

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 10. PURCHASING**

317:10-1-1. Purpose

(a) The purpose of this Chapter is to describe the rules governing the contracting and purchasing requirements of the Oklahoma Health Care Authority (OHCA). The Contracts and Purchasing Divisions are internal divisions of the OHCA. These divisions provide the mechanism for the acquisition of goods, equipment, non-professional and professional services for the operation of the OHCA. These rules are superseded by the Oklahoma Department of Central Services (DCS) Purchasing rules (OAC 580:15) whenever DCS has final authority on an acquisition.

(b) Different rules apply depending on which of the above three entities is making the acquisition and whether the purchase is for professional services or non-professional services and products. When an acquisition is made by DCS, the DCS Purchasing rules at OAC 580:15 apply. When an acquisition is made by OHCA, these rules must be read in conjunction with the DCS rules.

317:10-1-2. Definitions

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

~~"Acquisition" means all types of purchases and rentals necessary to perform the duties assigned to the OHCA, whether bought or leased by contract or otherwise, and includes every means by which the OHCA obtains any materials, supplies, service or equipment.~~

~~"Associate director(s)" means the most senior agency administrative personnel directly below the Chief Executive Officer in the agency line of authority.~~

~~"Authority" means the Oklahoma Health Care Authority.~~

~~"Authority Board" means the board designated by the Oklahoma Legislature to establish policies and adopt and promulgate rules for the OHCA.~~

~~"Award" means when the Chief Executive Officer or designee and Certified Procurement Officer agree on a suitable vendor for a competitive solicitation and the Chief Executive Officer, Certified Procurement Officer or designee notifies the successful vendor.~~

~~"Best Value" means a method for bid award that uses criteria established by the Oklahoma Central Purchasing Act and outlined under 74 O.S., 1998, Section 85.2(2).~~

~~"Bid" is an offer a vendor submits in response to a solicitation.~~

~~"Certified Procurement Officer" or "CPO" means a state agency official authorized by the Director of the Central Purchasing Division, Oklahoma Department of Central Services to make acquisitions for a state agency.~~

~~"Chief Executive Officer" or "CEO" means the highest ranking administrator at the OHCA.~~

~~"Commodity code" means a group of like products or services.~~

~~"Contracts" means the Contracts Division of the OHCA.~~

~~"Division" means a division within the OHCA.~~

~~"EEOC" means Equal Employment Opportunity Commission.~~

~~"Equipment" means all personal property acquired for use by the OHCA which is in the nature of a tool, device, or machine and shall be deemed to include all personal property used or consumed by the OHCA which is not included within the category of materials and supplies.~~

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

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

~~"Non-Professional" means services which are predominately physical or manual in character and may involve the supplying of products.~~

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

~~"Public agency" means~~

~~(A) any political subdivision of the state;~~

~~(B) any agency of the state government or of the United States;~~

~~(C) each and every public trust of this state, whether such trust is a municipality, a county, or the State of Oklahoma except the Oklahoma Ordinance Works Authority;~~

~~(D) any corporation organized not for profit pursuant to the provisions of the Oklahoma General Corporation Act, Section 1001 et seq. Of Title 18 of the Oklahoma Statutes; and~~

~~(E) any political subdivision of another state.~~

~~"Purchasing" means the Purchasing Division of the OHCA.~~

~~"Request for Proposal" or "RFP" means a type of solicitation a state agency or the State Purchasing Director provides to suppliers requesting submission of proposals for acquisitions.~~

~~"Request for Quotation" or "RFQ" means a simplified written or oral solicitation a state agency or the State Purchasing Director sends to suppliers requesting submission of a quote.~~

~~"Services" means labor rendered by a person to another as distinguished from providing tangible goods. It shall include any type of personal or professional service, employment or undertaking except the employment of regular officers and employees by a state agency or such extra seasonal help as is authorized by law and is regularly used.~~

~~"Solicitation" is a request from a state agency or the State Purchasing Director for a proposal and/or pricing for an acquisition. Solicitation shall be by invitation to bid, request for proposal or request for quotation.~~

~~"State Agency or agency" means any office, officer, bureau, board, counsel, court, commission, institution, unit, division, body or house of the executive or judicial branches of the state government, whether elected or appointed, excluding only municipalities, counties, and other governmental subdivisions of the state.~~

~~"Supplier" or "Vendor" means an individual or business entity that sells or desires to sell acquisitions to state agencies.~~

317:10-1-3. General contracting and purchasing provisions

~~(a) The Authority has the statutory authority to directly purchase or acquire goods, services or equipment in compliance with the provisions of the Oklahoma Central Purchasing Act, the State Use Committee, other statutory provisions and rules of the Central Purchasing Division, Oklahoma Department of Central Services, for state agency acquisitions. All acquisitions made by the Oklahoma Health Care Authority shall be in accordance with the Oklahoma Central Purchasing Act, 74 Okla. Stat. §§ 85.1 et seq., other applicable statutory provisions, Oklahoma Department of Central Services Central Purchasing Rules and the Authority's approved internal purchasing procedures.~~

