An Act

ENROLLED HOUSE
BILL NO. 3312

By: Martin (Scott), Smithson and Walker of the House

and

Anderson of the Senate

An Act relating to counties and county officers; authorizing counties to use reverse auction bidding; providing for procedure; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1801 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. A county of the state is authorized to use a reverse auction bidding procedure to obtain bids for the purchase of goods or services of any type or kind. The reverse auction shall be a real-time bidding process taking 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. The reverse auction procedure may be used as an alternative to any state law applicable to the purchase of the goods or services.

B. The procedure shall provide:

1. A bid opening and bid closure. At the opening date and time, the county shall begin accepting reverse auction electronic bids. Reverse auction bids shall be accepted until the bid closure, except as provided by paragraph 6 of this subsection, unless the county determines it is in the best interest of the county to extend the closing time and notifies 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;

2. The posting of all reverse auction bids electronically and updating of bids on a real-time basis by the county;

3. The authorization for the county to require 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;

4. The authorization for the county to also require potential bidders to prequalify as bidders and to restrict solicitations to prequalified online and reverse auction bidders;

5. The retention of the authority of the county to determine the criteria that will be used as the basis for making awards; and

6. The authorization for the county to determine it is in the best interest of the county to allow it to accept an electronic bid after the specified official closing date and time, in the event the county determines that a significant error or event occurred that affected the electronic receipt of any reverse auction bid by the county.

C. All bids submitted electronically through the reverse auction bidding process pursuant to this section are subject to the same public disclosure laws that govern bids received pursuant to any other law of this state governing procurement procedures for a county.

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

SECTION 2. This act shall become effective November 1, 2010.

Passed the House of Representatives the 18th day of February, 2010.

Presiding Officer of the House of Representatives

Passed the Senate the 29th day of March, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 30th

day of March, **20**10,

at 4:00 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 2nd **day of** April, **20**10, **at** 5:37 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

5th **day of** April, **20**10,

at 10:45 **o'clock** A **M.**

By: