alternative applies to non-qualified bidders
- ☉ Solicit telephone quotes from the list of qualified bidders
 - A qualified bidder is defined as having submitted a bid that was considered in the original evaluation
- ☉ Attach documentation to the Requisition - Purchase Order - Claim that the awarded vendor was unable to provide the item at this time
- ☉ Follow normal purchasing procedures. Refer to [Chapter Four, Purchasing Methods and Procedures](#)

19 O.S. §1501(A)(3)(k)

State-Wide Contracts (exempt)

Counties have access to contracts as solicited by the [Office of Management and Enterprise Services \(OMES\)](#). If using a state contract, the following procedures should be followed:

19 O.S. §1501(A)(3)(m)

- ☉ The Requisition - Purchase Order - Claim should include the contract number and a copy of the contract for documentation
- ☉ Follow normal purchasing procedures as outlined in [Chapter Four, Purchasing Method and Procedures](#)

General Services Administration (exempt)

[General Services Administration \(GSA\)](#) is a division of the Federal Purchasing Procurement. Government Services allow counties to utilize the following federal contracts:

- ☉ Cooperative Purchasing
- ☉ Disaster Purchasing
- ☉ Public Health Emergencies

☉ 1122 Program – Homeland Security

These contracts should be used while following normal purchasing procedures as outlined in [Chapter Four, Purchasing Methods and Procedures](#).

Purchases From a Local Vendor at State Prices or Federal Prices (exempt)

An item on a state contract or GSA may be purchased from a local vendor under the following conditions:

19 O.S. §1501(A)(3)(l)

- ☉ The same exact item is available from a local vendor as is available from the [Office of Management and Enterprise Services \(OMES\)](#) or [General Services Administration \(GSA\)](#) contracts
 - Cooperative Purchase Programs do not apply in this situation
- ☉ The item is priced at or below the state or federal contract price
- ☉ Document the contract number on the Requisition - Purchase Order - Claim and attach a copy of the contract

These items should be purchased while following normal purchasing procedures as outlined in [Chapter Four, Purchasing Methods and Procedures](#).

Purchasing With Other Counties

A group of counties may purchase items together under certain conditions. Refer to [Chapter Eight, Purchasing With Other Counties](#).

19 O.S. §1501(A)(3)(o)

Purchasing Heavy Equipment with Other Counties

The Board of County Commissioners is empowered to buy heavy equipment jointly with other counties and to loan or lease such equipment across county lines. Refer to [Chapter Eight, Purchasing With Other Counties](#).

19 O.S. §339(A)(9)(7)

Purchasing Cooperatives (exempt)

Counties may participate in nationwide purchasing programs sponsored by the national association representing counties, and local cooperative procurement agreements entered into by the counties and other local jurisdictions or any other competitively bid nationwide purchasing program.

19 O.S. §1501(A)(3)(p)

A purchasing program is defined as an association of public entities working together to provide leverage in achieving the best value and/or best terms in contracts awarded through a competitive bidding process that would be purchased under the normal guidelines of Title 19 of the Oklahoma Statutes.

Cooperatives MAY NOT be used when purchases are under Title 61- Public Competitive Bidding. This is normally related to buildings. Refer to [Chapter Five, Public Competitive Bidding Act](#).

For these purchases, the contract shall be attached to the Requisition - Purchase Order - Claim, and normal purchasing procedures shall be followed as outlined in [Chapter Four, Purchasing Methods and Procedures](#).

Emergency Purchases

Keeping in mind the statutory definition of an emergency.... *as a condition resulting from a sudden, unexpected happening or unforeseen occurrence or condition whereby the public health or safety is in danger...* The following procedures apply.

Emergency Purchases When a County Officer Declares an Emergency

If county officers certify the existence of an emergency that requires the immediate expenditure of funds, they may waive regular purchasing procedures to the extent of not having an encumbered purchase order. Expenditures for emergency purchases cannot exceed \$5,000.

19 O.S. § 1505(l)

The Requisitioning Officer

The Requisitioning Officer has the following responsibilities:

- ☉ Contact the vendor to mitigate the emergency situation as soon as possible
- ☉ Use awarded vendors, if possible, if the county has a bid on file
- ☉ On the NEXT business day, submit a Requisition - Purchase Order - Claim to the Purchasing Agent along with documentation of the emergency situation

- ☉ Follow normal purchasing procedures as outlined in [Chapter Four, Purchasing Methods and Procedures](#)

Emergency Purchases When the Governing Body of a Public Agency Declares an Emergency

As the governing board, the Board of County Commissioners can declare an emergency, by majority vote, in an open meeting for emergency situations relating to:

- ☉ Public Buildings 61 O.S. § 130
- ☉ A local disaster/emergency and has the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. In certain situations, public bidding can be waived. 63 O.S. § 683.3
63 OS 683.11(F)

A Requisition - Purchase Order - Claim should be submitted in a timely manner. Refer to [Chapter Four, Purchasing Methods and Procedures](#).

Each local organization for emergency management shall have a director who shall be appointed by the governing body of the political subdivision, who shall report directly to the Board of County Commissioners, and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such governing body. Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivisions within which it is organized.

Refer to the County Emergency Mitigation Plan or Disaster Recovery Plan for any special provisions and local county purchasing policies.

Leasing during Emergency

Counties can lease specialized equipment during emergencies, without a contract, for 30 days if it does not exceed \$25,000. A Requisition - Purchase Order - Claim is still required. Follow procedures as outlined above in [“Emergency Purchases When a County Officer Declares an Emergency.”](#) Also refer to [Chapter Seven, Purchasing by: Rental, Lease, or Lease Purchase](#). 69 O.S. § 636.3

Emergency Purchases When the Governor Declares an Emergency

When the Governor declares an emergency in a county, the District Attorney has the authority to temporarily waive competitive bidding procedures for purchases that may expedite a response to the emergency situation.

19 O.S. § 1501 (A)(3)(q)
63 O.S. § 683.11

If a county has a bid on file (common bid), every effort should be made to utilize the awarded vendor. After the emergency is declared, emergency purchasing procedures should be followed as outlined in the County's Emergency Mitigation Plan or Disaster Recovery Plan.

Documentation should be attached to the Requisition - Purchase Order - Claim upon submission to the Purchasing Agent. A Requisition - Purchase Order - Claim form is still required. Refer to "[Requisition - Purchase Order – Claim, SA&I Form 1116](#)" in Chapter Three, Purchasing Forms.

Refer to the County Emergency Mitigation Plan or Disaster Recovery Plan for any special provisions and local county purchasing policies.

Emergency Purchases When the President or the Governor Declares an Emergency Management or Disaster Emergency

When a state of emergency is declared by the U.S. President or the Governor due to enemy attack or disaster, county entities may incur obligations necessary to combat the disaster, protect the health and safety of persons and property, and provide emergency assistance to victims without regard to purchasing processes and formalities prescribed by law. A Requisition - Purchase Order - Claim form is still required. Refer to "[Requisition - Purchase Order – Claim, SA&I Form 1116](#)" in Chapter Three, Purchasing Forms.

63 O.S. § 683.3(3)

Refer to the County Emergency Mitigation Plan or Disaster Recovery Plan for any special provisions and local county purchasing policies.

Purchases from a State Agency or Political Subdivision

The Board of County Commissioners may purchase materials, tools, apparatus, machinery or equipment from a state agency or a political subdivision of the state if the agency is subject to the Oklahoma Central Purchasing Act.

19 O.S. § 421.1(D)

19 O.S. § 1501(A)(3)(h)

Before the purchase is made, the Requisitioning Officer is responsible for verifying that the entity from which the item is being purchased is subject to the Oklahoma Central Purchasing Act or similar competitive bidding procedures.

After verification, the Requisitioning Officer should use the following procedures:

- ☉ Complete the requisition portion of the Requisition - Purchase Order - Claim
- ☉ Indicate the state agency or political subdivision from which the purchase is being made in the “Suggested Vendors” box
- ☉ Enter the agreed-upon price in the “Unit Price” column
- ☉ A statement of verification and the agreed-upon price must be attached to the purchase order.

Follow the normal requisitioning procedures in [Chapter Four, Purchasing Methods and Procedures](#).

Contracting for Services (exempt)

The county purchasing laws do not require a service to be bid, but bidding may be recommended in certain situations to ensure the county is fulfilling the intent of the purchasing laws. However, procurement of materials and equipment through contracts that are flexible and value-based and are in the best interests of the state and its political subdivisions.

74 O.S. § 85.2(2)
AG Opinions 80-269

This situation includes both professional services, contracting for insurance, and other service-related contracts. The county should establish a policy on contracting for services to ensure the county is getting competitive pricing.

AG Opinions 80-295
AG Opinion 83-198
74 O.S. § 85.2(19)

A listing of professional services as defined in law can be found in the Oklahoma Statutes.

Follow the normal requisitioning procedures in [Chapter Four, Purchasing Methods and Procedures](#).

Projects

All of a project’s parts must be considered for the Total Project Cost. A project is defined as:

19 O.S. 1501 (A)(3)(a)

“an assemblage or combination of things or parts forming a complex or UNITARY whole”.

CAUTION:

Splitting up the cost of a project into multiple purchase orders for the purpose of avoiding competitive bidding is a misdemeanor.

Examples of a project might be:

- ☉ Computer systems
- ☉ Telephone systems
- ☉ Building a water truck
- ☉ County Sheriff patrol car

If the total cost is estimated to exceed \$25,000, competitive bidding is required under Title 19 of the Oklahoma Statutes. Follow [“Purchases When Bidding is Required”](#) as outlined in Chapter Four, Purchasing Methods and Procedures. Multiple vendors may submit bids on different components of the project.

Projects relating to a public building are under Title 61 of the Oklahoma Statutes. Refer to [Chapter Five, Public Competitive Bidding Act](#).

Trade-Ins

County property may be used as a trade-in toward the purchase or lease purchase of new (used) equipment.

19 O.S. § 339(C)
19 O.S. § 421.1(B)

The Requisitioning Officer

- ☉ If an item is in excess of \$25,000 and requires a bid, the specifications should include:
 - Description of item to be traded-in
 - Make, model, year
 - Mileage or hours
 - Condition
 - Minimum bid (based on Purchasing Agent appraisals)

- ☉ Prepare Requisition - Purchase Order - Claim and submit to Purchasing Agent

The Purchasing Agent

The Purchasing Agent is to establish an appraised value for an item to be traded in:

- ☉ May refer to an industry-recognized appraisal manual for used construction equipment to estimate the value of the item being sold, or
- ☉ Obtain appraisal quotes from at least two vendors in the business of selling items like the one being sold
- ☉ Attach quotes to Requisition - Purchase Order - Claim
- ☉ Include in bid specifications of the item being bid
- ☉ Verify there is a trade-in option if using a State contract for the purchase

Follow the normal requisitioning procedures in [Chapter Four, Purchasing Methods and Procedures](#).

Refer to [Chapter Fourteen, Disposing of Surplus Property](#) for more information.

Incentive Awards for Safety-Related Job Performance

Board of County Commissioners

The Board of County Commissioners shall adopt requirements by resolution for receiving a safety-related award. Awards can be paid from county appropriated funds for each department participating in the Safety Program. Each department will pay for its own employees unless otherwise budgeted. Employees must meet the requirements set by the Board of County Commissioners.

Officers will determine if their department will participate in the County Safety Program and will report those employees that have met the requirements to the Board of County Commissioners. Below are the statutory requirements for the incentive awards:

19 O.S. § 339(A)(12)

- ☉ Employees can be recognized once each calendar year only
- ☉ The awards cannot exceed the value of \$250
 - Note: Incentive awards are subject to IRS Fringe Benefit taxation laws

- ☉ County officers are not eligible to receive safety-related incentive awards

Recognition Awards for Job Performance

The Board of County Commissioners may establish a county employee benefit program to encourage outstanding performance in the workplace. Monies may be expended for the purchase of recognition awards for presentation to an employee or members of a work unit. Recognition awards may be presented at a formal or informal ceremony, banquet, reception or luncheon, the cost of which may be expended from monies available in the county department's or division's operating fund.

19 O.S. § 339(A)(27)

Wellness Programs

Wellness Council

Each county may establish a Wellness Council to develop a wellness program for full-time county employees. The Wellness Council shall establish determining factors to monitor achievement of, and maintenance of, healthy lifestyles with the ultimate goal of reduction of claims and the subsequent reduction of costs for health insurance.

19 O.S. § 1302

The Wellness Council shall track the number of participants, the cost of insurance premiums, and expenditure of funds on an annual basis and report findings to the Board of County Commissioners at a regularly scheduled meeting in January. Any person reporting shall be in strict compliance with all privacy laws.

Wellness Program Fund

Each county may establish a separate fund to be designated as the "Wellness Program Fund." The Wellness Program Fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Wellness Council through general county funds and through grants, donations, contributions, and gifts from public or private sources. Monies from the Wellness Program Fund may be used for incentives to encourage participation by employees and for costs related to the operation of the Wellness Council.

The Board of County Commissioners

The Board of County Commissioners shall provide incentive awards, as created by the Wellness Council, to employees for participation in voluntary wellness programs that result in improved health.

19 O.S. § 339(A)(26)

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Chapter Seven

Purchasing by: Rental, Lease, or Lease Purchase

Rental, Lease, or Lease Purchase are methods allowed in the County Purchasing Act for acquiring equipment.

The County may rent, on a monthly basis, real or personal property as authorized by the Board of County Commissioners using appropriations made for that purpose. Any rental, lease, or lease purchase agreement extending beyond June 30 of the fiscal year shall contain provisions for mutual ratification of renewal.

62 O.S. § 430.1 (A)
19 O.S. § 3

The forms for lease and lease purchase of equipment, [120-A Lease Agreement for Equipment](#) and [120B Lease Purchase Agreement](#), are required by the State Auditor and Inspector. These forms have been vetted by the Attorney General and meet the requirement of the Oklahoma Statutes.

No forms are prescribed by the State Auditor and Inspector for the leasing or lease purchase of real property. A recommended best practice is to consult with the county's District Attorney in these situations:

- ☞ For any bidding requirement for leasing or renting of land or properties
- ☞ Drafting of agreements

CAUTION:

The provisions listed in Title 62 O.S. § 430.1 in the Oklahoma Statutes as described above will apply.

Leases and rentals are closely related in their functions. However, they have some differences, but neither allow for the ownership of the property.

NOTE:

Any agreement to lease and purchase real or personal property must state the purchase price of the property. The lease cannot be extended so as to cause payment of more than the stated purchase price plus interest not to exceed ten percent (10%) simple interest.

62 O.S. § 430.1 (D)
19 O.S. § 3

Rentals

Rental agreements are usually on a month-to-month basis for a limited time, and they do not allow any ownership of the property. A rental agreement should not extend beyond the end of the fiscal year. If the total payments exceed \$25,000, an item is required to be bid (unless it is a service or building). Any rental agreement must be signed by the Board of County Commissioners. A recommended good practice is to have agreements reviewed by the county's District Attorney.

62 O.S. § 430.1 (A)
19 O.S. § 3

For rentals, follow the purchasing procedures in [Chapter Four, Purchasing Methods and Procedures](#).

Leases

Lease agreements are written agreements, usually longer in duration than for rentals. Rental agreements are for a fixed time frame, and they do not allow any ownership rights in or to the property. If the total payments exceed \$25,000, an item is required to be bid. Lease agreements are signed by the Board of County Commissioners. A recommended best practice is to have agreements reviewed by the county's District Attorney.

- ☉ [SA&I Form No. 120-A, Lease Agreement for Equipment](#), is the approved form
 - Allows for renewal options
 - Allows for termination of the lease if Lessee determines that sufficient funds have not been appropriated to make the payments required under the terms of the agreement
- ☉ If using a form modification of [SA&I Form No. 120-A, Lease Agreement for Equipment](#), OR if using a different form, either form **MUST** be approved by the District Attorney

- **EXCEPTION:** The Board of County Commissioners can lease specialized road machinery or equipment during an emergency WITHOUT a written contract for a period of 30 days (not exceeding \$25,000)
- Refer to “[Emergency Purchases](#)” in Chapter Six, Purchasing Situations
- ☉ The normal purchasing procedures in [Chapter Four, Purchasing Methods and Procedures](#), should be followed for leases

69 O.S. § 636.3 (A)

Lease Purchases

Lease purchase agreements are usually for an extended period whereby the County will acquire title to said property upon final payment.

