TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL


EXPLANATION: Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.


OAC 340:2-13-75 is a new Section that describes purpose and legal base for OKDHS contracting and purchasing procedures.

OAC 340:2-13-76 is a new Section that describes the delegation of authority to OKDHS to procure certain needed products and services.

OAC 340:2-13-77 through 340:2-13-79 are new Sections that address how funding for acquisition is determined, records retention, and OKDHS audit responsibilities.

OAC 340:2-13-80 is a new Section that describes the penalties for noncompliance of purchasing procedures.

OAC 340:2-13-81 is a new Section that includes definitions of words and terms currently used in regard to purchasing and contracts.

OAC 340:2-13-82 is a new Section that depicts general contracting and purchasing provisions used by OKDHS.

OAC 340:2-13-83 and 340:2-13-90 are new Sections that provide
suppliers information and requirements regarding: (1) open solicitations; (2) poor performance or non-compliance; (3) solicitation instructions; (4) solicitation response; (5) award of contract; and (6) protest of an award.

OAC 340:2-13-91 through 340:2-13-93 are new Sections that describe OKDHS procurement procedures in regard to the: (1) State Use Committee procurement schedule; (2) statewide contracts; and (3) Oklahoma Correctional Industries.

OAC 340:2-13-94 is a new Section that depicts professional services exempt from competitive bidding.

OAC 340:2-13-95 is a new Section that addresses sole source or sole brand acquisitions.

OAC 340:2-13-96 through 340:2-13-100 are new Sections that describe the current dollar acquisition thresholds and the requirements for each level.

OAC 340:2-13-101 is a new Section that addresses emergency purchases.

OAC 340:2-13-102 through 340:2-13-104 are new Sections that address: (1) contract monitoring; (2) the purchase card; and (3) trade-in of OKDHS equipment.

OAC 340:2 Appendix K is revoked as it is obsolete.

Original signed on 5-11-10
Adele Jack, Director
Support Services Division

Sandra Harrison, Coordinator
Office of Intergovernmental Relations and Policy

WF # 10-04 (NAP)
INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

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340:2-13-86, 1 page only, issued 7-1-10
340:2-13-87, pages 1-2, issued 7-1-10
340:2-13-88, 1 page only, issued 7-1-10
340:2-13-89, 1 page only, issued 7-1-10
340:2-13-90, 1 page only, issued 7-1-10
340:2-13-91, 1 page only, issued 7-1-10
340:2-13-92, 1 page only, issued 7-1-10
340:2-13-93, 1 page only, issued 7-1-10
340:2-13-94, pages 1-2, issued 7-1-10
340:2-13-95, pages 1-2, issued 7-1-10
340:2-13-96, 1 page only, issued 7-1-10
340:2-13-97, pages 1-2, issued 7-1-10
340:2-13-98, pages 1-2, issued 7-1-10
340:2-13-99, pages 1-2, issued 7-1-10
340:2-13-100, 1 page only, issued 7-1-10
340:2-13-101, 1 page only, issued 7-1-10
340:2-13-102, 1 page only, issued 7-1-10
340:2-13-103, 1 page only, issued 7-1-10
340:2-13-104, 1 page only, issued 7-1-10

340:2 Appendix K

INSERT

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SUBCHAPTER 13. CONTRACTS AND PURCHASING UNIT

PART 1. CONTRACTS AND PURCHASING UNIT [REVOKED]

Section
340:2-13-1. Purpose [REVOKED]
340:2-13-2. Legal base [REVOKED]
340:2-13-5. Services procurement method [REVOKED]
340:2-13-8. Procedures to secure a fixed rate [REVOKED]
340:2-13-9. Local projects [REVOKED]
340:2-13-10. Purpose [REVOKED]
340:2-13-12. Legal base [REVOKED]
340:2-13-13. General contracting procedures as pertains to professional service requirements [REVOKED]
340:2-13-14. Methods of contracting for professional services [REVOKED]
340:2-13-14.1. Competitive bid procedures utilized for acquisitions of professional services requirements exceeding $25,000 [REVOKED]
340:2-13-14.2. Sole source or sole brand contracts [REVOKED]
340:2-13-14.3. Professional services method [REVOKED]
340:2-13-14.4. Professional services contracts non-exempt in excess of $25,000 [REVOKED]
340:2-13-14.5. Contracts or agreements with other governmental entities [REVOKED]
340:2-13-14.6. Contracts under $25,000 [REVOKED]
340:2-13-14.7. Fixed rate contracts [REVOKED]
340:2-13-14.8. Master fixed rate contracts [REVOKED]
340:2-13-14.9. Local projects [REVOKED]
340:2-13-14.11. Contract addenda pertaining to professional services contracts [REVOKED]
340:2-13-14.15. Conflict of interest [REVOKED]
340:2-13-14.17. Prohibited acts - state employees, agencies and elected officials [REVOKED]