~~(b) Goods, services and equipment for the Oklahoma Health Care Authority shall be acquired by one of the following methods and in accordance with the statutes of the State of Oklahoma:~~

~~(1) Acquisition of products and/or services through mandatory statewide contracts, State Use Committee procurement schedule, scheduled acquisition or non-encumbered contracts.~~

~~(2) Purchases from other governmental agencies.~~

~~(3) Acquisition of products and/or services through non-mandatory statewide contracts if the price does not exceed the purchase price the agency could pay in an open market acquisition.~~

~~(4) Direct order for products and/or services by purchase order or purchase card to the vendor within the authorized dollar amounts and other limitations contained in this Chapter.~~

~~(5) Competitive solicitation of products and services by the~~

Authority.

~~(6) Competitive solicitation of products or services by the Oklahoma Department of Central Services, Central Purchasing Division.~~

~~(7) Sole source acquisitions according to the procedure in OAC 317:10-1-15.~~

~~(8) Donations to the Authority.~~

(b) When these rules are silent on a relevant issue related to an acquisition made by the Authority, the appropriate DCS rule applies, except that where "State Purchasing Director" is specified, this means "the Authority CPO making the acquisition and/or the CEO". Where "Purchasing Division" is specified, this means "the Authority".

~~(c) The goods, services and equipment shall meet the specifications required, be acquired in compliance with the Central Purchasing Act and be cost effective.~~

~~(d) Except for acquisitions requiring the approval of the Authority Board, the CEO or a designated associate director, a CPO, in consultation with the requesting division, shall evaluate bids based upon criteria outlined in the solicitation, and shall document that evaluation.~~

~~(e) All amendments to any acquisition shall be initiated by the requesting division, but must be approved by the CEO, a designated associate director or a CPO.~~

317:10-1-4. Vendor registration

Any vendor wishing to do business with the Authority should be register on the vendor bidder list maintained by the Central Purchasing Division of the Oklahoma Department of Central Services. Any vendor who wants to be on the bidder list must register with the Central Purchasing Division at the Oklahoma Department of Central Services to receive copies of solicitations for the commodities or services which the vendor wishes to sell. All vendors are eligible for consideration. The Authority may also send solicitations by request to vendors that are not on the vendor bidder list.

317:10-1-5. Reports of vendor non-compliance to the Central Purchasing Division, Oklahoma Department of Central Services [REVOKED]

~~(a) To ensure that vendors will perform in the best interest of the Authority, it is necessary to address problems in a swift and equitable manner for all concerned. In addition, varying degrees of vendor misconduct can cause irreparable harm to the Authority and its divisions. It is therefore recognized that penalties for poor vendor performance and/or violation of state statutes must be addressed. Reports of vendor non-compliance may be reported~~

~~by the Authority to the Central Purchasing Division, Oklahoma Department of Central Services.~~

~~(b) Reports of vendor non-compliance may be considered, but is not limited to, the following infractions:~~

~~(1) Failure to perform pursuant to specifications on a solicitation.~~

~~(2) Failure on the part of the vendor to meet promised and/or required delivery dates and prices.~~

~~(3) Delivery by the vendor of substitutes in lieu of the items(s) specified on the approved bid and/or purchase order.~~

~~(4) Failure on the part of the vendor to meet EEOC and other requirements mandated by public legislation or the Authority Board.~~

~~(5) Problems created by the vendor regarding incorrect or inappropriate billing adjustment for goods and/or services furnished.~~

~~(6) Failure to support purchased products by not supplying necessary information, required maintenance and/or parts.~~

317:10-1-6. Vendor samples [REVOKED]

~~(a) Samples provided by vendors for evaluation will be accepted if they meet the following conditions:~~

~~(1) The product is one which is of a type presently in use or is of potential use to the Authority. Samples of goods or equipment not likely to be purchased will not be accepted.~~

~~(2) The quantity or size of the sample is relatively small and of low value. The object of a sample is the examination of its fitness for agency use.~~

~~(3) If a vendor sample is an item of equipment, the item must be inspected and approved by the CEO, associate director or designee for the area in which the equipment is to be sampled prior to the delivery to the division requesting the sample.~~

~~(4) Any manufacturer warranty and liability will be in effect for any product samples being evaluated by the agency.~~

~~(b) If vendor supplied samples are accepted, they shall be promptly conveyed to the requesting division for evaluation.~~

~~(c) The vendor may follow up with the appropriate CPO on any sample left for evaluation.~~

~~(d) Samples not destroyed by examination and testing or retained for comparison will be returned at cost to the vendor upon written request.~~

317:10-1-7. Submission of bids [REVOKED]

~~(a) If a vendor wishes to bid on the item(s) listed in a solicitation, the vendor shall complete the bid via the instructions provided with the solicitation. It is the vendor's responsibility to read and understand the instructions and terms~~

~~and conditions provided with the solicitation. Failure to comply with the instructions and terms and conditions in the solicitation may disqualify the bid as per OAC 317:10-1-11. Any questions should be directed to the Authority's appropriate CPO.~~

~~(b) If the vendor does not wish to bid on the items, the vendor should fill in the vendor name, address, and write "No Bid" in the unit price column and return the solicitation to Contracts or Purchasing, whichever is appropriate.~~

~~(c) It is the responsibility of the vendor to ensure delivery of a bid to the Authority at or prior to the designated time on the solicitation. The agency will not be responsible for late bids.~~

317:10-1-8. Bid openings [REVOKED]

~~(a) All sealed bids will be stamped with the date and time upon receipt in the Contracts or Purchasing Division. The bids will be placed in a secured bid file until time for the scheduled bid opening. Access to the file is limited to the CPO or designee until the bid opening.~~

~~(b) Bids will be opened at the designated date and time of closing by the appropriate CPO. A bid opening record will be completed and maintained in the bid file.~~

~~(c) Award recommendations are made in writing upon conclusion of the bid evaluation.~~

~~(d) All bids and bid records are open to the public during normal working hours, after the bid opening, and in accordance with 51 O.S. 1991, Sections 24A.1 et seq., as amended. Copies may be requested in writing from the CPO.~~

317:10-1-9. Bid evaluations [REVOKED]

~~(a) After the bid opening, the appropriate Certified Procurement Officer will utilize a spread sheet referred to as the "bid evaluation sheet". A bid evaluation sheet will be completed for each solicitation. The vendor's bid will be reviewed for compliance with the instructions, compliance with the terms and conditions, and for compliance with the bid as per OAC 317:10-1-10 and 317:10-1-11.~~

~~(b) The bid evaluation sheet will be provided to the agency's division requesting the solicitation for their evaluation.~~

317:10-1-10. Award of bid [REVOKED]

~~(a) The solicitation, the bid evaluation sheet, and the literature and/or samples provided by the vendor will be forwarded to the requisitioning division. The division will review the information to determine compliance with the solicitation specifications. The division will make a recommendation of award based on the information provided. The recommendation will be reviewed by Contracts or Purchasing to~~

~~ensure compliance with all Authority rules, policies and procedures.~~

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

~~(c) Tie bids may develop between bidders. If these bidders are equal in price and all specifications, the award will be determined by a coin toss or by a series of coin tosses.~~

~~(d) If the solicitation specifies that the bid evaluation criteria is lowest and best, the bid will be evaluated by applying the following criteria:~~

~~(1) Lowest total purchase price. The bid price shall be a firm fixed price for each acquisition the solicitation specifies for the duration of the contract period.~~

~~(2) Quality and reliability of the acquisition. Additional factors regarding the responsiveness of the bid and the responsibility of the bidder shall be considered.~~

~~(3) Consistency of the proposed solution with state agency objectives. The Authority shall determine if the bid meets the specifications of the solicitation and determine the consistency with state agency planning documents and announced strategic direction.~~

~~(e) The Authority reserves the right to implement criteria of "Best Value" in the bid award process as outlined in 74 O.S., 1998, Section 85.7, and pursuant to the provisions of the Oklahoma Department of Central Services, Rules of the Central Purchasing Division, OAC 580:15-4-11(h).~~

~~(f) The Authority reserves the right to accept by item, group of items, or by the total bid, as specified in the solicitation.~~

~~(g) The Authority reserves the right to reject in part or whole any bid.~~

~~(h) No award will be made if the Authority determines the lowest bid totals more than the money available for purchase or if the lowest bid exceeds the reasonable market price.~~

~~(i) The Authority will send a purchase order or a notice of award as acceptable notification of a valid and binding contract with a vendor.~~

~~(j) All awards will be made under the terms and conditions as outlined in OAC 317:10 1 11 and any additional terms and conditions as described in the solicitation.~~

~~(k) The solicitation together with the successful vendor's responsive bid shall constitute a binding contract and will be interpreted under Oklahoma Law.~~

~~(l) All ethics rules and laws related to conflicts of interest and doing business with public officials apply to any acquisition by the Authority.~~

317:10-1-11. Terms and conditions for acceptable bids [REVOKED]

~~(a) All bids submitted are subject to the Authority's policies and procedures and/or any special conditions and specifications listed in this Subchapter, and made part of the solicitation.~~