62 O.S. § 430.1 (D)
19 O.S. § 3

- ☉ [OSAI Form No. 120B, Lease Purchase Agreement](#), is the approved form
 - Allows for renewal options
 - Allows for ownership upon final payment
 - Vendors must retain the title until the final payment is made
 - Financing as provided by the vendor may not exceed 10% simple interest on the unpaid balance due as of each payment date
 - Allows for termination of the lease if the Lessee determines that sufficient funds have not been appropriated to make the payments required under the terms of the agreement

The Lease Agreement for Equipment and Lease Purchase Agreement approved forms as outlined above are designed to be full warranty agreements:

“...a warranty as to full performance generally covering both labor and materials. Under a full warranty, the warrantor (vendor) must remedy the product within a reasonable time and without charge”...

Refer to Table 7-1 for understanding the county’s authority to lease purchase.

Table 7-1: Understanding the County’s Authority to Enter into a Lease Purchase Agreement

Legal Provision	What It Says	Comments
<p>Oklahoma Constitution Article 10 § 26</p>	<p>Counties are prohibited from incurring debt without the consent of the voters.</p>	<p>This factor prevents the county from signing a promissory note with a local bank, which would result in the county holding title to the equipment and the bank holding a lien against the equipment.</p>
<p>62 O. S. § 430.1</p>	<p>Counties may enter into a lease or lease purchase agreements under certain circumstances.</p>	<p>The vendor provides financing, but they may assign the lease payment to a financial institution. The vendor (or assignee) retains title to the equipment until the final payment is made by the county.</p>
<p>62 O.S. § 310.2 62 O.S. § 310.3 62 O.S. § 479</p>	<p>No indebtedness shall be incurred.</p>	<p>The contract is renewable yearly because the county may not obligate funds extending beyond the current appropriations (the current fiscal year). The Oklahoma State Auditor and Inspector prescribes Form No. 120-B for lease purchases and Form No. 120-A for full warranty leases. These forms were written years ago with help from the Attorney General's office to ensure compliance with the relevant statutory provisions. A recommended best practice is to have any alteration or addition made to Form No. 120-B reviewed and approved by the county’s District Attorney. The vendor (or assignee) retains title to the equipment until the final payment is made by the county.</p>
<p>62 O.S. § 310.2 62 O.S. § 310.3 62 O.S. § 479</p>	<p>No indebtedness shall be incurred.</p>	<p>The contract is renewable yearly because the county may not obligate funds extending beyond the current appropriations (the current fiscal year).</p>

Table 7-1 (Continued)		
Understanding the County's Authority to Enter into a Lease Purchase Agreement		
Legal Provision	What It Says	Comments
		The vendor (or assignee) retains title to the equipment until the final payment is made by the county.
<p>62 O.S. § 310.2 62 O.S. § 310.3 62 O.S. § 479</p>	No indebtedness shall be incurred.	The contract is renewable yearly because the county may not obligate funds extending beyond the current appropriations (the current fiscal year).
		The Oklahoma State Auditor and Inspector prescribe Form No. 120-B for lease purchases and Form No. 120-A for full warranty leases. These forms were written years ago with help from the Attorney General's office to ensure compliance with the relevant Oklahoma statutory provisions.
		A recommended good procedure is to have any alteration or addition made to Form No. 120-B reviewed and approved by the county's District Attorney.
19 O.S. § 1501	Requires rentals, leases, or lease purchases in excess of \$25,000 to be let by sealed bid.	Vendors include the interest rate and sometimes the amortization schedule in their bids.
19 O.S. § 3	County's powers are exercised by the Board of County Commissioners.	Contracts <u>must</u> be approved by the Board of County Commissioners.
47 O.S. § 1139.1	Exemption from excise tax.	Allows the county to obtain a tag for a lease purchased vehicle.

County Lease Purchases Using County Funds

The County has the option to bid a lease or lease purchase locally. The following items should be considered when writing bid specifications:

19 O.S. § 1505(B)

- ☉ The 120-B Form must be used as the binding document. Any changes must be approved by the county's District Attorney.
- ☉ The vendor must provide the financing not to exceed 10% simple interest of outstanding balance.
 - An amortization schedule is required with the bid submission.
 - The Board of County Commissioners SHOULD NOT sign any financing documents such as a promissory note, lien, or other similar documents.
- ☉ No payment will be made until after delivery is accepted.
- ☉ Terms of the lease must include these options to renew if it exceeds one fiscal year.
 - Number of options stated
 - Renewals cannot exceed one fiscal year.
 - Final option to cover remaining months
 - The county has exclusive right to exercise options.
 - Renewal by the Board of County Commissioners in an open meeting or upon an approved policy by the county's District Attorney, issuance of a PO within 10 days of the end of the fiscal year (or option period)
- ☉ Any vehicle leased or lease purchased by the county from a vendor is exempt from any fees required by the Oklahoma Vehicle License and Registration Act.
- ☉ The vehicle title remains for the Lessor (Vendor) until final payment is made.
- ☉ The final payment is included at the close of the lease.
- ☉ The county should incur no delivery cost.

47 O.S. §1139.1

- ☉ The county is responsible for regular maintenance. The county may enter into a separate maintenance agreement with the consent of the Lessor.
- ☉ The county provides proof of insurance to the Vendor.
- ☉ If sufficient funds are not appropriated during any option period, the County may terminate the lease and return the equipment to the Vendor.
- ☉ Assignment of payments by the Vendor must be approved by the Board of County Commissioners.

Lease purchases using county funds shall follow normal bidding procedures.

Refer to [Chapter Four, “Purchasing Methods and Procedures.”](#)

Lease or Lease Purchase for Road Machinery and Equipment Through the County Road Machinery and Equipment Revolving Fund

Any county with insufficient funds during a fiscal year to purchase highway construction or maintenance equipment or machinery outright is eligible to request to lease or lease purchase such equipment through the Oklahoma Department of Transportation (ODOT) using the County Road Machinery and Equipment Revolving Fund. Requests must be made by the action of the Board of County Commissioners. Eligibility is on a priority basis determined by the county funding classification designation during any fiscal year. This classification is developed by ODOT and the Oklahoma Cooperative Circuit Engineering Districts Board (OCCEDB) and approved by the ODOT County Advisory Board (CAB) and the Oklahoma Transportation Commission.

69 O.S. § 636.1
69 O.S. § 636.2
69 O.S. § 636.3
69 O.S. § 636.4

When a county is notified by ODOT that funds have been approved for the purchase of machinery or equipment, the county can do the following:

1. Notify ODOT of its requirements and specifications, provide a list of vendors, and request ODOT to solicit bids for the needed machinery or equipment in accordance with the Central Purchasing Laws.
2. The county can solicit its own bids pursuant to the provisions of H.B. 1258 and the bid procedures provided for in Section 1500 et seq. of Title 19 of the Oklahoma Statutes

Refer to “County Lease Purchases Using County Funds” in this chapter.

If no funds are available in the County Road Machinery and Equipment Revolving Fund, ODOT, upon notification that a county desires to lease or lease purchase road machinery or equipment, shall certify to the county that there are no funds available in that fund for such purposes. The county may then request the Purchasing Director of the Office of Management and Enterprise Services to solicit bids or request bids pursuant to the provisions of the purchasing laws in the Oklahoma Statutes to lease or lease purchase the requested road machinery or equipment.

69 O.S. § 636.3(E)

19 O.S. § 1500 et seq

Contact the Local Government Division of ODOT for rules and regulations regarding procedures for the lease or lease purchase of road machinery and equipment through the County Road Machinery and Equipment Revolving Fund. Their procedures MAY differ somewhat from county procedures.

Chapter Eight

Purchasing With Other Counties

Several different purchasing situations may be encountered in counties. This chapter discusses one of those situations, purchasing with other counties, and outlines the procedures to follow.

Counties are NOT allowed to use another county's individual bid. This action is referred to as "piggybacking." A joint bid must be conducted in accordance with the procedures outlined.

Purchasing With Other Counties

Counties may purchase items from a joint bid with other counties under certain situations defined in the Oklahoma Statutes.

Purchasing Items with Other Counties

A group of counties may purchase items together providing the following procedures have been followed:

- ☉ The item(s) have been competitively bid.
- ☉ The notice to bidders lists each county that may participate in the purchase of the item(s) being bid.
- ☉ The notice of bid is advertised, as provided by the Oklahoma Statutes, in each of the counties that may anticipate the purchase of the item(s) being bid.
- ☉ All vendors on the list of qualified bidders of each participating county who offer the item(s) for sale receive notice of the bid request.
- ☉ The vendor awarded the bid is willing and able to provide the item(s) at the bid price.

19 O.S. § 1501(A)(3)(o)

Purchasing Heavy Equipment with Other Counties

The Board of County Commissioners has the authority to purchase heavy equipment with other counties jointly and to loan or lease such equipment across county lines.

19 O.S. § 339(A)(9)

In purchasing heavy equipment with other counties, the entities listed below have the responsibilities indicated.

All Boards of County Commissioners Involved

- ☉ Select one county as the primary county in the purchasing transactions
- ☉ Agree to the equipment to be purchased and to the specifications

The agreement should be in writing and include provisions for the following items:

- ☉ Fuel
- ☉ Maintenance
- ☉ Storage
- ☉ Disposal
- ☉ Leasing to other counties
- ☉ Allowing member counties to withdraw
- ☉ Percentage of the cost each county will bear
- ☉ Repairs
- ☉ Scheduling
- ☉ Parts
- ☉ Labor
- ☉ Any other points that are considered necessary

A recommended best practice is for the casting and counting of votes during a joint Board of County Commissioners meeting to be thoroughly explained in the minutes of the meeting.

The agreement should be in the form of a contract and should be reviewed by the District Attorneys in the counties.

NOTE:

A highly recommended best practice is that counties that desire to obtain heavy equipment through this procedure discuss the process with personnel from the Office of the State Auditor and Inspector, who are well acquainted with purchasing, accounting, and inventory procedures.

Each Board of County Commissioners

- ☉ Must pass a resolution accepting the terms of the agreement

Requisitioning Officer for each Board of County Commissioners

- ☉ Prepare the requisition portion of SA&I Form No. 1116, Requisition-Purchase Order-Claim, for the agreed-upon portion of the purchase
- ☉ Indicate in the “Description” column that this is a joint purchase with other named counties
- ☉ Retain Copy 5 of the form
- ☉ Forward the remaining four copies of the form to the Purchasing Agents of the individual counties

The Purchasing Agent

- ☉ Forward a reproduced copy of the Requisition-Purchase Order-Claim and a copy of the resolution to the primary county's Purchasing Agent within two days

Primary Purchasing Agent

- ☉ Proceed with bidding procedures as detailed in “Bidding” in Chapter Four, “Purchasing Methods and Procedures.”
- ☉ Proof of mailing is made a part of the official records of the primary Purchasing Agent
- ☉ Forward all sealed bids along with state contract prices to the primary County Clerk

The Primary County Clerk

- ☉ Forward all documents to a joint meeting of all Board of County Commissioners (hereafter referred to as the Joint Board)

The Joint Board

- ☉ Open the bids in a Joint Board open meeting
- ☉ Compare them with the state contract price
- ☉ Ensure that the required non-collusion affidavit is present and signed.

A non-collusion affidavit is located on the back side of [SA&I Form No. 4040, Invitation to Bid](#). If vendors use their own bid forms, [SA&I Form No.425, Affidavit for Filing With Competitive Bid](#), can be used for the non-collusion affidavit.

- ☉ Furnish a copy of each bid to each Board of County Commissioners in the Joint Board meeting.
- ☉ Select the lowest and best bid within thirty days of the bid opening
- ☉ Prepare a statement of explanation, which becomes a part of the minutes of the meeting, in the event the lowest bid is not selected
- ☉ Forward a copy of the joint board's decision to each county's Purchasing Agent

The Primary Purchasing Agent

- ☉ Notify the successful vendor
- ☉ Maintain a copy of the notification as a part of the permanent records of the joint purchase.
- ☉ File a copy of the reproduced Requisition-Purchase Order-Claim from each county.
- ☉ Send the Receiving Officer designated by the Joint Board the original copy of this form from each county
- ☉ Forward all the copies of this form to the Joint Board

The Primary Receiving Officer

- ☉ Receive the item

- ☉ Obtain a delivery ticket from the delivering vendor
- ☉ Complete [SA&I Form No. 4030, Receiving Report](#)
- ☉ Retain the original copy of the Receiving Report
- ☉ Send one copy of the Receiving Report and the delivery ticket to the primary County Clerk
- ☉ Send one copy of the Receiving Report, along with the original copies of the Requisition-Purchase Order-Claims from each county and a copy of the delivery ticket to the primary Purchasing Agent

The Primary County Clerk

- ☉ Forward reproduced copies of the Receiving Report and delivery invoice to each County Clerk
- ☉ Retain the copies received from the designated Receiving Officer as permanent Joint Board records

The Primary Purchasing Agent

- ☉ Retain the following items as permanent Joint Board records:
 - ☉ Reproduced copies of the original of the Requisition-Purchase Order-Claim from each county
 - ☉ A copy of the Receiving Report
 - ☉ The delivery invoice
- ☉ Forward the following items to each county Purchasing Agent:
 - ☉ The original of the Requisition-Purchase Order-Claim from each county
 - ☉ A copy of the Receiving Report
 - ☉ A copy of the delivery invoice

Each County Purchasing Agent, County Clerk, and Board of County Commissioners

- ☉ Upon receipt of all documentation, each Joint Board representative will approve the proportionate share of costs and forward the warrant to the primary County Clerk for payment to the vendor.

The Inventory Officers of Each County

- ☉ Determine the inventory identification number that would be assigned to the equipment as if it belonged to that county alone
- ☉ Forward that inventory identification number to the primary Inventory Officer

The Primary Inventory Officer

- ☉ Mark the inventory identification number of each county on the piece of heavy equipment

Chapter Nine

Credit Cards

Counties may use credit cards that are authorized by the Oklahoma Statutes as a payment mechanism for purchases that have met the purchasing procedure requirements. There are two different credit cards that are statutorily authorized and may be used for county purchases.

For the County Sheriff or Deputy Sheriff, the Oklahoma Statutes authorize credit cards for use as payment for certain out-of-county travel expenses. Refer to the Attorney General Opinion for more information.

AG Opinion 2019-11

Also, counties as political subdivisions of the state are eligible to participate in the State Purchase Card Program administered by the Office of Management and Enterprise Services (OMES). After acceptance into the program, the Board of County Commissioners may authorize certain employees to use a purchase card (aka p-card) as payment for purchases for official county business. The county must adopt the State Auditor and Inspector's (SA&I) Policy and Procedures for the p-card program. Please reference the [P-Card Policies and Procedures Manual](#) as adopted by the county and as required by the Office of the State Auditor and Inspector (SA&I).

74 O.S. § 85.5

This chapter will outline the roles and responsibilities, and specific procedures required for using the two different types of credit cards that are authorized for counties.

Credit Cards for County Sheriff/Deputy Sheriff

Subject to the limitations and procedures provided, any County Sheriff or Deputy Sheriff may purchase materials, supplies, or services necessary and directly related to travel out of the county or within the county under certain circumstances by using one or more credit cards issued to the county for use by the County Sheriff's Department. The credit card may also be used to purchase fuel inside the county on weekends, nights, or holidays when fuel cannot be obtained from the vendor to whom a bid has been awarded.