PART 3. LEASING AND SPACE STANDARDS [REVOKED]

340:2-13-17. Legal base [REVOKED]
340:2-13-18. General provisions [REVOKED]
340:2-13-20. Leasing [REVOKED]
340:2-13-22. Lease renewal [REVOKED]
340:2-13-23. Local projects [SUPERSEDED]
340:2-13-27. Initiation of services [SUPERSEDED]
340:2-13-29. Conflict of interest [SUPERSEDED]

PART 5. PRODUCTS AND NONPROFESSIONAL SERVICES [REVOKED]

340:2-13-45. Purpose [REVOKED]
340:2-13-46. Legal base [REVOKED]
340:2-13-47. Procedures for processing requisitions for other than professional services to the Contracts and Purchasing Unit [REVOKED]
340:2-13-49. Telecommunication requirements [REVOKED]
340:2-13-50. Telephone calling card [REVOKED]
340:2-13-51. Telephone system repairs [REVOKED]
340:2-13-53.2. Purchase of food by DHS group homes [REVOKED]
340:2-13-54. Additional coordinations, reviews, and approvals [REVOKED]
340:2-13-55. Inspection and rejection [REVOKED]
340:2-13-56. Change orders [REVOKED]
340:2-13-57. Department of Central Services contract [REVOKED]
340:2-13-58. Payment against purchase orders or contracts [REVOKED]
340:2-13-59. Equipment furnished to the Vendor [REVOKED]
PART 7. CONTRACTS AND PURCHASING

340:2-13-75. Purpose and legal base
340:2-13-76. Delegation of OKDHS
340:2-13-77. Funding
340:2-13-78. Records retention
340:2-13-79. OKDHS audit responsibilities
340:2-13-80. Penalties for noncompliance of purchasing procedures
340:2-13-81. Definitions
340:2-13-82. General contracting and purchasing provisions
340:2-13-83. Supplier registration
340:2-13-84. Reports of supplier non-compliance to DCS
340:2-13-85. Contact with suppliers
340:2-13-86. Internal solicitation
340:2-13-87. Solicitation response submission
340:2-13-88. Award of contract
340:2-13-89. Terms and conditions for acceptable responses
340:2-13-90. Protest of award
340:2-13-91. State Use Committee
340:2-13-92. Statewide contracts
340:2-13-93. Oklahoma Correctional Industries
340:2-13-94. Exempt professional service contracts
340:2-13-95. Sole source or sole brand acquisitions exceeding $5,000 and not exceeding $50,000
340:2-13-96. Acquisitions of $5,000 or less
340:2-13-97. Acquisitions in excess of $5,000 and not exceeding $10,000
340:2-13-98. Acquisitions in excess of $10,000 and not exceeding $25,000
340:2-13-99. Acquisitions in excess of $25,000 and not exceeding $50,000
340:2-13-100. Acquisitions in excess of $50,000
340:2-13-101. Emergency purchases not exceeding $100,000
340:2-13-103. Purchase card
340:2-13-104. Trade-in of equipment
340:2-13-75. Purpose and legal base

Issued 7-1-10

(a) **Purpose.** The purpose of this Subchapter is to describe the rules governing the contracting and purchasing requirements of the Oklahoma Department of Human Services (OKDHS). The Contracts and Purchasing Unit is an internal unit of OKDHS and provides the mechanism for the acquisition of goods, equipment, and non-professional and professional services for the operation of OKDHS. These rules are superseded by the Oklahoma Department of Central Services (DCS) Purchasing Administrative Rules (OAC 580:15) whenever DCS has final approval of an acquisition.

(b) **Compliance.** OKDHS complies with provisions of the Oklahoma Central Purchasing Act, State Use Committee, State Purchase Card Procedures, other statutory provisions and rules of the Central Purchasing Division (CPD) for OKDHS acquisitions. Except as otherwise provided, all contractual services, supplies, materials, and equipment which are used, consumed, or spent by OKDHS in performance of its official functions, are made in conformance with this policy and paid with OKDHS funds.

(c) **Legal base.** OKDHS contracting and purchasing procedures are established pursuant to Section 85.1 et seq. of Title 74 of the Oklahoma Statutes (O.S.) and become effective upon review and approval of the DCS State Purchasing Director pursuant to Section 85.39 of Title 74 O.S.
340:2-13-76. Delegation of OKDHS

Issued 7-1-10

The authority to procure certain needed products and services is delegated to Oklahoma Department of Human Services (OKDHS) from the Oklahoma Department of Central Services (DCS) Central Purchasing Division (CPD).
340:2-13-77. Funding

Issued 7-1-10

Funding for acquisition is determined in accordance with approved budget work program allocations. Necessary internal budget transfers for unexpected acquisitions are completed prior to the purchase of any good or service.
340:2-13-78. Records retention

Issued 7-1-10

The Oklahoma Department of Human Services (OKDHS) retains records for each acquisition and contract in accordance with OAC 580:15-6-4. OKDHS retains purchasing records in the Contracts and Purchasing Unit for all acquisitions of goods or services. The records include the contract, evaluations, and all supporting and required documentation. Associated payment records are retained in the OKDHS Finance Division.
340:2-13-79. OKDHS audit responsibilities

Issued 7-1-10

Acquisition records are made available by the Oklahoma Department of Human Services (OKDHS) for audit by the Department of Central Services Audit Division and the State Auditor and Inspector Audit Team.

INSTRUCTIONS TO STAFF 340:2-13-79

Issued 7-1-10

1. OKDHS provides:

   (1) workspace for the audit team(s);

   (2) records for all purchases during the time period requested by the audit team(s); and

   (3) a certified procurement officer (CPO) who is available to assist the audit team(s) as requested.
340:2-13-80. Penalties for noncompliance of purchasing procedures

Issued 7-1-10

The Oklahoma Department of Human Services (OKDHS) complies with the Department of Central Services (DCS) requirements regarding purchasing procedures.

(1) The DCS Director may:

(A) require retraining of OKDHS procurement officers;

(B) reduce the purchasing competitive bid limit;

(C) transmit written findings of noncompliance to the State Auditor and Inspector for further investigation.

(2) If the DCS Director reasonably believes any purchase reported by the DCS State Purchasing Director constitutes a criminal violation of the Oklahoma Central Purchasing Act by OKDHS employees, the certified procurement officer, or vendor, the DCS Director transmits the report to the Attorney General for investigation.
340:2-13-81. Definitions

Issued 7-1-10

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Acquisition" means all types of purchases necessary to perform the duties assigned to the Oklahoma Department of Human Services (OKDHS), to include every means by which OKDHS obtains any materials, supplies, services, or equipment.

"Award" means the issuance of a purchase order to the selected supplier.

"Best value" means an award method that uses criteria established by the Oklahoma Central Purchasing Act and outlined under Section 85.2(2) of Title 74 of the Oklahoma Statutes.

"Certified procurement officer" or "CPO" means a state employee authorized to make acquisitions for a governmental entity by the Oklahoma Department of Central Services (DCS).

"Commodity code" means a system of words and numbers designed to identify and list commodities or services by classes and sub-classes and used to identify products or services to be purchased by the state.

"Contract" means all types of agreements, regardless of what they may be called, used for the procurement or disposal of goods or services.

"Contracts and Purchasing Unit" means the unit authorized by DCS as responsible for all agency procurement for OKDHS.

"Customer" means OKDHS employee generating the necessary documents and activities to acquire a desired good and/or service.

"DCS" means Department of Central Services.

"Director" means the Director of OKDHS.

"Equipment" means all personal property acquired for use by OKDHS which is in the nature of a tool, device, or machine and is deemed to include all personal property used or consumed by OKDHS which is not included within the category of materials and supplies.
"Exempt professional service" means those professional services exempt from competitive bidding pursuant to Section 85.7(2) of Title 74 and Section 803 of Title 18 of the Oklahoma Statutes.

"Goods" means products, material, supplies, and includes all property except real property acquired by OKDHS.