19 O.S. § 1506(A)

For each credit card issued to the county by an issuer, the county shall encumber sufficient funds each month to pay for the estimated charges made with these cards. Nothing in the legislation authorizing travel purchases by credit cards shall be construed to exempt any County Sheriff or Deputy Sheriff from following the purchasing procedures specified in the Oklahoma Statutes.

19 O.S. §§ 1501-1505

19 O.S. § 1506 (G)

NOTE:

The credit cards must be issued in the name of the county, not an individual's name.

Allowed Travel Expenses

Out-of-County Travel

Purchases made with such credit cards shall be limited to actual expenses for travel out of the county by the County Sheriff or their deputies to perform their official duties.

"Actual expenses for travel" shall mean expenses incurred for travel by the following means:

- ☉ Public or private railroads
- ☉ Airplanes
- ☉ Buses
- ☉ Rental cars
- ☉ Other public or private conveyances

19 O.S. § 1506(A)

"Actual expenses" also includes the following items:

- ☉ Fuel
- ☉ Oil
- ☉ Meals
- ☉ Lodging
- ☉ Parking Fees
- ☉ Telephone expenses

In-County Fuel Purchases

The County Sheriff's office may also use the credit card to purchase fuel within the county on weekends, nights, or holidays when fuel cannot be obtained from the vendor to whom a bid has been awarded.

Educational Training Expenses

The obvious intent of the legislation authorizing credit cards for out-of-county travel is for the transport of prisoners or to conduct an investigation outside the county. However, the Oklahoma Attorney General has issued an opinion that the "official duties" of the County Sheriff or Deputy Sheriff include conferences and meetings to receive instruction that are attended voluntarily. Thus, a County Sheriff or Deputy Sheriff is permitted to use a credit card issued to the county to pay the cost of out-of-county travel for attending voluntary law enforcement instruction and training, including those that occur at conferences and meetings, assuming all other statutory requirements are met. Whether or not a "vendor show" meets the definition of official duties is less clear. A recommended best practice is that such events should be defined in the county policy or submitted as a request for an opinion to the county's District Attorney.

A.G Opinion 2019-11

Credit Card Use (Sheriff)

The County Sheriff

- ☉ Request that the Board of County Commissioners apply for credit cards for use in the County Sheriff's department for approved expenditures

19 O.S. § 1506(B)

The Board of County Commissioners

- ☉ Apply for credit cards in the name of the county
- ☉ Issue the cards to the County Sheriff's office when they are received

19 O.S. § 1506(B)

19 O.S. § 1507(B)

The following limitations apply:

- ☉ In counties with populations of less than 50,000, the County Sheriff's office may have no more than two cards and no more than one credit card account from one supplier. The total combined credit limit for all cards must not exceed \$5,000.

19 O.S. § 1507(A)

- ☉ In counties with populations between 50,000 and 100,000, the County Sheriff's office may have no more than four cards and no more than one credit card account from one supplier, and the total combined credit limit for all cards must not exceed \$10,000. 19 O.S. § 1507(A)
- ☉ In counties with populations between 100,000 and 450,000, the County Sheriff's office may have no more than six cards and no more than one credit card account from one supplier, and the total combined credit limit for all cards must not exceed \$15,000. 19 O.S. § 1507(A)
- ☉ In counties with populations in excess of 450,000, the County Sheriff's office may have no more than 24 cards and no more than one credit card account from one supplier, and the total combined credit limit for all cards must not exceed \$60,000. 19 O.S. § 1507(A)

The County Sheriff

- ☉ Must remain responsible for the use of the credit cards for authorized use
- ☉ Must notify the Board of County Commissioners of the anticipated credit card expenditures by preparing, on or before the 25th of each month, SA&I Form No. 1116, Requisition-Purchase Order-Claim in the following manner: 19 O.S. § 1506(E)
 - Check the "Blanket P.O." checkbox
 - Enter the credit card company in the "Suggested Vendors" box
 - Enter the maximum amount to be encumbered and account number on the "Amount" line

Individuals

- ☉ Must obtain receipts for all purchases 19 O.S. § 1506(E)

These receipts must be signed by the individual using the credit card.
- ☉ Must deliver all receipts to the Receiving Officer when returning to the office

NOTE:

A copy of the credit card charge sheet is not considered a receipt unless it specifies the item(s) purchased and the unit price, and it has the signature of the individual making the purchase.

Responsibilities Following Credit Card Use

The Receiving Officer

- ☉ Enter required data on [SA&I Form No. 112](#), County Sheriff's Credit Card Expenditures, (in lieu of SA&I Form No. I-4030, Receiving Report)
- ☉ Attach all receipts for credit card purchases to the form

19 O.S. § 1506(E)

The County Sheriff or Designated Deputy Sheriff

- ☉ Sign the County Sheriff's Credit Card Expenditures form
- ☉ Attach this form, along with the receipts, to the Requisition-Purchase Order-Claim
- ☉ Forward the form to the County Clerk for completion and payment
- ☉ If the authorized encumbered amount is exceeded, attach a written justification for the over-expenditure

The County Clerk

- ☉ Forward the documents to the Board of County Commissioners for approval of payment

County Purchase Cards

The Board of County Commissioners, on behalf of the counties, are eligible to participate in the State Purchase Card Program by making an application through the Office and Management and Enterprise Services (OMES) for the State of Oklahoma authorized Purchase Card (P-Card). The State Purchase Card Program is authorized by the Oklahoma Central Purchasing Act.

74 O.S. § 85.5

Through competitive bidding, OMES Central Purchasing awards a statewide contract for the purchase card program. This contract is a mandatory contract for counties that use a purchase card as a payment mechanism. The current contract has been awarded to the Bank of America.

Counties must make payment for the credit card transactions by electronic funds transfer (EFT) to the contract holder (Bank of America). The Board of County Commissioners should confirm the ability of the County Treasurer to make electronic payments.

Counties applying for the state purchase card must adopt the SA&I Purchase Card Policies and Procedures Manual and the SA&I Travel Policy unless counties already have an approved policy. See card limits and controls outlined below under “Program Implementation” in this chapter.

All purchases made with the Purchase Card are subject to the purchasing laws in Title 19 and Title 61 and to State of Oklahoma requirements. The P-Card is only a method of payment, and all county purchasing laws still apply.

Roles and Responsibilities of State Agencies/Contract Holders

Three state agencies, in addition to the contract holder, have specific involvement in the initiation and/or implementation of the county purchase card program.

The State Auditor and Inspector (SA&I)

- ☉ Provides procedures, forms, and guidance
- ☉ Performs audits to ensure compliance

The Office of Management and Enterprise Services (OMES), Central Purchasing Division

- ☉ Provides administration and management of the state purchase card program

The County Training Program (CTP)

- ☉ Provides training prior to the use of the purchase card
- ☉ Provides two-year continuing education training

The Contract Holder (Bank of America)

- ☉ Implements the terms of the state contract
- ☉ Issues purchase cards
- ☉ Provides training for their system

Roles and Responsibilities in County Government

The following county officials and county employees have roles and responsibilities in the county purchase card program:

- ☉ Board of County Commissioners
- ☉ Purchasing Agent/Purchase Card Administrator
- ☉ County Clerk
- ☉ Purchase Cardholder
- ☉ County Treasurer
- ☉ Requisitioning Officer
- ☉ Receiving Officer

The specific duties of each of these positions are outlined in the following sections.

Program Initiation

The Program Initiation section outlines the steps necessary to initiate a county purchase card program at the county level by the Board of County Commissioners in conjunction with the State Purchase Card Administrator at OMES and the contract holder, Bank of America.

The Board of County Commissioners

- ☉ Submits a signed, written request on county letterhead to the State P-card Administrator to join the state purchase card program
 - The request must contain the name of the primary contact(s).
 - The request should be emailed to pcard@omes.ok.gov.

The Office of Management and Enterprise Services

- ☉ OMES forwards the county's written request to the contract holder, Bank of America.

The Bank of America (BOA)

- ☉ Requests the following documents from the Board of County Commissioners
 - ☉ Linking Agreement
 - ☉ Financial Statements

- ☉ W-9 Form

- ☉ Approves (or declines) the credit based on the documents provided by Board of County Commissioners

The Board of County Commissioners

- ☉ Completes the BOA questionnaire and BOA card account worksheet

The Bank of America

- ☉ Submits county documents for credit approval and implementation

Program Implementation

The Program Implementation section outlines the steps necessary to implement the purchase card program at the county level by the Board of County Commissioners, the Purchasing Agent, and the Purchase Cardholder.

The Board of County Commissioners

The Board of County Commissioners is responsible for the management of the county purchase card program.

- ☉ Must adopt SA&P's *Purchase Card Policies and Procedures Manual* to establish a county purchase card program

- ☉ Must adopt a travel policy for participation in a county purchase card program
SA&P's Travel Policy may be adopted if the county does not have a travel policy.

The manual and travel policy are available on the [SA&I website](#) (<https://www.sai.ok.gov/index.php>) and the [County Training Program website](#)

- ☉ Determine the card limits for purchase cards based on the county need or past usage

- ☉ Single Purchase Limit - Maximum spending limit authorized in a single transaction

Unless exempted by statute, a single transaction may not exceed \$5,000 per the Oklahoma Statutes. The Board of County Commissioners may set the single purchase limit for a purchase cardholder at any amount up to the \$5,000 limit. (for example, \$500, \$1,000,

74 O.S. § 85.5a (D) (2)

\$2,000, or \$5,000). Refer to “Exceptions to Limits” as outlined under “Card Holder Purchases.”

- ☉ Total Credit Limit - Maximum amount that can be spent during a monthly cycle
- ☉ Approves the Designation of Purchase Cardholders ([SA&I Form 431](#)), which determines the county employees who are issued a purchase card and their total credit limit

The Purchase Cardholder

A purchase cardholder (county official and/or employee) is an “**individual designated by the county to utilize a purchase card.**”

- ☉ Must be a permanent employee (not temporary or non-employee).
- ☉ Must attend the required initial purchase card training provided by the County Training Program prior to card use 19 O.S. § 1505(J)
- ☉ Must attend the required training provided by the County Training Program every two years from the date of last training
- ☉ Must sign the County Purchase Card Employee Agreement prior to the issuance of the purchase card 19 O.S. § 1505(J)
- ☉ Must sign the Receipt for P-Card acknowledging receipt of the card

The Purchasing Agent (Purchase Card Administrator)

Per state statute, the Purchasing Agent serves as the Purchase Card Administrator for the county purchase card program. 19 O.S. § 1505(J)

- ☉ Serves as the Administrator for the online electronic transaction system for the contract holder (BOA)
- ☉ Attends the required training every two years from the date of last training
- ☉ Submits applications for purchase cards as designated by Board of County Commissioners
- ☉ Issues the [County Purchase Card Agreement \(OMES CP 059\)](#) to the designated purchase cardholder

- Issues the [Receipt for P-Card \(OMES CP 059\)](#) to the designated purchase cardholder

NOTE:

Purchase cards are issued in the name of the County and include the cardholder's name, department, and a unique account number.

- Provides the verification ID to the purchase cardholder to activate the purchase card
- Tracks the purchase cardholder training

The Purchase Cardholder

- Activates the purchase card immediately and registers the card on the BOA website at <https://cardportal.works.com>

The State of Oklahoma authorized Purchase (P)-Card is a Visa Purchase Card issued by Bank of America. The Purchase Card is a Chip and Pin card, and the chips are encrypted to create a unique transaction code that cannot be used again.

NOTE:

It is the purchase cardholder's responsibility to ensure that any credit card purchase made with county money complies with the county purchasing laws in the Oklahoma Statutes. For example, any funds on deposit with the County Treasurer, such as county sales tax, and ad valorem, highway, and grant funds, are considered county funds.

The County

- The County has zero liability for unauthorized charges or for lost or stolen cards provided the Bank of America is notified within 24 hours.

Purchase Card Transaction Process

The following section outlines the steps of a typical purchase card transaction.

The Requisitioning Officer

- ☉ Completes the requisition section of SA&I Form 1116, Requisition-Purchase Order-Claim and forwards it to the Purchasing Agent

The Purchasing Agent

- ☉ Determines if the item requested will require a bid and approves the method of purchase
- ☉ Forwards the Requisition - Purchase Order - Claim to the County Clerk

The County Clerk

- ☉ Encumbers the amount stated on the Requisition - Purchase Order - Claim to the Bank of America

NOTE:

All transactions shall be properly encumbered prior to using the purchase card for purchases.

The Purchase Cardholder

- ☉ Makes the purchase using the purchase card

CAUTION:

The cardholder of record is the only person authorized to make purchases using his/her card. The purchase card cannot be loaned to another person.

- ☉ Retains all transaction documentation – card receipts, invoices, packing slips, and any other transaction documentation
- ☉ Delivers transaction documentation to the Receiving Officer

NOTE:

On a monthly basis, the purchase cardholder is responsible for verifying transactions listed on their purchase card statement are valid and for reconciling all charges made on their account.

The Receiving Officer

- ☉ Verifies that goods/services were properly received
- ☉ Prepares, signs, and dates the [Receiving Report \(SA&I Form 4030\)](#)
- ☉ Forwards all documentation (card receipts/invoices/packing slips, receiving reports, etc.) to the Purchasing Agent for further processing

The Purchasing Agent

- ☉ Retains all purchase orders, card receipts/invoices/packing slip, receiving reports, etc. for each purchase card statement
- ☉ Reconciles all transactions to the individual purchase cardholder statements and the master purchase card statement on a monthly basis
- ☉ Signs and dates the [Purchase Card Payment Approval Form \(SA&I Form 432\)](#)
- ☉ Forwards the individual purchase cardholder statements and supporting documentation with the master purchase card statement to the County Clerk

The County Clerk

- ☉ Reviews the monthly master purchase card statement (or invoice) for accuracy
- ☉ Certifies that all documentation is attached to the master statement
- ☉ Signs and dates the Purchase Card Payment Approval Form (SA&I Form 432)
- ☉ Presents all purchase card documents/documentation to the Board of County Commissioners for approval

NOTE:

The County Clerk is responsible for maintaining the purchase card records in a central and secure location.

The Board of County Commissioners

- ☉ Approves the master purchase card statement and each individual purchase cardholder statement in an open meeting
- ☉ Approves (at least two board members) the Purchase Card Payment Approval Form (SA&I Form 432) that has been signed and dated by the Purchasing Agent and County Clerk

The County shall make a monthly payment prior to the due date to the Bank of America to satisfy all transactions listed for the billing cycle, in the time and manner agreed to by the County and the Bank of America.

The County Clerk or Purchasing Agent (Purchase Card Administrator)

- ☉ Prepares the [Electronic Funds Transfer \(SA&I Form 393\)](#) for payment of purchase card statements
- ☉ Forwards the Electronic Funds Transfer form to the County Treasurer

The County Treasurer

- ☉ Executes the payment to the Bank of America

NOTE:

Electronic funds transfer is the only acceptable method of payment to the Bank of America. No other payment method is authorized.

Cardholder Purchases

The purchase cardholder may use the purchase card for telephone, in-person, and internet purchases.

The recommended best practice is that internet purchases be made from a merchant with a secured internet site (for example, a lockbox is present or the URL contains https).

Whether by telephone, in-person, or internet purchase, the purchase cardholder must obtain an itemized receipt which includes at a minimum the following:

- ☉ Vendor name
- ☉ Transaction or purchase date
- ☉ Description of each item purchased, including unit price and quantity
- ☉ Transaction total

CAUTION:

The cardholder should ensure that sales tax is not charged on the credit card receipt when the purchase is tax-exempt.

Taxes on Credit Card Purchases

Before making the purchase, the purchase cardholder has the responsibility to ensure that sales tax and lodging tax are not charged on purchase card transactions that are tax exempt.

Sales Tax

- ☉ In-State Sales Tax
Counties should not be paying Oklahoma state, city, or county sales tax on purchase card transactions
- ☉ Out-of-State Sales Tax
Sales tax may apply on out-of-state purchases
- ☉ Tribal Sales Tax
Tribal sales tax may apply to in-state and out-of-state purchases. If the tribal government does not exempt governmental entities, the sales tax should be paid.

Sales Tax – Online Purchases

To avoid paying sales tax on internet purchases:

- ☉ The county may register for the vendor's tax-exempt program prior to purchasing items on the vendor's website.
- ☉ Some vendors accept a [Streamlined Sales and Use Tax Agreement, Certificate of Exemption \(OMES Form F0003.\)](#)

Lodging/Occupancy Tax

- ☉ Lodging or occupancy tax may apply to in-state and out-of-state purchases depending on the taxing entity that created the lodging tax.

Purchase Card Controls/Limits

- ☉ The purchase card shall not be loaned to another person.
- ☉ The purchase card cannot be used for personal use.
- ☉ Before using the purchase card, a purchase order must be encumbered & proper purchasing procedures must be followed.
- ☉ Individual transactions, other than transactions specifically listed in the statute as exceptions, may not exceed \$5,000 per the Oklahoma Statutes.
- ☉ The purchase card may be used to purchase supplies and services within the Single Purchase Limit and Credit Limit (excludes Prohibited Purchases).
- ☉ The **total amount of the purchase should not exceed** the card's **single purchase limit**.

74 O.S. § 85.5a (D) (2)

Exceptions to Limits

For any transaction with a County purchase card, the single transaction shall not exceed the limit of \$5,000 unless named as an exception in accordance with the Oklahoma Statutes.

74 O.S. § 85.5a (D) (2)

A purchase card transaction has no limit on the amount for the following exceptions:

- ☉ Statewide Contract purchases
- ☉ Regulated Utilities (water, electric, gas, sewage) as defined in OAC 260:115-1-2
- ☉ Interagency Payments
- ☉ Professional Services as defined in the Oklahoma Statutes

74 O.S. § 85.5a (D) (1)

18 O.S. § 803

- ☹ Emergency purchases in response to an emergency declaration by the Governor

NOTE:

Bids at the County level DO NOT qualify as an exception under 74 O.S. § 85.5.

Travel Purchases

The purchase card may be used for travel expenses as outlined in the written travel policy adopted by the Board of County Commissioners on behalf of the County.

- ☹ A purchase order should be encumbered with an estimate of the travel expense.
- ☹ The purchase card may be used for the purchase of airfare and/or lodging.
A recommended good practice is that a separate purchase order is issued to the hotel for lodging. The hotel receipt should have a zero balance.
- ☹ A cardholder may make reservations and pay for lodging expenses for other county employees/officials who are traveling on official business.
- ☹ The purchase card may be used for expenses required to attend a conference, including conference registration and training course fees in accordance with the adopted County Travel Policy.

Prohibited Purchases

The following items are purchases that are prohibited when using the purchase card:

- ☹ Taxes (excluding Tribal taxes or out-of-state taxes on lodging)
- ☹ Entertainment
- ☹ Tobacco and alcoholic beverages
- ☹ Cash, cash advances, automatic teller machine (ATM) transactions
- ☹ Purchase of any goods or services for personal use
- ☹ Purchase of any goods or services not for official County use

- ☉ Meals & incidental expenses if the county has adopted a per diem (per day allowance) policy for reimbursement of travel expenses
- ☉ Any transaction or series of transactions, which exceed the limits established on an individual purchase card
- ☉ Gift certificates or gift cards
- ☉ Other purchases not permitted under County Policy and Procedures

CAUTION:

Split purchasing is prohibited!

“Split Purchasing” means dividing a purchase into two or more transactions for the purpose of staying below the individual transaction limit of \$5,000 or for the purpose of evading a competitive bidding requirement.

Audit Requirements

All transactions are subject to audit by the State Auditor and Inspector’s Office.

Transparency of Transactions through Open Books

In accordance with the Oklahoma Statutes, complete descriptions of purchases made by county government entities shall be published through the state transparency portal pursuant to the Oklahoma Statutes and as warrants required to be published pursuant to the Oklahoma Statutes. The County Purchasing Agent will work with OMES to determine the method of transferring transaction information.

19 O.S. § 1505(J)
74 O.S. § 85.5a
19 O.S. § 444
19 O.S. § 445

All transactions are listed on the State of Oklahoma Open Books website, using the following information:

- ☉ Cardholder’s last name, first initial
- ☉ Merchant Name
- ☉ Amount of transaction

For additional information on the policies and procedures for the county purchase card, refer to the [SA&I Purchase Card Policies and Procedures Manual](#).

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Chapter Ten

Writing Specifications

Need for Good Written Specifications

Writing good specifications ensures the county will receive the correct product. Writing good instructions to vendors helps the vendor to know the correct procedures and ensure fair and equitable treatment.

Requisitioning Officers

Requisitioning Officers are responsible for writing specifications of the item needed. The specifications will be forwarded to the Purchasing Agent on the requisition section of the Requisition-Purchase Order-Claim Form that will reflect the following information:

- ☉ Quantity
- ☉ The maximum amount willing to be expended
- ☉ When date product is needed and
- ☉ How long the bid pricing is to be effective

Writing Specifications

Writing specifications is a way of describing to a supplier the item(s) being requested. The supplier reading the description is trying to understand the desired item(s) from written words only. Therefore, accurate and complete specifications for the item(s) are imperative.

For example, an officer needs a new number two, wooden, lead pencil. The officer tells the Purchasing Agent, "I need a new pencil." Without the other information, the Purchasing Agent may not order the same pencil that the officer needs.

If the officer tells the Purchasing Agent, "I need a new number two, wooden, lead pencil," the chances of receiving that specific item become much greater.

The more complex the item(s) for which specifications are being written, the more accurate and complete the description should be to make sure the supplier can fully understand the intended meaning. Otherwise, the item(s) received may not be what is expected.

Types of Written Specifications

Specifications can normally be divided into three types:

- ☉ Performance specifications
- ☉ Dimension specifications
- ☉ A combination of performance and dimension specifications

Performance Specifications

Performance specifications describe tasks or work that needs to be accomplished versus providing specific product dimensions or information. The order specifies the exact work that the product being purchased needs to do. The supplier then recommends which product would best meet the performance specifications. The supplier provides the dimension specifications.

NOTE:

Performance specifications must be written in great detail with exact descriptions of each element of the task to prevent misunderstandings and to prevent problems for those evaluating the responses.

Performance specifications should always state requirements for the following details that need to be met before final payment is made, and they should include any penalties to be imposed for failing to meet those specifications.

- ☉ Warranty
- ☉ Maintainability
- ☉ Support
- ☉ Performance periods

The following examples show where performance specifications might be used:

- ☉ Simple road construction projects
- ☉ Courthouse janitorial services
- ☉ Fence construction
- ☉ Tree removal
- ☉ Grounds upkeep
- ☉ Simple repair projects

Dimension Specifications

Dimension specifications are used to describe the specific characteristics of a product. For example, dimension specifications could be used to describe a pickup truck (for items such as engine size, wheel base, transmission, wheel drive size, and bed size).

Dimension specifications should include a thorough and complete detailed listing of dimensions, the more complex the item, the greater the need for detailed dimensions.

Another example is the pencil mentioned earlier. Many different types of number two wooden lead pencils are available. One pencil may have a lead that is 1/4 inch in diameter, wood that is 3/4 inch in diameter, an overall length of 6 inches, and a large eraser on one end. Another pencil may have different specifications.

Dimension specifications could also be used for purchasing a welding machine. The specifications should include such items as size, category type, range of brands, and portability.

An order for a computer might specify a range of brands, keyboard size, memory, and function capability.,

Combination of Performance and Dimension Specifications

The majority of specification sheets are a combination of performance and dimension specifications. Most of the time, the items to be purchased must meet certain performance standards as well as dimension requirements.

A good example of a combination specification is one written for a computer system. If the application programs must accomplish a specific task in a specific way, that information might be written as a performance specification. If specific hardware is desired, such as memory and disk storage, that information might be written as a dimension specification.

Another example is a telephone system where performance specifications would be used to describe the required functions, and dimension specifications would be used to define the hardware equipment.

In these cases, the specifications writer would describe the entire system, using both performance and dimension specifications, and then use the specifications to analyze the vendor's response.

A Written Specification Example

The following example shows a breakdown for writing a specification for purchasing a computer system.

Software

The following questions might be asked when compiling specifications for computer system software:

- ☉ How many offices are included? Which offices are included?
- ☉ What tasks will the user expect to perform on the computer in each office?
- ☉ What are the product requirements needed to accomplish these tasks?
- ☉ What are the specific elements involved in accomplishing these tasks?
- ☉ Where is the information for these tasks obtained?

The specification writer must analyze all the needs and furnish all the software requirements for each office in complete detail.

A vendor needs to know all these details to understand the total job required of the computer system. This analytic process should result in performance specifications for the application software and may even result in decisions to exclude certain offices and tasks within some offices.

Compiling this information can also help officers and department heads know exactly what they need to do in preparation for receiving the new computer system.

Hardware

Usually, dimension specifications are written to describe hardware items, preferably by someone very knowledgeable about computer hardware. The dimensions might include information about the following items:

- ☉ Memory capacity
- ☉ Expansion capability
- ☉ Disk storage size and growth potential
- ☉ Number and types of terminals
- ☉ Terminal locations
- ☉ Number and speed of printers
- ☉ Printer locations

Along with the specifications obtained from these approaches, information, including that concerning the following items, is necessary to explain the expectations of the county to possible bidders:

- ☉ Warranties
- ☉ Maintenance service
- ☉ Training requirements
- ☉ Upgrades required by statutory changes
- ☉ Upgrades of software developed by the vendor

Information concerning penalties for failing to meet specifications agreed upon should always be included.

All of this information combined would constitute the overall specifications for the entire system and would require many pages of written information. These pages would then be attached to SA&I Form 4040, Invitation to Bid, which has the Non-Collusion Affidavit on the back side.

The Purchasing Agent

Upon receipt of the requisition and specifications, the Purchasing Agent will begin completing the Invitation to Bid packet (See Figure 10-1 for an example of the cover page.) A highly important procedure is to include clear instructions to the vendors of the county's requirement for bid submission.

The following tasks should be done before providing the specifications to a vendor:

- ☉ Set a bid opening date allowing at least 10 days from the date of publication
10 day publication is required in a newspaper of general circulation under Title 19
- ☉ Prepare an affidavit listing all vendors notified
Notification can be by mail or electronically.
- ☉ Prepare a detailed listing of terms and conditions as set out by the county for bid submission
Terms and conditions are usually standard verbiage for all bids. Figure 10-2 shows an example of terms and conditions.
- ☉ Include a bid response form
- ☉ Include samples of contracts, leasing, or any forms the Vendor will be required to submit or sign upon acceptance

The diagram illustrates a sample 'Invitation to Bid' document. On the left, a light blue vertical bar contains three callout boxes with arrows pointing to the right. The top callout is a white arrow pointing to the title 'Invitation to Bid'. The middle callout is a white arrow pointing to the address and submission information. The bottom callout is a red arrow pointing to the 'Cautions!!!' section. The main document text is on the right, starting with the title 'Invitation to Bid' and followed by a paragraph describing the bid. Below this are the bid number, date published, bidding period closing date and hour, sealed bid opening date and hour, and requesting authority. The next section details the submission address, including physical and electronic options. This is followed by a paragraph about terms and conditions, a paragraph about bid envelopes, and a paragraph about the non-collusion affidavit. The final section lists the contents of the packet.

Invitation to Bid

The Board of County Commissioners, xxxxxxxxxxxx, Oklahoma is seeking sealed bids for 2 Adult and 2 Baby Advanced Life-Saving Manikins with remote systems, software, and instructor tablet/patient monitors. This bid will include but is not limited to the Bid Specifications set forth within the specifications list provided within this bid package:

Bid # 2020-04
Date Published: August 21 and 28 (xxxxxx Tribune)
Bidding Period Closing Date and Hour: Friday, August 30 @ 4:00 PM
Sealed Bid Opening Date and Hour: September 3, 2019
Requesting Authority: xxxxxxxx Fire Department

Bids Submission are addressed to:
xxxxx County Purchasing Agent
PO Box xxx
xxxxx, OK xxxxx
OR
Delivered to
xxxxxxx County Purchasing Agent
Xxx E Cherokee
xxxxxx OK xxxxxx

Please review the attached Terms and Conditions pertaining to the submission of this bid.

Please pay particular attention to Item I of the Terms and Conditions. This item specifies how the bid envelopes are to be identified to prevent inadvertent or premature opening of sealed bids. Your compliance will ensure consideration of your bid by the awarding body.
Late bids will not be considered.

Included in this packet is a Non-Collusion Affidavit which must be signed and submitted as part of the bid.

This packet also contains:

1. Invitation to Bid
2. Terms and Conditions for Bidding
3. Affidavit for competitive Bid
4. Specification
5. Bid Form

Figure 10-1. Sample Invitation to Bid

Terms and Conditions

1. How to identify bid

2. No Late Bids

3. Separate envelope for each bid

4. Must be legible

TERMS AND CONDITIONS

THESE ITEMS APPLY TO AND BECOME A PART OF THE BID
NO EXCEPTIONS TO THESE TERMS AND CONDITIONS WILL BE
CONSIDERED

1. **Bids MUST be received in a Sealed envelope** by the date and time specified in the Invitation to bid. **Each envelope MUST be legibly marked on the outside with the following information in the lower left corner: The word "BID", the Bid Number and the closing date. This information must be readily observable along with the Supplier's name and return address.**

Bid packets should be addressed EXACTLY as: xxxxxx County Clerk, Attention: Purchasing Agent, P.O. Box 156, xxxxxxxx, OK 74477 or if they are sent by Specialty Mail Service to: xxxxx County Clerk, Attention: Purchasing Agent, xxxx E. Cherokee, xxxxxx, OK xxxxx

Bids which are hand delivered must be submitted to the County Clerk's Office ONLY at: xxxxxx County Clerk's Office, 307 E. Cherokee, xxxxxx, OK 74467. Any bid submitted to a different Department, Office or District facility can and **will be rejected.**

2. Sealed bids will be opened by the authority requesting the bid, at the location and time specified in the published advertisement and on the "Invitation to Bid" form. **Late bids will not be considered and will be rejected.**

3. Bids must be submitted on the included forms only. **Each SEALED Bid shall be placed in a separate envelope and enclosed in an outer Mailing or Express Mail envelope.** Be sure that both envelopes are completely and properly identified and sealed, showing the bid name and number in the lower left-hand corner.

4. All bids shall be entered on the provided "Invitation to Bid Form" enclosed or a copy thereof. Bids are to be typewritten or in ink. No bidder may withdraw his proposal for a period of thirty (30) days after the date and hour set for the opening of bids.

Figure 10-2. Sample Terms and Conditions

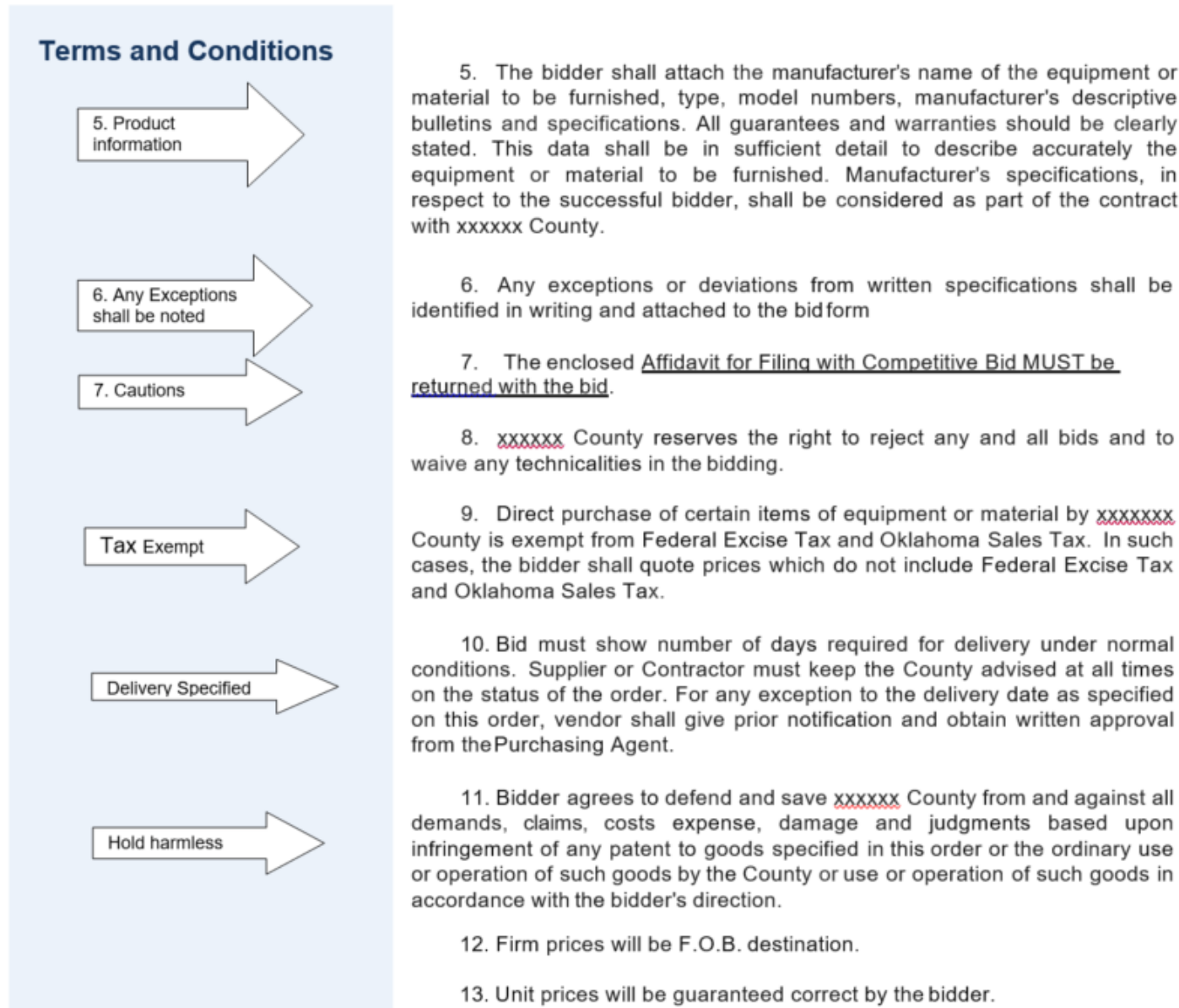


Figure 10-2. Sample Terms and Conditions (Continued)

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Chapter Eleven

Analyzing to Determine Lowest and Best Bids

Oklahoma law requires that the "lowest and best" bids be selected for county purchases. However, determining which bid is the "lowest and best" is often difficult, and bidders sometimes question the selection of one vendor over another.

19 O.S. § 1505(B)(4)
61 O.S. § 117

This chapter is a reliable, consistent system or procedure for use when determining the “lowest and best” bid that can help make this process easier and more equitable. Each step in the process should be recorded in case the final decision needs to be justified.

A recommended best practice is when writing bid specifications, the writer should describe a response format and require that all bids adhere to that format. This action helps to make analyzing and evaluating bids easier.

If bidders include extraneous materials only remotely related to the bid specifications, a reasonable evaluation can be almost impossible to make. All bids must be thoroughly read before an accurate analysis can be made.

In summary, a procedure to analyze bids for “lowest and best” determination should have the following characteristics:

- ☉ Be a written procedure
- ☉ Be a systematic procedure
- ☉ Be capable of being defended and justified
- ☉ Lend itself to explanation
- ☉ Prescribe a specific bid response format
- ☉ Aid in analysis and evaluation of the bids
- ☉ Eliminate extraneous material

Another important point is that those persons analyzing bids should be completely familiar with the bid specifications and know what the product or service is required to do. A highly recommended best practice is to visit personally with the Requisitioning Officer or the individuals who are requesting the purchase can help to determine product needs more completely.

Analysis Procedures

When the contents of all of the bids are placed in the same logical order, comparisons become simpler, and similar items can be compared more easily. Proper comparison requires a visual organization of the data.

When itemizing needs, a recommended best practice is for the analyzer to use descriptive, specific detail and identify the most important qualities and characteristics.

The following system is widely used in industry and can provide a county with a written, systematic approach to reaching a "lowest and best" decision. The following procedure helps the writer to organize the data visually. Any format can be used, but a table similar to the one shown in Figures 11-1 through 11-9 is suggested.

The example below uses imaginary bids received for a pickup truck with relatively unsophisticated specifications. Imaginary bids are received from three companies, called ABC, DEF, and GHI.

The procedure contains the following steps:

1. List all the criteria that the product is expected to meet, all of which are included in the specifications, down the left side of the form, shown in Figure 11-1, in the "ATTRIBUTES" column.

For brevity, the example in Table 11-1 list only four criteria: price, engine, wheel base, and cab.

In cases where attributes are complex, it may be necessary to list sub-attributes under the main attribute to help remind the writer of all the important elements with which the bid should comply.

Table 11-1. Analysis Procedure: Listing Attributes

		Company						
Attributes	WT							
Price								
Engine								
Horsepower								
Fuel								
Wheel Base								
Cab								
Totals								

- Under the column "WT" as shown in Table 11-2, enter the weighted value of each particular attribute if it were to meet the bid specifications perfectly. This value will normally vary depending on the importance the analyzer places on this attribute toward meeting the needs of the requisitioning office.

Price is usually high in importance, so the weight given is 10 in the sample, as shown in Table 11-2. The engine specifications may not be quite as important, so a weight of 9 is given. The wheel base is of even less importance, so a weight of 7 is assigned. The cab design may be a little more important than the wheel base because more than three people may need to ride at one time, so a weight of 8 is assigned.

The sub-attributes will be used later in the analysis.

Table 11-2. Analysis Procedure: Awarding Weighted Values

		Company						
Attributes	WT							
Price	10							
Engine	9							
Horsepower								
Fuel								
Wheel Base	7							
Cab	8							
Totals	34							

3. Under "Company," list the companies offering bids as shown in Table 11-3.

Table 11-3. Analysis Procedure: Listing Companies Offering Bids

		Company						
		ABC	DEF	GHI				
Attributes	WT							
Price	10							
Engine	9							
Horsepower								
Fuel								
Wheel Base	7							
Cab	8							
Totals	34							

4. Award a weighted value for the price stated in each bid as shown in Table 11-4.

The bids in the example stated the following information:

- ☉ ABC offered a diesel engine of 180 HP, long wheel base, and 3-passenger cab for a price of \$12,500.00
- ☉ DEF offered a gasoline engine of 200 HP, short wheel base, and 5-passenger cab for \$11,000.00
- ☉ GHI offered a gasoline engine of 220 HP, long wheel base, and 6-passenger cab for \$12,750.00.

Analysis of Price: ABC is awarded an 8.5; DEF is awarded a 10, and GHI is awarded an 8 weighted value.

Table 11-4. Analysis Procedure: Analyzing Price

		Company					
		ABC	DEF	GHI			
Attributes	WT						
Price	10	8.5	10	8			
Engine	9						
Horsepower							
Fuel							
Wheel Base	7						
Cab	8						
Totals	34						

5. Use the sub-attributes to analyze the engine, as shown in Table 11-5.

First, analyze the horsepower sub-attribute:

- ABC is awarded a (-) because the HP is the lowest
- DEF is left blank
- GHI is awarded a (+)

Second, analyze the fuel sub-attribute:

The diesel engine is preferred; therefore, ABC is awarded a +, and the other two are left blank.

Table 11-5. Analysis Procedure: Analyzing the Engine Sub Attributes

		Company					
		ABC	DEF	GHI			
Attributes	WT						
Price	10	8.5	10	8			
Engine	9						
Horsepower		-		+			
Fuel		+					
Wheel Base	7						
Cab	8						
Totals	34						

Third, analyze the engine.

Considering the +'s and -'s, GHI is awarded a 9. ABC and DEF are each awarded an 8, as shown in Table 11-6.

Table 11-6. Analysis Procedure: Analyzing the Engine

		Company						
		ABC	DEF	GHI				
Attributes	WT							
Price	10	8.5	10	8				
Engine	9	8	8	9				
Horsepower		-		+				
Fuel		+						
Wheel Base	7							
Cab	8							
Totals	34							

6. Analyze the wheel base.

ABC bid a long wheel base and is awarded a 7; DEF bid a short wheel base and is awarded a 5, and GHI bid a long wheel base and is awarded a 7 as shown in Table 11-7.

Table 11-7. Analysis Procedure: Analyzing the Wheel Base

		Company					
		ABC	DEF	GHI			
Attributes	WT						
Price	10	8.5	10	8			
Engine	9	8	8	9			
Horsepower		-		+			
Fuel		+					
Wheel Base	7	7	5	7			
Cab	8						
Totals	34						

7. Analyze the cab.

ABC bid a three-passenger and is awarded a 5; DEF bid a five-passenger and is awarded a 7, and GHI bid a six-passenger and is awarded an 8 as shown in Table 11-8.

Table 11-8. Analysis Procedure: Analyzing the Cab

		Company					
		ABC	DEF	GHI			
Attributes	WT						
Price	10	8.5	10	8			
Engine	9	8	8	9			
Horsepower		-		+			
Fuel		+					
Wheel Base	7	7	5	7			
Cab	8	5	7	8			
Totals	34						

8. Total each column.

The maximum points to be awarded under WT is 34. ABC receives 28.5, DEF receives 30, and GHI receives 32, as shown in Table 11-9.

9. From the totals, determine the "lowest and best" bid.

The "lowest and best" bid in this example is from GHI.

Table 11-9. Analysis Procedure: Totaling the Columns

		Company						
		ABC	DEF	GHI				
Attributes	WT							
Price	10	8.5	10	8				
Engine	9	8	8	9				
Horsepower		-		+				
Fuel		+						
Wheel Base	7	7	5	7				
Cab	8	5	7	8				
Totals	34	28.5	30	32				

The procedure described above can be used to analyze any bid, provided the attributes are easily recognized and distinguishable from carefully written specifications, and the vendors are required to follow a strict format in their response.

A recommended best practice is to keep notes that briefly state why specific points are awarded and cross-reference them to the page and paragraph in the bid response, which helps justify the analysis at a later date. Attaching the notes to the bids when they are filed also provides a means of later justifying why a particular vendor received a bid.

Throughout this analysis procedure, do not hesitate to discuss the decision with the person(s) requesting the product or service. Ask them, “Is this what you wanted?”

Additional Considerations

When awarding contracts, a board should consider not simply the lowest bidder but the lowest responsible bidder. If the award is made to a bidder other than the lowest bidder, a board must state the reasons for that action. A statement must be placed on file, be open to public inspection, and be a matter of public record.

61 O.S. § 117

The following is a suggested statement to use when the decision is made to contract with a bidder other than the lowest bidder.

On occasion, situations may arise which require the immediate delivery of products to the district. Taking into consideration the ability of the company to respond to the requirements of the contract in a timely manner, the bid of _____ does not appear to be the lowest responsible bid.

In considering whether the lowest bidder is responsible, a board could consider the following factors:

- ☉ The ability, capacity, and skill of the bidder to perform the requirements of the contract
- ☉ The character, integrity, reputation, experience, and effectiveness of the bidder
- ☉ The quality of the bidder’s performance on previous contracts
- ☉ The bidder’s previous and existing compliance with state laws and city ordinances
- ☉ The sufficiency of the bidders' financial resources and ability to perform the work financially

Chapter Twelve

Vendor Lists

The County Purchasing Agent's major function is to do the shopping for the county. The recommended best practice for the Purchasing Agent is to learn as much as possible about their potential vendors, including the following characteristics:

- ☉ What types of products or services they sell
 - The quality of their products, based on experience, research, and reputation
- ☉ The quality of their service; is it fast, dependable, and customer-focused?
- ☉ Their market position on pricing; are they competitive and fair?

This chapter offers some hints on developing a good vendor resource file by suggesting ways to locate vendors, obtain product information such as price and quality, and maintain the file as a future reference source.

Locating Suppliers

The following sources of goods and services are covered in this chapter:

- ☉ Customer suggestions
- ☉ Suppliers indexes or registers
- ☉ Trade magazines
- ☉ Trade or industry associations
- ☉ Catalogs and sales brochures

- ☉ Office of Management and Enterprise Services
- ☉ Letters of interest
- ☉ Oklahoma Directory of Manufacturers and Products
- ☉ Technology Centers (Small Business)
- ☉ The Internet

Department Suggestions

The Purchasing Agents' customers (county departments) are the people in the county for whom they are purchasing goods and services. Suggestions from these customers can be an easy and reliable source of vendor information. Customers, more than anyone else, know what their needs are. In most cases, they already know where the needed goods can be obtained. They also know about special needs regarding ready access to the goods or delivery requirements.

Often, they have already done some initial shopping to identify the desired item(s).

Customer suggestions are also a valuable source of information about unacceptable goods, services, or vendors.

Suppliers Indexes or Registers

The following commercially available product indexes may prove useful in locating supply sources for hard-to-find items:

- ☉ MacRae's Blue Book - MacRae's Blue Book Company
 - <http://www.macraesbluebook.com>
- ☉ Sweets File - Sweet's Catalog Service Divisions, F.W. Dodge Company, McGraw-Hill, Inc.
 - <http://products.construction.com/portal/server.pt>
- ☉ Thomas Register of American Manufacturers Thomas Publishing Company, Inc.,
 - <http://www.thomasnet.com>

Trade Magazines

Virtually every significant professional, business, or industrial activity has a trade magazine or journal, although these are seldom available at public magazine stands. These magazines contain a wealth of information for both Purchasing Agents and customers of the county.

Typically these magazines feature articles about the line of work involved, such as experiences with the use of new products, successful new operating procedures, how-to-do-it stories, and reviews of new equipment. These articles can make the Purchasing Agent and other county employees more aware of new products or services coming onto the market. In addition, the magazines contain a large number of product and service advertisements.

More details on each of these methods are outlined below.

Telephone

A call to the vendor can help determine what information is needed. Almost all ads give a telephone number, often a toll-free "800" number, and most firms will be glad to mail any desired specifications or information that are requested. Usually, a salesperson from a state or regional sales office can call on the county to provide prices and operating details and give product demonstrations.

Letter

A letter, perhaps a form letter, can be sent to the advertised address requesting information, names, and addresses of local vendors, prices, and delivery schedules. Generally, the letter results in a follow-up telephone call from a local or regional sales office offering additional information and assistance.

Product Card

Most trade magazines have one or two product cards inside to make obtaining information from several suppliers easier. These prepaid postcards, addressed to the magazine, have a series of numbers that correspond to numbered ads. Potential customers can circle those numbers that correspond to the product ads of interest, fill in their name and address, and mail the card.

Filling out a product card will accomplish two things. First, the customer will receive a basic information packet from each supplier with some sales brochures or catalogs. Second, the customer's name is usually added to the magazine's mailing list. One word of caution: information requested in this manner often takes four to six weeks before delivery.

Often, trade magazines are sent free of charge to anyone who requests them. The cost of publication and distribution is covered by the advertisements. Publishers are usually anxious to add potential customers as new subscribers, so Purchasing Agents should not hesitate to request that their names be added.

If a trade magazine that advertises the types of products needed is not easily obtainable, the Purchasing Agent can send a letter to the magazine on county stationery stating that they are the county Purchasing Agent and want to be added to the magazine's mailing list.

Since trade magazines are usually sent to people in a specific line of business, finding out what is available is sometimes difficult. The Purchasing Agent might ask current vendors to suggest trade magazines that are appropriate for county business.

Trade or Industry Associations

Trade or industry associations are professional organizations supported primarily by manufacturers, suppliers, or contractors that sell certain products and/or services. Often these associations provide technical assistance with product specifications and make recommendations for product application.

These associations can be a valuable resource for determining sources of supply because they generally provide objective recommendations within the product lines they represent. Many associations publish their own magazines, technical bulletins, and handbooks. Some that might be helpful for the county are listed below:

Catalogs and Sales Brochures

Catalogs

Catalogs can be very helpful when locating items not routinely purchased. Major product distributors or manufacturers publish most of them. Generally, catalogs include a list of all (or almost all) of the products carried, a short description of each, plus identifying numbers. Usually, a price list, which is subject to frequent change, is supplied separately.

Although most individual catalogs will cover only a relatively narrow range of products, a new Purchasing Agent should assemble a collection of catalogs covering most of the items likely to be purchased, ranging from office supplies to road construction equipment.

Sales Brochures

Sales brochures can be accumulated from suppliers and other sources. Some of these brochures will be single pages, while others will be similar to a specialized catalog. These brochures can be a valuable purchasing tool. The Purchasing Agent might find it useful to set up such a sales brochure file, indexed by product type, such as the following categories:

- ☉ Miscellaneous
- ☉ Office Equipment
- ☉ Office Furniture
- ☉ Printing and Printed Materials
- ☉ Road/Bridge Equipment Road Materials
- ☉ Trucks/Pickup/Vehicle parts and Supplies

Office of Management and Enterprise Services

The Office of Management and Enterprise Services (OMES) can be extremely helpful in locating sources of supply. This office has the names and addresses of suppliers and vendors on a state and regional basis.

The list of winning vendors for state contracts is also a very valuable resource. Contact the Director of OMES for information.

OMES is online and has a variety of state contracts to view or download. The website address is <http://www.ok.gov/DCS>.

Letters of Interest

Under the present law, suppliers or vendors may submit a letter of interest requesting that they be notified of any county requests for bids. To ensure that they are only sent a request for bids on those items for which they wish to bid, vendors should indicate the goods or services on which they wish to bid when they submit a letter of interest.

Any vendor who does not respond to a request for bids for three consecutive bid lettings may be removed from the list of interested vendors.

The Purchasing Agent should solicit all potential vendors to assure that a complete list of interested vendors is maintained. Vendors or suppliers should be cross-indexed by product category.

Technology Centers (Small Business)

If a technology center exists within the county, it could be a source for local businesses. It could also be a source of student labor.

A technology center representative might assist with a bid package by notifying their list of contacts.

The Internet

CAUTION: Counties are exempt from sales tax... Even on the internet.

To avoid paying sales tax on internet purchases:

- The county may register for the vendor's tax-exempt program prior to purchasing items on the vendor's website.
- Some vendors accept a **“Streamlined Sales and Use Tax Agreement, Certificate of Exemption, “OMES Form F0003.**

The internet can be a useful tool in obtaining price quotes or specifications or for purchasing the item requested. Some websites will process an order using a purchase order, but usually, they will wait for a warrant to clear the bank before shipping items.

If local vendors have a website, visiting that website can save time over calling the vendor when obtaining a price quote. Computer equipment, software, and other similar items are easily found on the internet.

Before actually purchasing items on the internet, it might be wise to contact the vendor after finding the needed items since not all websites are updated daily. The vendor might also be running a special that is not shown on the website. Sometimes the price quoted during a call is cheaper than the price on the website. This is especially true for computer equipment and supplies.

Search engines are one way to locate companies on the internet. Typing in keywords about products and vendors can generate several websites to investigate. Using bookmarks is a convenient way to keep a prospective vendor's website on file and visit it easily.

Using email is also a convenient way to communicate with vendors.

Establishing a Listing by Product and Vendor

An accurate, up-to-date vendor index file speeds making telephone calls, aids in mailing notices, and generally helps in locating sources of supply. A simple card file with vendor cards that are filed alphabetically is recommended.

Vendor Cards

The following are recommendations for making vendor cards.

Primary information to be included on the card:

- ☉ Company name
- ☉ Telephone number
- ☉ Address

Optional information to be included on vendor cards:

- ☉ Name(s) of the sales contact
- ☉ Local offices (telephone number and address)
- ☉ General line of products or service
- ☉ Special information such as "preferred vendor by Treasurer"

An example index vendor card is shown in Figure 12-1.

Company Name	Franklin Supply Company
Address	945 Westminster St P.O. Box 743
Telephone	Stillwater, Oklahoma 74075 (405) 372-8862
Sales Representative	Earl Givens
Remarks	General Automotive Parts (NAP) Blanket purchase orders District Number

Figure 12-1. Sample Index Vendor Card

Product Index Cards

The vendor's index should be cross-filed with a product index. A cross-referenced product index will be very important for new Purchasing Agents or for use in finding items that are seldom purchased.

The product index should be as detailed as necessary to be helpful. It might start with broad categories and be broken down into more detailed levels based on the Purchasing Agent's experience.

If the categories are too broad, several cards may be required to list all the vendors. If the categories are too narrow, the index will contain an excessive number of essentially duplicate cards.

A sample product index card is shown in Figure 12-2.

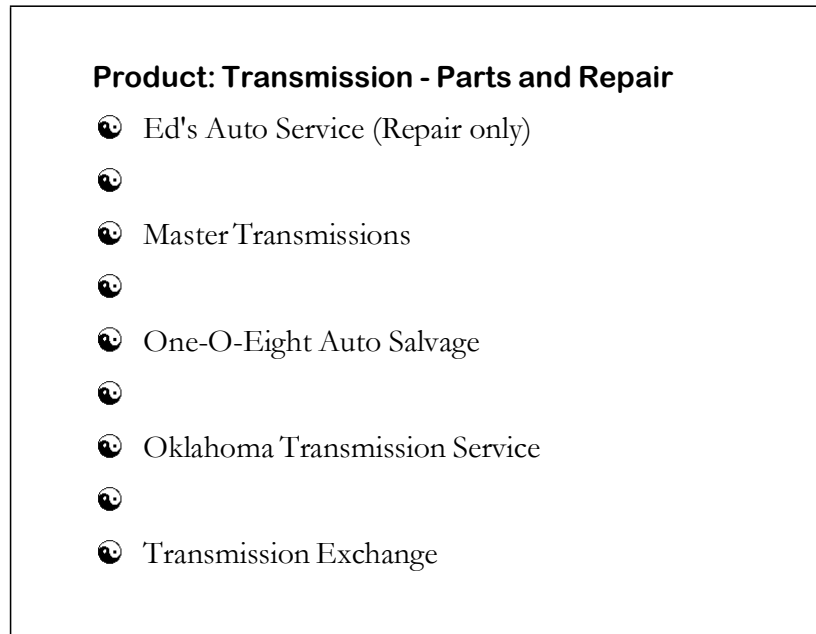


Figure 12-2. Sample Product Index Card

These product index cards can be used as an initial reference in obtaining telephone quotes or mailing bid notices.

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Chapter Thirteen

Inventories of County Property

The State Auditor and Inspector has determined that the statutory and accounting requirements for county inventories can be met by maintaining two separate inventories:

1. A fixed assets inventory of all county equipment with an original cost of \$500.00 or more
2. A consumable inventory of all county materials purchased in lots of \$500.00 or more

19 O.S. § 178.1

19 O.S. § 1502

Each county office, department, or other entity must maintain a set of inventory records.

Fixed Assets Inventory

Fixed Assets are items not consumed by use. They only diminish in value:

1. Equipment costing \$500.00 or more that is not affixed to or made a part of land and buildings
2. Land and buildings inventoried at their initial (historical) cost

19 O.S. § 178.1

19 O.S. § 1502

Roles and Responsibilities for Fixed Asset Inventory

The Board of County Commissioners

The Board of County Commissioners' responsibility is to take, or cause to be taken, an inventory of all fixed assets belonging or leased to the county with an original cost of \$500. They are to prescribe a uniform identification system and create and administer an inventory system for all fixed assets of a county. The Board of County Commissioners is responsible for ensuring an annual inventory is taken by all departments.

19 O.S. § 178.1

19 O.S. § 1502

For equipment of a county used in the construction and maintenance of roads and bridges, the Board of County Commissioners may designate an employee as the Road and Bridge Inventory Officer to be responsible for the identification and inventory system. For equipment of a county other than for road and bridge, the Board of County Commissioners may designate an employee of that office to administer such an inventory system. A recommended best practice is that each department appoints an Inventory Officer for their department for proper internal controls. Verification with the signature of a supervisor is recommended as good internal controls.

County Officer or Department Head

Each county office, department, or other entity must take, record, maintain, and report a set of inventory records for any fixed assets with a cost of \$500 or more that were purchased with county funds and assigned to them. These fixed assets also include any leased and leased purchased equipment items under the control of the officer. An inventory of items with a cost of less than \$500 may also be maintained but is not required by Oklahoma Statutes.

19 O.S. § 178.2

19 O.S. § 1502

NOTE:

Items with an initial cost of less than \$500 are still county property and may be included on an “office” inventory. Examples of these items are calculators, cameras, cell phones, weapons, radios, etc.

A copy of these inventories (fixed asset records) must be filed with the County Clerk. The county officer or department head is responsible for creating and maintaining the fixed asset records, and they will be cited in the audit if the records are not complete. Upon disposal of inventory, the records may be destroyed AFTER three or more years and have been subject to a full audit.

19 O.S. § 178.3(B)

The county officer or department head must appoint two Receiving Officers. This designation must be in written form and filed with the County Clerk. A recommended best practice is to appoint an Inventory Officer.

19 O.S. § 1503

The county officer or department head should ensure that the Inventory Officer and Receiving Officer (or other designated employee) perform a physical inventory a minimum of once a year. For internal control, two individuals should initial the physical inventory, and the “working list” should be kept until a full audit is complete. A physical inventory should also be performed upon the change of an elected official.

19 O.S. § 178.1

19 O.S. § 1502

District Court Clerks are responsible for maintaining an inventory of equipment furnished by the Administrative Director of the Courts for the Oklahoma Court Information System (OCIS). OCIS retains ownership of the equipment; however, since the property is in the Court Clerk's custody, they are responsible for including it in the inventory of county property.

County Clerk

The County Clerk shall maintain a duplicate set of inventory records, by department, in their office. The responsibility of the inventory lies with each county officer and department. The County Clerk is acting only as a repository (central location in which data is stored) of the records.

19 O.S. § 178.3

The County Clerk is authorized to destroy all inventory records, files, and reports of any inventory of the county which has been disposed of for three years or more if the inventory account has been subject to a full audit by the State Auditor and Inspector (SA&I).

19 O.S. § 178.3(B)

State Auditor and Inspector

The office of the SA&I is charged with the responsibility of developing forms and procedures for the fixed assets of counties. All SA&I forms can be stored electronically and must be made accessible for auditors when requested.

19 O.S. § 178.4

74 O.S. § 214

SA&I recommends that management implement internal controls to ensure compliance with the county inventory and equipment Oklahoma Statute and that fixed assets are safeguarded against misuse and loss. SA&I additionally recommends that management implement internal controls to ensure compliance with the Oklahoma Statutes to mark equipment properly.

19 O.S. § 178.1

69 O.S. § 645

The Receiving Officer

The Receiving Officer has the responsibility to receive all items delivered and verify those items with a purchase order. The Receiving Officer then completes SA&I Form No. 4030, Receiving Report noting any discrepancies, as well as listing items received. The Receiving Officer signs, and the delivery person signs the report.

19 O.S. § 1504

The receiving report documents the receipt of materials, goods, services, or equipment as requisitioned and ordered on a county purchase order; it is used each time delivery is made of goods and services. The information comes from invoices and accompanying purchase/requisition orders.

- ☉ Identify any items with an initial value of \$500 or more

- Include all Leased items

NOTE:

Cell phones that are provided through a service provider plan should be tracked as a “leased” asset on the fixed asset inventory. SA&I requires a detailed list of all county employees who have a cell phone checked out to them.

- ☉ Determine the identification number from the identification system prescribed by the Board of County Commissioners
 - ID should include the department and inventory number assigned.
- ☉ Mark each item with its proper identification in a permanent manner
 - All items should be clearly marked with county identification.
- ☉ Any County-owned equipment, automobiles, and trucks shall be legibly marked PROPERTY OF (name of county) COUNTY.
- ☉ Leased automobiles, trucks, road machinery, and equipment shall be legibly marked LEASED BY (name of county) COUNTY.
- ☉ Complete form [SA& I 1-9005](#), Fixed Asset Record – Property and Equipment
 - One form for department
 - One form for County Clerk
- ☉ Forward fixed asset record forms to the Inventory Officer
- ☉ The fixed asset record creates a record showing equipment owned by the county costing \$500 or more. County departments may use the form to track all equipment, not limited to only those items costing \$500 or more. It is used each time equipment is acquired or disposed of in each department. The information comes from purchase orders, receiving reports and accompanying invoices, and warrant activity.

19 O.S. § 178.1

19 O.S. § 1502(A)(2)

69 O.S. § 645

- ☉ Items purchased with any county funds must be put on inventory. Some examples are funds from Resale Property, grant funds, sales tax funds, and donations.

NOTE:

Donated items should be accepted in an open meeting and added to the fixed assets inventory. Donated Items must be accepted in resolution form by the Board of County Commissioners. The fair cash value should be established.

The Inventory Officer

Although not required by law, it is a best practice for each elected officer and department head to appoint an Inventory Officer. The Inventory Officer will be responsible for verifying the information provided on the inventory forms to ensure proper inventory control, preparing an annual summary report of fixed assets, and performing a physical inventory along with another designated employee at least once a year.

- ☉ Initial both forms as provided by the Receiving Officer
 - Forwards one copy to the County Clerk's office
 - Keeps one copy for department inventory
- ☉ Maintain [SA&I Form 3512, Summary Report](#)
 - Keeps a running balance showing the total value of equipment owned by each county department
 - Used whenever equipment is acquired or disposed of
 - Use information from inventory records on [SA&I Form 1-9005](#)
 - A recommended best practice is to submit the report to the Board of County Commissioners for documentation in meeting minutes. Each county can set its own date to submit.
 - The summary report information should be gathered through a physical inventory of all property under the control of the department and cross-checked with the Fixed Asset Record
 - Forward annually to the County Clerk

19 O.S. § 178.1

19 O.S. § 178.1

- ☉ The Inventory Officer and Receiving Officer (or other designated employee) should perform a physical inventory a minimum of once a year.
 - For *internal control*, two individuals should initial the physical inventory, and the “working list” should be kept until a full audit is complete.
 - A physical inventory should also be performed when a change of official or department head occurs.

19 O.S. § 178.1
19 O.S. § 1502

Land and Buildings

The Board of County Commissioners

The Board of County Commissioners is responsible for preparing and maintaining an ongoing inventory of land and buildings owned by the county. Each inventory record should include property and legal description, date acquired, how acquired, and historical cost. The inventory should include all property owned by the county regardless of how acquired. For example, property acquired at resale should be added to the inventory as provided by a list from the County Treasurer.

Counties may use SA&I 1-9005, Fixed Asset Record for land/buildings and complete the relevant parts or keep a land and building list. Purchases with both land and improvements may be recorded on one form.

Tracking Fixed Asset Inventory

Transfer of Inventory

When fixed asset inventory items are transferred to other county departments, the Inventory Officer will initiate the transfer documents ([SA&I Form 1-9001](#)).

- ☉ A copy goes to the Receiving Office.
- ☉ A copy goes to the County Clerk to be attached to the inventory card.
- ☉ One copy is retained by the issuing office and attached to the Inventory Sheet.

19 O.S. § 178.3

The Receiving Office creates an inventory card for the item transferred and assigns a number. A copy of the inventory card shall be forwarded to the County Clerk.

The County Clerk and the issuing officer shall attach the transfer form to the original inventory card and retain the document in an inactive file. The inventory card shall be kept until a full audit has been completed.