"Governmental entity" means any department, commission, council, counsel, court, board, bureau, committee, institution, legislative body, agency, government corporation, or other entity of the executive, legislative, or judicial branch of the jurisdiction.

"Invitation to Bid" or "ITB" means a type of solicitation a governmental entity or the State Purchasing Director sends to suppliers for submission of bids for acquisitions.

"Modification" means all types of written alterations to a provision of a contract, regardless of what they may be called, accomplished by mutual agreement of the parties to the contract.

"Non-collusion certification" means the signed declaration by a supplier that they nor anyone subject to their direction or control has paid, given or donated, or agreed to pay, give, or donate to any office or employee of the State of Oklahoma any money or other thing of value, either directly or indirectly, in procuring a contract.

"Non-professional service" means services which are predominately physical or manual in nature and are, generally, not licensed and may involve the supplying of products.

"Non-responsive" means a response or offer that does not conform to the mandatory or essential requirements contained in the solicitation.

"Professional service" means services which are predominantly advisory or intellectual in nature, or involve support rather than supplying equipment, supplies, or other merchandise. Professional services include services to support or improve OKDHS policy development, decision making, management, administration, or the operation of management systems.

"Real property" means land and its permanently affixed buildings or structures or any property which is not personal property.

"Request for proposal " or "RFP" means a type of solicitation a governmental entity or DCS issues to suppliers requesting proposals for goods or services.
"Request for quotation " or "RFQ" means a solicitation where quotes are obtained from suppliers without formal advertising and for expenditures within OKDHS authority.

"Requestor" means the individual within OKDHS initiating the contract.

"Solicitation" means a request for goods or services via an ITB, request for proposal, or request for quotation.

"Supplier" or "vendor" means an individual or business entity that sells or desires to sell goods or services to governmental entities.
340:2-13-82. General contracting and purchasing provisions

Issued 7-1-10

(a) The Oklahoma Department of Human Services (OKDHS) has the statutory authority to directly purchase or acquire goods, services, or equipment in compliance with the provisions of the Oklahoma Central Purchasing Act.

(b) Goods, services, and equipment for OKDHS are acquired by and in accordance with the statutes of the State of Oklahoma by:

1. statewide contracts;
2. State Use Committee procurement schedule;
3. inter-governmental;
4. authority order;
5. fixed rate;
6. exempt professional services;
7. competitive solicitation;
8. sole source or sole brand acquisitions; and
9. donations.
340:2-13-83. Supplier registration

Issued 7-1-10

Suppliers wanting to be notified of open solicitations with the Oklahoma Department of Human Services (OKDHS) must register with Department of Central Services Central Purchasing Divisions (DCS CPD).
340:2-13-84. Reports of supplier non-compliance to DCS

Issued 7-1-10

Reports of supplier poor performance or non-compliance must be reported by the Oklahoma Department of Human Services (OKDHS) to Department of Central Services (DCS) and may affect a supplier's opportunity to provide future services to the State of Oklahoma.
340:2-13-85. Contact with suppliers

Issued 7-1-10

Contact by an Oklahoma Department of Human Services (OKDHS) employee with potential suppliers is not prohibited. However, it is strongly discouraged because any supplier that provides information used in a solicitation or receives information from OKDHS about a future solicitation creates the appearance of impropriety. These suppliers could be precluded from future contract awards. The appearance of bias is created by such meetings regardless of intent.
340:2-13-86. Internal solicitation

Issued 7-1-10

If a supplier wishes to submit a response to a solicitation, the supplier must comply with the instructions provided in the solicitation. It is the supplier's responsibility to read and understand the instructions and terms and conditions provided in the solicitation. Failure to comply with the instructions and terms and conditions in the solicitation may deem the bid non-responsive. Questions must be directed to the Oklahoma Department of Human Services (OKDHS) Contracts and Purchasing Unit certified procurement officer (CPO) listed in the solicitation.
340:2-13-87. Solicitation response submission

Issued 7-1-10

(a) Solicitation responses may be submitted in person, by fax, e-mail, or mail service to the Oklahoma Department of Human Services (OKDHS). Responses must be received at the location and by the date and time stated on the solicitation. It is the sole responsibility of the supplier to ensure delivery requirements are met. OKDHS is not responsible for the receipt of late responses. Responses not received prior to the due date and time shown on the solicitation are deemed non-responsive, without exception.

(b) The response must be:

(1) submitted in strict conformity with the instructions to the supplier;

(2) signed by an authorized representative of the supplier;

(3) signed in ink with full knowledge and acceptance of all its provisions; and

(4) typewritten or written in ink, and corrections must be initialed by a representative of the supplier prior to the submission of the bid. Penciled bids are not accepted.

(c) The Department of Central Services (DCS) Form 004, Certification for Competitive Bid and/or Contract (Non-Collusion Certification), must be completed and returned.

(d) All responses are stamped with the date and time upon receipt in the Contracts and Purchasing Unit.

(e) Responses are reviewed after the designated date and time of closing by the appropriate Contracts and Purchasing Unit certified procurement officer (CPO).

(f) Awards are made upon conclusion of the response evaluation.

(g) Any questions pertaining to the clarification of the solicitation are directed to the CPO shown on the solicitation.

(h) Any manufacturer, trade names, brand names, information, and/or catalog numbers listed in the specification are for information and are not intended to limit competition. The supplier may offer any brand which meets or exceeds the specification for any item(s). If necessary, the suppliers must explain in detail the reason(s) why the proposed requirements may be satisfied with a substitute product. Bids lacking any written indication of intent to quote an alternate brand are received and considered in
complete compliance with the specifications as listed on the solicitation.

(i) A response constitutes a legal offer which becomes part of the contract upon acceptance by OKDHS pursuant to OAC 340:2-13-88(i).
340:2-13-88. Award of contract

Issued 7-1-10

(a) The responses are forwarded to the requestor for review to determine compliance with the solicitation specifications. The requestor makes a recommendation of award. The recommendation is reviewed by Contracts and Purchasing Unit certified procurement officer (CPO) to ensure compliance with all Oklahoma Department of Human Services (OKDHS) rules, policies, and procedures.

(b) The CPO has the right to waive minor deficiencies or informalities in a response provided that, in the CPO's judgment, the best interest of the state would be served without prejudice to the rights of the other supplier(s).

(c) Tie responses may develop between suppliers. If these suppliers are equal in price and all specifications, the award is determined by a coin toss.

(d) OKDHS reserves the right to award based on best value as defined in Section 85.7 of Title 74 of the Oklahoma Statutes and pursuant to the provisions of the Oklahoma Department of Central Services, rules OAC 580:15-4-11(h).

(e) The solicitation may be awarded on an all or none basis or by item or groups of items, as specified in the solicitation. OKDHS also reserves the right to award to more than one supplier.

(f) OKDHS reserves the right to reject, in part or whole, any response.

(g) The OKDHS Contracts and Purchasing Unit CPO sends a purchase order as acceptable notification of a valid and binding contract with a supplier.

(h) All awards are made under the terms and conditions as outlined in OAC 340:2-13-89 and any additional terms and conditions as described in the solicitation.

(i) The purchase order, solicitation, and the successful supplier's response constitute a binding contract and will be interpreted under Oklahoma Law.

(j) All ethics rules and laws related to conflicts of interest and conducting business with public officials apply to any acquisition by OKDHS.
340:2-13-89. Terms and conditions for acceptable responses

Issued 7-1-10

(a) All responses submitted are subject to the terms and conditions as listed in the solicitation.

(b) Supplier may not alter terms and conditions as stated in the solicitation.
340:2-13-90. Protest of award

Issued 7-1-10

(a) Suppliers that submitted responses have ten business days from contract award to submit a written protest to the Oklahoma Department of Human Services (OKDHS) Contracts and Purchasing Unit containing reasons for said protest.

(b) OKDHS Contracts and Purchasing Unit programs coordinator reviews the protest and contract award documentation and responds to the protesting supplier.