Disposing of Fixed Assets

Every item of surplus property that is listed on the county's inventory and has an original cost of more than \$500 must be disposed of in a manner provided by law. The Board of County Commissioners must be notified in writing of any property that becomes surplus and is subject to disposal.

Before disposing of any surplus property, the Board of County Commissioners must declare the property as surplus by resolution and enter that declaration into the minutes of a board meeting. The county officer must submit [Form 397A, Declaration of Surplus](#) to the Board of County Commissioners for approval prior to any disposal of fixed assets.

WARNING:

The Board of County Commissioners may not declare any property as surplus during the period when the elections of any two County Commissioners occur at the same time. The prohibition shall begin 30 days before the filing period and end the day after two or more County Commissioners are sworn in. If two or more incumbents draw no opponent, or the incumbents win the election, the prohibition is removed, and the county may dispose of surplus property as provided in the Oklahoma Statutes.

19 O.S. § 333(B)
19 O.S. § 421.2

The County is authorized under law to dispose of fixed assets in one of the following manners:

19 O.S. § 421.1(C)

☉ Sealed bid

☉ Public or internet auction

19 O.S. § 421.1(C)(4)

Includes ODOT and CED auctions

19 O.S. § 421.1(F)

☉ Trade-in

19 O.S. § 421.1(A) & (I)

☉ Sale to Tribal Government or a state agency

19 O.S. § 421.1(D)

☉ Sale, transfer, trade, or disposal to a tribal government, other county, or political subdivision

19 O.S. § 421.1(E)

☉ Transfer to a political subdivision

19 O.S. § 421.2

☹ Junking

Refer to Chapter 14, “Disposing of Surplus Property” of this handbook for a step-by-step procedure for each method of disposition.

Within 30 days after disposing of any surplus property, the Board of County Commissioners must complete SA&I Form No. 397, [Resolution for Disposing of Equipment](#). This form creates a record for the disposal of county-owned equipment. It is used whenever departments request the Board of County Commissioners to declare items to be surplus, and an order for the item to be sold, traded, or junked is issued. The information for the form comes from the county’s inventory record.

19 O.S. § 421

The disposition of property on the “Resolution of Disposing of Equipment” form must be entered into the minutes of the Board of County Commissioners meeting within 30 days after the disposition. The minutes of the board must reflect the following information:

19 O.S. § 421

19 O.S. § 1505(G)(2)

- ☹ Description of item
- ☹ Serial number (if any)
- ☹ Date acquired
- ☹ Name and address from whom acquired
- ☹ Original cost or contract price
- ☹ Date of disposition
- ☹ Name and address to whom property transferred
- ☹ Price received
- ☹ Reason for disposition

After the “Resolution for Disposing of Equipment” form is approved by Board of County Commissioners, the department updates their inventory record, [SA&I Form 1-9005](#), in the “Record of Disposition” section. The County Clerk updates the master inventory record, [SA&I Form 1-9005](#), in the “Record of Disposition” section.

Where a county vehicle covered by a policy of insurance has been damaged in a wreck and is a total loss, the county is not required to follow the procedures for disposition of county property found in the

AG Opinion 1999-26

Oklahoma Statutes but may transfer title to the property to its insurance carrier upon approval of the Board of County Commissioners.

Sale of Land

The Board of County Commissioners has authority to sell real property without declaring it surplus if a certified appraisal of the county property is performed to determine the market value of the property and accepted by the Board of County Commissioners. The notice of such sale must be published in a newspaper of general circulation for two successive weekly issues. Bids for the property are sealed and delivered to the County Clerk's Office and opened after fifteen days from the date of first publication.

19 O.S. § 421.1(G)

The Board of County Commissioners is not prohibited from declaring a county-owned real property as surplus to the needs of the county during the time period beginning 30 days before the filing period for any election of a county commissioner and ending the day after a County Commissioner is sworn in.

Fixed Asset Forms

- ☺ SA&I 4030 Receiving Report
- ☺ SA&I 1-9005 Fixed Asset Record
- ☺ SA&I 3512 Summary Report
- ☺ SA&I 1-9001 Transfer Document
- ☺ SA&I 1-397A Declaration of Surplus
- ☺ SA&I 397 Resolution for Disposing of Equipment

Consumable Inventory

SA&I recommends that each county implement policies and procedures to ensure compliance with the Oklahoma Statutes, which would provide assurance that the consumable items of each county are protected from loss and misuse.

Consumables are items consumed by use and purchased in lots of \$500 or more. This includes:

19 O.S. § 1502(A)

- ☺ Supplies and materials used in the construction and maintenance of roads and bridges
 - Gravel, pipe, fuel, etc.

- ☉ Supplies and materials of a county not used in the construction and maintenance of roads and bridges
 - Office materials and supplies

19 O.S. § 1502(B)

Each county office, department, or other entity must take, record, maintain, and report a set of inventory records of all items purchased in lots of \$500 or more for consumable items. These reports may be kept electronically by the office and made available to the auditors upon request. Some departments may establish a policy that items under \$500 will be tracked by a separate inventory or included in the official inventory.

Consumable Inventory – Road and Bridge Requirements

The Board of County Commissioners

The Board of County Commissioners or a designated employee shall prescribe a uniform identification system and create and administer an inventory system for supplies and materials of a county purchased in lots of \$500.00 or more for use in the construction and maintenance of roads and bridges.

19 O.S. § 1502(A)

The employee designated by the Board shall be the County Road and Bridge Inventory Officer.

In counties having a county budget board, the board may, upon an affirmative vote of a majority of all the board members, appoint a County Road and Bridge Inventory Officer.

For purposes of identifying county bridges, the Board of County Commissioners shall number each bridge subject to its jurisdiction. Also, county roads should be numbered for identification purposes.

Consumable Inventory – Road and Bridge Projects

The Receiving Officer

The county officer or the Receiving Officer shall establish a “Project Inventory Record” for each new project. This form creates a written record showing and tracking all materials acquired for a specific project that utilizes road and bridge materials. Bridges are to be specifically numbered, and roads are to be specifically numbered on each such project. The “Project Inventory Record” is used each time a project is started and concluded. The information comes from the requisition and purchase forms, invoices and receiving reports, and consumable goods inventory record sheets. A copy of this form should be attached to the monthly summary report of consumable items.

19 O.S. § 1502(A)

The Receiving Officer is responsible for identifying all road and bridge supplies and materials purchased in lots of \$500 or more. The Receiving Officer receives all items that are delivered and completes [SA&I Form No.4030, Receiving Report](#).

After receiving and identifying items, the Receiving Officer prepares a new [SA&I Form No. 1-9002](#), Project Inventory Record for items purchased or adds the quantity of items received to the existing Project Inventory Record.

When the project is complete, the Receiving Officer transfers out any unused materials or supplies to another project or to the warehouse using [SA&I Form No. 1-9001, Transfer Document](#). Transfers are also indicated on the Project Inventory Record form.

The transfer document creates a written record of road and bridge items that are transferred. The information comes from the consumable inventory records.

The Inventory Officer

The Inventory Officer prepares each quarter [SA&I Form No. 1-9003](#), Summary Report of Consumable Items. This report creates a written record to account for and track consumable road and bridge materials. It is a summary report of all supplies and materials disposed of and/or projects completed during a reporting period. The information comes from the requisition and purchase orders, invoices, receiving reports, project records, and inventory officers in each district.

19 O.S. 1505 (G)(1)

Consumable Inventory – Road and Bridge Warehouse Stock

The Receiving Officer

The Receiving Officer is responsible for identifying all road and bridge supplies and materials purchased in lots of \$500 or more. The Receiving Officer receives all items that are delivered and completes SA&I Form No.4030, “Receiving Report.”

19 O.S. § 1502(A)

After receiving the items, the Receiving Officer prepares [SA&I Form No. 1-9004](#), Consumable Item Stock Record. The stock record tracks and accounts for all consumable items used for road and bridge construction by the county commissioners. It is used each time specific items of road and bridge materials are stockpiled and used in each district. The information comes from purchase records, invoices, receiving reports, and inventory records in each district.

As needed, the Receiving Officer transfers out materials or supplies from the shop stockpile or shop warehouse using SA&I Form No. 1-9001, Transfer Document.

On a weekly basis, the Receiving Officer prepares [SA&I Form No. 1-9006](#), Weekly Warehouse Summary Report. Transfers are indicated on the warehouse summary each week. This form tracks a running balance of stockpiles of road and bridge materials on hand in each County Commissioner's district. The information comes from purchase records, receiving reports, and transfer records.

The Inventory Officer

The Inventory Officer prepares each quarter SA&I Form No. 1-9003, Summary Report of Consumable Items.

19 O.S. 1505 (G)(1)

Tracking Consumable Inventory – Road and Bridge

Transfer of Inventory

To transfer materials and supplies between districts or projects, SA&I Form No. 1-9001, "Transfer Document," must be completed.

Copies of this form are distributed in the following manner:

- ☉ One copy to the department to which the inventory is being transferred
- ☉ One copy to the Inventory Officer of the department receiving the inventory
- ☉ One copy to the department transferring the inventory

The Inventory Officer

The Inventory Officer indicates any transfers on SA&I Form No. 9006, Weekly Warehouse Summary, each week. Transfers are also indicated on SA&I Form No. 9002, Project Inventory Record, which is filed at the end of a project.

Consumable Inventory – Non-Road and Bridge

The Board of County Commissioners

The Board of County Commissioners shall prescribe a uniform identification system and create and administer an inventory system for supplies and materials of a county purchased in lots of \$500.00 or more not used in the construction and maintenance of roads and bridges.

19 O.S. § 1502(B)

The Board of County Commissioners may designate an employee of that office to administer such an inventory system.

19 O.S. § 1502(B)

The Receiving Officer

The Receiving Officer has the following responsibilities for non-road and bridge consumable inventory:

19 O.S. § 1502(B)

- ☉ Receives & identifies all consumable items purchased in lots of \$500.00 or more using SA&I Form No. 4030, Receiving Report
- ☉ Prepares [SA&I Form No. 1-9004](#), Consumable Item Stock Record for orders in excess of \$500.00
- ☉ Continues to enter adjustments on the Consumable Item Stock Records as items are used and/or received

The Inventory Officer

The Inventory Officer has the following responsibilities for non-road and bridge consumable inventory:

- ☉ Prepares on a quarterly basis, [SA&I Form I-9003](#) - Summary Report of Consumables.
This form can be kept electronically by the County Officer or Department Head.

19 O.S. 1505 (G)(1)

Tracking Consumable Inventory – Non-Road and Bridge

Transfer of Inventory

To transfer materials and supplies between officers and departments, SA&I Form No. 1-9001, "Transfer Document, must be completed.

Copies of this form are distributed in the following manner:

- ☉ One copy to the department to which the inventory is being transferred
- ☉ One copy to the Inventory Officer of the department receiving the inventory
- ☉ One copy to the department transferring the inventory

Identification of Capital Asset Items

The Board of County Commissioners

The Board of County Commissioners is responsible for establishing a systematic method of identifying each capital asset item using a code number.

19 O.S. § 178.1

This simple code number uses a letter to designate the office responsible for an item and a number to indicate a specific item.

The following letters designate the various county offices and departments.

County Offices and Departments Code Numbers

A	District Attorney
B	County Sheriff
C	County Treasurer
D	County Commissioners
E	Agriculture: County Agent
EM	Emergency Management
F	County Clerk
FD	Fire Department
G	County Superintendent
H	County Assessor
I	County Surveyor
J	Court Clerk
K9	Drug Dog
L	District Court

LA	Common Pleas Court
LL	Law Library
MD	County Health Department
P	County Court

County Offices and Departments Code Numbers (continued)

RF	Rural Fire
SC	Senior Citizens
SF	Free Fair Board
SH	Public Defender
SI	Public Health
SJ	County Hospital
SM	Probation Officer
SS	Children's Court
ST	Berry House

A three-digit number identifies the class of equipment. The six major classes of equipment are identified as follows:

Code Range	Description
100-199	Office Furniture
200-299	Office Machines and Equipment
300-399	Road Machinery and Equipment
400-499	Equipment for Maintenance and Repair
500-599	Health Apparatus, Machinery and Equipment
600-699	Miscellaneous Apparatus, Machinery and Equipment

The code numbers in each of the six groups are sub-classified to allow a better description of items, as shown in the following breakdown.

Sub Code Range	Description
101	Safes and Chests
102	Chairs
103	Stools
104	Filing Cabinets
105	Desks
106	Bookcases
107	Tabulating Card Files
108	Visible Record Files
109	Storage Cabinets
110	Tables
111 to 199	Office Furniture – not classified
201	Typewriters
202	Adding Machines
203	Calculators
204	Electric Fans
205	Photographic Recording Machines
206	Photo-Print Washers
207	Photo-Print Dryers

Sub Code Range	Description - Continued
208	Air Conditioners (Water)
201	Typewriters
202	Adding Machines
203	Calculators
204	Electric Fans
205	Photographic Recording Machines
206	Photo-Print Washers
207	Photo-Print Dryers
208	Air Conditioners (Water)
209	Air Conditioners (Refrigerated)
210	Water Coolers
211	Dictating Machines
212	Transcribing Machines
213	Duplication Machines
214	Time Stamping Machines
215	Envelope Sealing Machines
216	Addressing and Mailing Machines
217	Microfilm Machines
218-220	Computers, Land Processor Equipment

Sub Code Range	Description - Continued
221-299	Office Machines and Equipment: Not Otherwise Classified
300-399	Equipment and Machinery
300	Salvaged Equipment
301	Pickup Trucks
302	Trucks (other than pickups) (described type of bed); (includes busses)
303	Tractors (track type)
304	Tractors (wheel type)
305	Graders (power-operated)
306	Graders (hand operated)
307	Motor patrols – Motor Graders
308	Shovels
309	Rock Crushers
310	Cement Mixers, Bond Act Guns
311	Power Drills
312	Power Loaders
313	Draglines
314	Clamshells
315	Cranes
316	Scrapers, Drags, Fresnos, Team Graders, Tractor Drawn Graders

Sub Code Range	Description - Continued
317	Crawler Wagons
318	Plows
319	Rippers, Rooter Grader
318	Plows
319	Rippers, Rooter Grader
320	Rollers
321	Snow Plows
322	Power Hammers, Hydras, Jack Hammers, Paving Breakers, Tamper Pneumatic Impactor Backhoe Attachments, Breaker Drills, Chip Hammers, Pike drive Hammers
323	Bulldozers
324	Air Compressors – Portable
325	Spreaders, Tail Gate, Chip Spreader, Mulch
326	Discs, Road
327	Ditching Machines
328	Stationary Engines
329	Electric Motors
330	Power Saws, Concrete, Chain

Sub Code Range	Description - Continued
331	Automobiles
332	Backhoes, Loaders, Tractor Units, Backhoe Tractor Mounted
333	Conveyors
334	Harrows
335	Graders – Elevating
336	Road Runners
337	Sweepers (towing, power, street)
337	Sweepers (towing, power, street)
338	Traffic Warning Systems, Lane Markers
339	Power Trowels, Vibrators
340	Pavers-Asphalt, Curb Pavers, Road Wideners
341	Derrick Units, Core Drills, Post Hole Diggers
342	Snoopers
343	Front End Loader Attachments
344	Seeders, Hydro Seeders
345	Front End Loaders, Fork Lifts
346	Pulvi-Mixers
347	Station Wagons, Vans Carryall/Suburbans, Crew Cabs
348	Trailers
349	Boats
350	Guardrail Straighteners suburban

Sub Code Range	Description - Continued
351	Traffic Line Marking Machines
352	Air Planes
353	Center Strip Paint Machines – Truck Mounted, Centerline Striping Machines
354	Dump Beds (not on a truck)
355	Survey Equipment
356	Excavating Graders (Gradall, Teleskoop, etc.)
357	Self-Propelled Water Wagons
358 to 399	Road Machinery and Equipment not Otherwise Classified
400-499	Equipment for Machinery
401	Electric Motors
402	Drills
403	Acetylene Welding Units
404	Electric Arc Welding Units
405	Stationary Engines
406	Air Compressors – Stationary
407	Hoists
408	Winches
409	Cranes
410	Jacks
411	Grease Guns, Grease Guns Truck Mounted
412	Fuel Pumps

Sub Code Range	Description - Continued
413	Storage Tanks – Fuel Tanks
414	Fans and Blowers
415	Forges
416	Power Hammers
417	Generators
418	Converters
419	Transformers
420	Pumps, Mud Jack, Water
421	Unassigned
422	Lathes
423	Power Presses
424	Power Planers
425	Power Saws, Concrete (Not Chain) Running Machine
426	Valve Refacing Machines
427	Emery Grinders
428	Cylinder Reboring Machines
429	Riveting Machines
430	Lawn Mowers, Rotary – Manual, Self-propelled, Riding
431	Hedge Clippers
432	Asphalt Distributors, Asphalt Heaters
433	Asphalt Kettles

Sub Code Range	Description - Continued
434	Curb Dressers
435	Oil Heaters (tank car)
436	Road Oil Mixers with Supply Tanks
437	Sand Dryers and Blasters
438	Weed Sprayers
439	Power Washers – Steam Cleaner
440	Rotary Tillers
441	Mowing Attachments (rotary attachments)
442	Paint Machines
443	Electronic Equipment (assign radios if they call in for a number only)
444-499	Equipment and Machinery for Maintenance and Repairs not Otherwise Classified
500-599	Hospital and Public Health Apparatus and Equipment
501	Hospital Beds
502	Operating Tables
503	Sterilizers
504	X-Ray Machines
505	Fluoroscope Machines
506	Lockers
507	Scales
508	Chests

Code Number Examples

Shown below are examples of code numbers for specific items for specific offices. For example, a code number of D-201 would indicate that a typewriter belongs to the office of the County Commissioner.