INSTRUCTIONS TO STAFF 340:2-13-90

Issued 7-1-10

1. Forms necessary for the acquisition of goods or services are detailed on the Contracts and Purchasing Forms Checklist found on the Oklahoma Department of Human Services (OKDHS) Forms drive.
340:2-13-91. State Use Committee

Issued 7-1-10

If a product or service required by the Oklahoma Department of Human Services (OKDHS) is included in the State Use Committee procurement schedule, OKDHS secures the product or service from a qualified nonprofit agency providing employment to people with severe disabilities, providing the product or service is available within the period required per Sections 3001 et seq. of Title 74 of the Oklahoma Statutes.
340:2-13-92. Statewide contracts

Issued 7-1-10

(a) If the product or service required is on a mandatory statewide contract, the Oklahoma Department of Human Services (OKDHS) certified procurement officer (CPO) purchases the product or service from that contract, regardless of price.  ■ 1

(b) If the product or service required is on a non-mandatory statewide contract, the product or service may be purchased from the contract, but it is not required.  ■ 2

INSTRUCTIONS TO STAFF 340:2-13-92

Issued 7-1-10

1. The certified procurement officer (CPO) may submit a written request to the State Purchasing Director to waive requirements to use a mandatory statewide contract. Purchases from other sources will not be allowed prior to the receipt of a waiver issued by the State Purchasing Director. A requisition is required.

2. Employees must compare the statewide contract price with other supplier prices to ensure that OKDHS is receiving the best value. A requisition form is required for statewide contracts.
340:2-13-93. Oklahoma Correctional Industries

Issued 7-1-10

(a) If the product or service is available from the State Use Committee procurement schedule and from the Oklahoma Correctional Industries (OCI), OKDHS makes the purchase from the State Use Committee procurement schedule.

(b) If OCI can provide a comparable product or service, they must be one of the suppliers from whom a bid is solicited.
340:2-13.94. Exempt professional service contracts

Issued 7-1-10

(a) The professional services exempt from competitive bidding pursuant to Section 85.7(2) of Title 74 and Section 803 of Title 18 of the Oklahoma Statutes are:

1. physician, surgeon, or doctor of medicine;
2. osteopathic physician or surgeon;
3. chiropractor;
4. podiatrist;
5. optometrist;
6. veterinarian;
7. architect;
8. attorney;
9. dentist;
10. public accountant;
11. psychologist;
12. physical therapist;
13. registered nurse;
14. professional engineer;
15. land surveyor;
16. pharmacist;
17. occupational therapist;
18. speech pathologist;
(19) audiologist;

(20) perfusionist;

(21) professional counselor;

(22) marital and family therapist;

(23) social worker; and

(24) dietician.

(b) The Oklahoma Department of Human Services (OKDHS) requires proof of current, Oklahoma professional certification or license of all suppliers providing exempt professional services described in this Section.

(c) The requirement for competitive bidding may not be avoided by entering into a contract with an individual licensed in one of the professional categories identified in this Section to perform non-germane services. For example, a lawyer may not be awarded a contract to serve as an investment counselor without competitive bidding.
340:2-13-95. Sole source or sole brand acquisitions exceeding $5,000 and not exceeding $50,000

Issued 7-1-10

(a) The Oklahoma Department of Human Services (OKDHS) is not required to seek competitive solicitations for goods or services, if the customer affirms that the goods or services may only be obtained from a single or sole source.

(b) OKDHS must seek competitive solicitations for sole brand acquisitions. Criteria which may be sufficient to justify a sole source or sole brand contract are: 1

1. Only a specified make, model, or brand will meet OKDHS needs, even though the makes, models, or brands are available from multiple vendors. A brand name description or other purchase description to specify a particular brand name, product, or feature of a product, peculiar to one manufacturer does not provide for full and open competition regardless of the number of vendors solicited. This restricts competition in that only suppliers able to supply a specified make, model, or brand are permitted to compete;

2. Market research clearly shows that there is only one responsible vendor and it can be demonstrated that no other supplies or services satisfies OKDHS requirements;

3. Requirement is for additional units or replacement parts of specified makes and models of technical equipment and only one vendor is available;

4. OKDHS needs to purchase supplies or services from the original vendor in the case of a follow-on contract because award to any other supplier would result in substantial duplication of costs that would not be recovered through competition or in unacceptable delays in fulfilling agency requirements;

5. Purchase of a brand name commercial item that is used for authorized resale;

6. OKDHS has an unusual and compelling urgency for supplies or services and would be seriously injured unless permitted to limit the number of suppliers from which it solicits bid/proposals; or

7. OKDHS needs to acquire services of an expert, such as expert services to support a current or anticipated litigation or dispute, involving OKDHS in any trial, hearing, or proceeding whether or not the expert is expected to testify.
INSTRUCTIONS TO STAFF 340:2-13-95

Issued 7-1-10

1. (a) After the supervisor approves a request to purchase a product or service, the requestor completes and submits appropriate documents to the Contracts and Purchasing Unit.

   (b) The Oklahoma Department of Human Services (OKDHS) Director signs the sole source certification, Department of Central Services (DCS) Form 002, Sole Source or Sole Brand Acquisition Certification.

   (c) The certified procurement officer (CPO) issues a purchase order.

   (d) The CPO complies with the reporting requirements of Section 85.45j.A.8 and 9.B. of Title 74 of the Oklahoma Statutes.
340:2-13-96. Acquisitions of $5,000 or less

Issued 7-1-10

(a) Any acquisition for an amount of $5,000 or less is exempt from competitive solicitation procedures. The items may be acquired via an authority order or purchase card, when possible, and pursuant to the provisions of the Oklahoma Department of Central Services rules OAC 580:15-6-6. However, all acquisitions of service, or those containing a service component, in any amount, require a supplier specific purchase order issued by the Contracts and Purchasing Unit.

(b) Split purchases may not be made for the purpose of evading the dollar threshold for competitive solicitations.
340:2-13-97. Acquisitions in excess of $5,000 and not exceeding $10,000

Issued 7-1-10

(a) If the acquisition is for an amount exceeding $5,000, but is not more than $10,000, the certified procurement officer (CPO) determines if the goods or services are available from a mandatory statewide contract or State Use supplier, a governmental agency, or non-mandatory statewide contracts. If the goods or services are available through one of these methods, the Oklahoma Department of Human Services (OKDHS) acquires the goods or services in this manner.

(1) If the acquisition is not available utilizing one of the methods stated in this Section, OKDHS acquires the goods or services by an open market solicitation.

(2) The CPO solicits quotes from at least three suppliers, if available, from the registered supplier list in the appropriate commodity classification that is maintained by the Department of Central Services (DCS) Central Purchasing Division. Additional potential suppliers may also be solicited.

(3) The CPO secures written price quotations and delivery dates from suppliers.

(4) If OKDHS and the supplier execute a contract for the acquisition, the supplier submits DCS Form 004, Certification for Competitive Bid and/or Contract (Non-Collusion Certification), pursuant to Section 85.22 of Title 74 of the Oklahoma Statutes.

(5) OKDHS pays the supplier within 45 days following receipt, inspection, and acceptance of the acquisition.

(6) OKDHS retains documents and records of each acquisition for three years following acquisition date.

(7) All records and documentation are made available to the State Auditor and Inspector or the DCS State Purchasing Director upon request. All contracting and purchasing records required to be open under the Open Records Act are available.

(b) OKDHS may not make split purchases for the purpose of evading the dollar threshold for competitive solicitations.

(c) OKDHS may issue change orders to increase a purchase order for an acquisition not to exceed ten percent of the original purchase order total price unless the solicitation is based on a per unit price. In that case, increases may be made in excess
of ten percent.
340:2-13-98. Acquisitions in excess of $10,000 and not exceeding $25,000

Issued 7-1-10

(a) If the acquisition is for an amount exceeding $10,000, but is not more than $25,000, the certified procurement officer (CPO) determines if the goods or services are available from a mandatory statewide contract, State Use supplier, another governmental agency, or non-mandatory statewide contracts. If the goods or services are available through one of these methods, the Oklahoma Department of Human Services (OKDHS) acquires the goods or services in this manner.

(1) If the acquisition is not available utilizing one of the methods stated in this Section, OKDHS acquires the goods or services by an open market solicitation.

(2) The CPO solicits quotes from at least ten suppliers, if available, from the registered supplier list in the appropriate commodity classification that is maintained by the Department of Central Services (DCS) Central Purchasing Division. Solicited suppliers are rotated. Additional potential suppliers may also be solicited.

(3) The CPO secures written price quotations and delivery dates from suppliers.

(4) If OKDHS and the supplier execute a contract for the acquisition, the supplier submits DCS Form 004, Certification for Competitive Bid and/or Contract (Non-Collusion Certification), pursuant to Section 85.22 of Title 74 of the Oklahoma Statutes.

(5) OKDHS pays the supplier within 45 days following receipt, inspection, and acceptance of the acquisition.

(6) OKDHS retains documents and records of each acquisition for three years following acquisition date.

(7) All records and documentation are made available to the State Auditor and Inspector or the DCS State Purchasing Director upon request. All contracting and purchasing records required to be open under the Open Records Act are available.