Code Number	Description	Responsible Officer
D-201	Typewriter	County Commissioner
D-102	Chair	County Commissioner
D-403	Oxy-acetylene Welder	County Commissioner
B-606	Firearm	County Sheriff
E-203	Calculator	County Extension Officer

NOTE:

Some numbers in each code number range will not be used. For example, in the office furniture range, the numbers 111 to 199 are unused in the example.

Unused numbers may be assigned to some new equipment type not previously listed, provided a list is maintained that shows what type of equipment is indicated by this new number. A computer purchased to maintain county records should have a 600 series number as it falls in the miscellaneous apparatus, machinery, and equipment group. Any unused number, say 610, could represent computers. The computer would be coded as D-610 and a note added to the master list to show that 610 indicates computers.

Finally, an addition to the code number could be used to identify separate items of the same type. For example, three chairs could be identified as D-102.1, D-102.2, and D-102.3.

The last number after the decimal point refers to a specific item, and the same decimal number should not be used more than once.

Thus, after a long time, common items (like chairs) might be identified by a rather large number, for example, D-102.27. This number would indicate that the particular chair is the 27th one belonging to the County Commissioner's office.

NOTE:

In the county inventory system, the same identifying inventory number must never be used twice, even if an item no longer exists on the inventory. Once an item is disposed of, the number for that item is never used again.

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Chapter Fourteen

Disposing of Surplus Property

This chapter discusses the various methods of disposing of surplus property and the procedures for recording such dispositions.

Re-Election Restrictions on Surplus Property

When county officials are running for re-election, there are restrictions for declaring county-owned property as surplus. The restrictions are provided in the following table:

Situation	Declaration of Surplus Property by Board of County Commissioners
Non-election year or no officials running for re-election	No special restrictions
Incumbent files for re-election and draws no opponent	The restriction is lifted after the filing period expires.
Only one county commissioner up for re-election	<p>Two commissioners not up for re-election may vote to declare a county-owned property as surplus.</p> <p>NOTE: The State Auditor and Inspector recommends the Board of County Commissioners refrain from declaring surplus property for any elected official up for re-election beginning 30 days prior to filing and ending when it is determined the incumbents will succeed themselves in office or when a new official takes the oath office.</p>

19 O.S. § 421.2(C)

19 O.S. § 421.2(C)

Situation	Declaration of Surplus Property by Board of County Commissioners
Two county commissioners up for re-election	The Board of County Commissioners may not vote to declare a county-owned property as surplus, beginning 30 days prior to filing and ending when the new term begins or when it is determined that the incumbents will succeed themselves in office.
If it becomes impossible for the incumbent to serve another term	Prohibited
Elected official running for re-election	Prohibited. While not prohibited by Oklahoma Statute, it is a highly recommended best practice.

19 O.S. § 421.2(B)
AG Opinion 14-9

19 O.S. § 333 (B)

Declaration of Surplus

Every item of surplus property that is listed on the county’s inventory and has an original cost of more than \$500 must be disposed of in a manner provided by law. The Board of County Commissioners must be notified in writing of any property that becomes surplus and is subject to disposal.

19 O.S. § 339
19 O.S. § 421.2

Before disposing of any surplus property, the Board of County Commissioners must declare the property as surplus by resolution and enter that declaration into the minutes of a Board meeting. The Board of County Commissioners must also complete [SA&I Form No. 397A](#), Declaration of Surplus, to the Board of County Commissioners for approval prior to any disposal of fixed assets.

NOTE:

Those inventory items costing less than \$500, not on the official inventory, it is a best business practice is to follow the disposal methods outlined in this chapter.

Methods of Disposition

The Board of County Commissioners has several methods authorized by law to dispose of surplus equipment. Each of these methods requires a surplus resolution.

- ☉ Sealed bid
- ☉ Public or internet auction
- ☉ Trade-in
- ☉ Sale to Tribal Government, a state agency, or political subdivision
- ☉ Sale, transfer, trade, or disposal to a political subdivision
- ☉ Transfer to a political subdivision
- ☉ Junking

By Sealed Bid

Property may be disposed of by sealed bid by following the procedures listed below:

19 O.S. § 421.1(C)

The Board of County Commissioners

- ☉ Declare an item as surplus
- ☉ Advertise the sealed bid sale in a newspaper of general circulation for two successive weekly issues

NOTE:

Bids shall be in writing, sealed, and delivered to the County Clerk.

- ☉ Open the bids at the next regular meeting after at least 15 days have expired since the first publication of the sale notice
- ☉ May either accept the highest and best bid or reject all bids

By Public Auction

Counties may hold a public auction to dispose of surplus equipment by following the procedures listed below:

19 O.S. § 421.1(C)(4)

The Board of County Commissioners

- ☉ Declare an item as surplus
- ☉ Advertise the sealed bid sale in a newspaper of general circulation for two successive weekly issues

CAUTION:

The advertisement must be a legal notice as defined by the statutes. An advertisement such as a sale bill by the auctioneer does not meet the requirements of a legal notice.

For auctions with other counties, each participating county publishes its own separate legal notice.

Purchasing Agent

To establish an appraised value for an item to be sold at a public auction, the Purchasing Agent may refer to an industry-recognized appraisal manual for used construction equipment to estimate the value of the item being sold or obtain appraisal quotes from at least two vendors in the business of selling items similar to the one being sold.

19 O.S. § 421.1(B)

At an Oklahoma Department of Transportation (ODOT) Auction

The Board may, by resolution, dispose of road and bridge machinery and equipment through ODOT by using the following procedures:

69 O.S. § 636.6(B)

The Board of County Commissioners

- ☉ Declare road machinery or equipment as surplus
- ☉ Establish a minimum acceptable bid price
- ☉ Request ODOT to sell the machinery or equipment

The County

- ☉ Prepare the road machinery or equipment for sale
- ☉ Deliver to ODOT Division Headquarters

These public auctions are held yearly at various ODOT Division Headquarters around Oklahoma.

At a Circuit Engineering District (CED) Auction

The Board may, by resolution, dispose of surplus property through a CED auction by using the following procedures:

19 O.S. §421.1(F)

The Board of County Commissioners

- ☉ Declare road machinery or equipment as surplus
- ☉ Must comply with CED auction policies

Advertisement of surplus property consigned to sell at a CED auction must be provided by the auction company under contract to conduct the sale. Advertising must attempt to attract the most potential buyers. Advertising media may include, but not be limited to, sale flyers, newspapers, radio, television, and Internet postings.

Through an Internet Auction

This method is for selling surplus property and may include online bidding hosted by a third party.

19 O.S. §421.1(C)(4)

The Board of County Commissioners

- ☉ Declare road machinery or equipment as surplus
- ☉ Advertise the internet auction in a newspaper of general circulation for two successive weekly issues

Trade-In

Tools, apparatus, machinery, or equipment belonging to the county may be used as a trade-in on a cash purchase or purchase of any other tools, apparatus, machinery, or equipment as described below:

19 O.S. §421.1

- ☉ May be used as a trade-in on a cash purchase

- ☉ May be used as a trade-in on a lease purchase
Lease purchase must be paid off.
- ☉ May be used as a trade-in to a vendor on a statewide contract (if an option) by acquiring used equipment

19 O.S. §421.1(I)

The Board of County Commissioners

- ☉ Declare road machinery or equipment as surplus

The Purchasing Agent

To establish an appraised value for an item to be traded in, the Purchasing Agent may refer to an industry-recognized appraisal manual for used construction equipment to estimate the value of the item being sold or obtain appraisal quotes from at least two vendors in the business of selling items like the one being sold.

19 O.S. §421.1(B)

The written appraisal quotes must contain the following information:

- Make, model and year
- Mileage or hours
- Condition

Sale to a Tribal Government or State Agency

The Board of County Commissioners may sell any materials, tools, apparatus, machinery or equipment to a tribal governmental entity or state agency after being declared as surplus.

19 O.S. § 421.1(D)

To qualify, state agencies or tribal governments must be subject to the Oklahoma Central Purchasing Act.

NOTE:

When a county plans to sell tools, apparatus, machinery, or equipment to a state agency or a tribal government using this method, it is highly recommended that the County seek legal advice from their District Attorney regarding AG Opinion 1998-48.

AG Opinion 1998-48

19 O.S. §421.1(C)

Sale, Transfer, Trade, or Dispose to Tribal Government, County, or Political Subdivision

For this method of disposing of equipment and materials, counties should use the following procedures:

The Board of County Commissioners

- ☉ May, by resolution, enter into an agreement, with any tribal government entity or other county or political subdivision, at a price agreed upon by both governing bodies
- ☉ Send resolution to other entity for authorization to sell

19 O.S. § 421.1(E)

Transactions made pursuant to this method shall not be subject to provisions to Section 421.1(C) of Title 19 which requires the sealed bid process, public auction, or Internet auction.

Refer to [Chapter Fourteen, Disposing of Surplus Property](#), for more information.

Transfer to a Political Subdivision

Any machinery, equipment, or vehicle that is deemed to be surplus by a unanimous vote of the Board of County Commissioners may be transferred to another political subdivision of the state. Upon such transfer, the subject property shall be removed from the inventory of the county.

19 O.S. § 421.2

When the political subdivision receiving the property declares its surplus, the governing board must give written notice to the county of its intent to transfer the property back to the county. The Board of County Commissioners shall have up to 15 days from the date of receipt of the notice to either accept or reject the property. The political subdivision must transfer the property back to the county only if the Board of County Commissioners agrees to accept the property or fails to respond within 15 days.

Junking

Property considered beyond economical repair and surplus to the needs of the county may be disposed of by junking. It is recommended that the county establish a policy for the disposal of junked property.

19 O.S. § 178.1

The Board of County Commissioners must declare the property as surplus by resolution. If the junked item is used for spare parts, it is still the property of the county and should remain on the county inventory record.

Resolution of Disposition

Within 30 days after disposing of any surplus property, the County Officer or Department Head must submit,

19 O.S. § 421
19 O.S. § 1505 (G)(2)

and the Board of County Commissioners must approve [SA&I Form No. 397](#), Resolution for Disposing of Equipment. This form creates a record for the disposal of county-owned equipment. It is used whenever departments request the Board of County Commissioners to declare items to be surplus, and an order for the item to be sold, traded, or junked is issued. The information comes from the county's inventory record.

19 O.S. § 421
19 O.S. § 1505 (G)(2)

The disposition of property on the Resolution of Disposing for Equipment must be entered into the minutes of the Board of County Commissioners within 30 days after the disposition. The minutes of the Board must reflect the following information:

19 O.S. § 421

- ☉ Description of item
- ☉ Serial number (if any)
- ☉ Date acquired
- ☉ Name and address from whom acquired
- ☉ Original cost or contract price
- ☉ Date of disposition
- ☉ Name and address of the person or firm to whom property transferred
- ☉ Price received

Disposition of a Damaged County Vehicle

A county is not required to follow the procedures for disposition of property when a county vehicle that is covered by an insurance policy is damaged in a wreck and is a total loss. The county may transfer title to its insurance carrier upon approval of the Board of County Commissioners.

AG Opinion 99-26

However, the County Officer or Department Head must still submit, and the Board of County Commissioners must approve [SA&I Form No. 397](#) - Resolution for Disposing of Equipment to remove the item from the inventory. Any proceeds received from the insurance company should be deposited into the fund from which the vehicle was purchased. The County Officer or Department Head should follow SOP #16 in Chart of Accounts Manual.

Disposing of Real Property (Land)

The Board of County Commissioners has the authority to sell real property that belongs to the County without declaring such property surplus under conditions as set forth in the statutes. These procedures do not apply to property acquired at a resale.

Sale of Land

The Board of County Commissioners may sell county real property without declaring the property surplus under the following conditions:

19 O.S. §421.1(G)

- ☉ A certified appraisal of the county property shall be performed to determine the market value of the property and accepted by the Board of County Commissioners.
- ☉ After acceptance of the certified appraisal, the Board of County Commissioners shall give notice of the sale by publication in a newspaper of general paid circulation in the county for two successive weekly issues.
- ☉ Bids for the real property shall be in writing, sealed, and delivered to the County Clerk.
- ☉ The Board of County Commissioners shall open the bids at the next regular Board meeting after the expiration of fifteen (15) days from the date of first publication of notice of sale.

A successful bid must be no less than the market value. The Board of County Commissioners reserves the right to reject any and all bids. If more than one bid is above market value, the Board of County Commissioners shall have the right to compel the bidders into a public auction conducted by the Chairman to establish the highest bidder.

19 O.S. § 421.1(G)

The Board has authority to perform the following actions:

- ☉ Pledge the occupied property as collateral to finance bonds

- ☉ If the sale is less than new land purchase, then make the sales contract contingent on the public approval of bond funding, etc.
- ☉ Order the sale contingent upon a closing date in the future to continue to use the real property until a replacement building is complete.

If there are no bids submitted or all submitted bids are less than the market value of the real property after the expiration of fifteen (15) days from the date of first publication of notice of sale, the Board of County Commissioners shall publish the notice of sale and accept bids for a second time complying with the previously mentioned bid requirements. If there are no bids submitted or all submitted bids are less than the market value of the real property after the expiration of fifteen (15) days from the date of second publication of notice of sale, the Board of County Commissioners shall have the right to sell real property, upon majority vote, without any bidding procedure or auction, directly to any person or entity for an amount that is not less than the highest bid previously submitted through any previous bidding procedures provided.

19 O.S. § 421.1(G)

Sale of Unused Land

The Board of County Commissioners is authorized to sell any unused town lots or parcels of ground not needed for courthouse or jail purposes. However, a recommended best practice is to consult with the District Attorney regarding the use of this statute.

19 O.S. §342
19 O.S. §343
19 O.S. §344

Conveyance of Land

The Board of County Commissioners is authorized and empowered to execute offers to convey lands and to execute deeds of conveyance on such lands as are owned by the county, acquired through gift, purchase, condemnation, or tax resale, and are no longer needed for county purposes. However, a recommended best practice is to consult with the District Attorney regarding the use of this statute.

19 O.S. § 349

Disposal of Recyclable Materials

19 O.S. §421.1(H)

Refer to “Recyclables” in Chapter Six, “Purchasing Situations.”