(b) OKDHS may not make split purchases for the purpose of evading the dollar threshold for competitive solicitations.

(c) OKDHS may issue change orders to increase a purchase order for an acquisition not to exceed ten percent of the original purchase order total price unless the solicitation is based on a per unit price. In that case, increases may be made in excess
of ten percent.
340:2-13-99. Acquisitions in excess of $25,000 and not exceeding $50,000

Issued 7-1-10

(a) If the acquisition is for an amount exceeding $25,000, but is not more than $50,000, the certified procurement officer (CPO) determines if the goods or services are available from a mandatory statewide contract, State Use supplier, another governmental agency, or non-mandatory statewide contracts. If the goods or services are available through one of these methods, the Oklahoma Department of Human Services (OKDHS) acquires the goods or services in this manner.

(1) If the acquisition is not available utilizing one of the methods stated in this Section, OKDHS acquires the goods or services by an open market solicitation.

(2) The CPO solicits quotes from all currently registered suppliers from the registered supplier list in the appropriate commodity classification that is maintained by the Department of Central Services (DCS) Central Purchasing Division. Additional potential suppliers may also be solicited.

(3) The CPO secures written price quotations and delivery dates from suppliers.

(4) If OKDHS and the supplier execute a contract for the acquisition, the supplier submits DCS Form 004, Certification for Competitive Bid and/or Contract (Non-Collusion Certification), pursuant to Section 85.22 of Title 74 of the Oklahoma Statutes.

(5) OKDHS pays the supplier within 45 days following receipt, inspection, and acceptance of the acquisition.

(6) OKDHS retains documents and records of each acquisition for three years following acquisition date.

(7) All records and documentation are made available to the State Auditor and Inspector or the DCS State Purchasing Director upon request. All contracting and purchasing records required to be open under the Open Records Act are available.

(b) OKDHS may not make split purchases for the purpose of evading the dollar threshold for competitive solicitations.

(c) OKDHS may issue change orders to increase a purchase order for an acquisition not to exceed ten percent of the original purchase order total price unless the solicitation is based on a per unit price. In that case, increases may be made in excess
of ten percent.
340:2-13-100. Acquisitions in excess of $50,000

Issued 7-1-10

Products and services with an estimated cost of over $50,000 are sent to Department of Central Services (DCS) Central Purchasing to bid the requisition, award the purchase order and process change orders after contract award.
340:2-13-101. Emergency purchases not exceeding $100,000

Issued 7-1-10

Any emergency acquisition or contract is approved by the Oklahoma Department of Human Services (OKDHS) Director.

INSTRUCTIONS TO STAFF 340:2-13-101

Issued 7-1-10

1. (a) The requesting division supervisor submits in writing to the Purchasing and Contracts Unit certified procurement officer (CPO) the facts and circumstances giving rise to the emergency.

(b) The Oklahoma Department of Human Services (OKDHS) Director directs the CPO to either make the emergency purchase from the selected vendor or follow the purchasing procedures in the previous sections.

(c) The primary CPO must submit a requisition to the Department of Central Services (DCS) State Purchasing Director within five days following the purchase with a statement of the emergency.

Issued 7-1-10

Service contracts are monitored by the project monitor as named on the Work Plan submitted with the requisition. The project monitor ensures that services are obtained in accordance with the contract requirements.
340:2-13-103. Purchase card

Issued 7-1-10

(a) All purchase card acquisitions must comply with the provisions of the State of Oklahoma Purchase Card Procedures as issued by the Department of Central Services Central Purchasing Division.

(b) The Oklahoma Department of Human Services (OKDHS) retains records for each acquisition and contract in accordance with State of Oklahoma Purchase Card Procedures.

INSTRUCTIONS TO STAFF 340:2-13-103

Issued 7-1-10

1. Refer to OKDHS:2-11-31 through OKDHS:2-11-49 for regulations regarding the Purchase Card Program.
340:2-13-104. Trade-in of equipment

Issued 7-1-10

The Oklahoma Department of Human Services (OKDHS) may use agency items of
equipment as trade-in when making a like acquisition with prior written approval of the
Department of Central Services (DCS) State Purchasing Director. Fair market value is
determined and that amount may be used to offset cost of the new item. The DCS
Director of Central Purchasing may assist on determination of fair market value of an
item.