~~(b) Sealed bids will be opened by the appropriate Certified Procurement Officer at the time and date shown on the solicitation.~~

~~(c) Bids received after the closing time will not be considered. Envelopes must contain only one bid, be sealed and the name and address of the bidder inserted in the upper left hand corner. The requisition number and closing date must appear on the face of the envelope.~~

~~(d) The bid shall be in strict conformity with the instructions to the bidder and shall be submitted on the approved form. The bid must be signed by an authorized representative of the bidder. The bids must be typewritten or written in ink, and corrections must be initialed by a representative of the vendor prior to the submission of the bid. Corrections made by correction fluid or by correctable typewriter ribbons will not be accepted unless initialed. Penciled bids will not be accepted.~~

~~(e) The non collusion affidavit form must be completed and returned.~~

~~(f) The bid may be awarded on an all or none basis, by item or groups of items, as specified in the solicitation.~~

~~(g) All bidders must guarantee that the quoted unit price in a bid is correct.~~

~~(h) Acquisitions by the Authority are not subject to any sales tax or federal excise tax.~~

~~(i) Prices shall be bid F.O.B. and include packaging, handling, shipping, and delivery charges prepaid by the bidder, unless otherwise specified in the solicitation.~~

~~(j) The bidder shall deliver the merchandise or services as bid. Any deviation must be approved in writing with the Authority CEO, designated associate director or the appropriate CPO.~~

~~(k) Any questions pertaining to the clarification of the solicitation shall be directed to the appropriate CPO.~~

~~(l) 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 bidder may offer any brand which meets or exceeds the specification for any item(s). If the bid is based on equivalent products, the bidder shall indicate on the bid form the manufacturer's name and number. The alternate bid shall be accompanied with sketches, descriptive literature, and/or completed specifications. Samples of the alternate item(s) may be required in the solicitation. Reference to literature~~

~~submitted with a previous bid will not satisfy this provision. If necessary, the bidder shall also 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 will be received and considered in complete compliance with the specifications as listed on the solicitation.~~

~~(m) A bid constitutes a legal offer which becomes a contract upon acceptance by the Authority pursuant to OAC 317:10-1-10(k).~~

~~(n) The bid must be made out in the name of the bidder and must be fully and properly executed by an authorized person and signed in ink with full knowledge and acceptance of all its provisions.~~

~~(o) In accepting a contract with the Authority, the bidder must agree to an audit clause which provides that books, records, documents, accounting procedures, practices or any other items of the bidder relevant to the contract are subject to examination by the Authority, and the State Auditor and Inspector.~~

~~(p) Failure to comply with the terms and conditions will subject the bid to disqualification.~~

317:10-1-12. Protest of award

~~(a) Any bidder may protest the award of a bid. A protest may be based, but is not limited to, the following:~~

~~(1) Error in the calculation of price;~~

~~(2) The bid of the successful vendor did not meet the solicitation specifications;~~

~~(3) The solicitation procedure was done in violation of the Authority's rules; or~~

~~(4) Authority personnel handling the solicitation procedure acted in a willful or capricious manner.~~

~~(a) Protests of awards made by the Authority under 74 Okla. Stat. § 85.5T are addressed at OAC 317:2-1-1 et seq.~~

~~(b) After the award is made, the protesting bidder shall submit written notice to the State Purchasing Director, Oklahoma Department of Central Services within ten (10) days of reasonable notice of contract award. The protest notice shall state supplier facts and reasons for protest. Bidders who wish to protest any other award shall follow the process outlined in the Oklahoma Department of Central Services rules at OAC 580:15-4-13.~~

~~(c) The State Purchasing Director shall review the protest and contract award documentation, responding to the protesting bidder as outlined in the Oklahoma Department of Central Services, Rules of the Central Purchasing Division, OAC 580:15-4-13.~~

317:10-1-15. Sole source or sole brand acquisitions [REVOKED]

~~(a) The Authority need not seek competitive solicitations for goods or services, if the person with authority to make the~~

~~acquisition affirms that:~~

- ~~(1) The goods, equipment or services may only be obtained from a single or sole source; must be a sole brand; or,~~
- ~~(2) A public exigency or emergency exists in which the urgency for the requirement will not permit a delay incident to competitive solicitation; or,~~
- ~~(3) After solicitation of a number of sources, competition is deemed inadequate.~~

~~(b) The person wishing to make an acquisition through a sole source shall forward an affidavit to Contracts or Purchasing which gives all the reasons why the specifications to fill the need restricts the item or service to one person or business, or brand. The appropriate CPO shall confirm the information on the affidavit by consulting with the Central Purchasing Division, Office of State Finance, contacts in the business community, Internet searches and any other resources identified.~~

~~(1) If the total acquisition price exceeds \$2,500 but does not exceed \$25,000:~~

~~(A) If the CPO determines the acquisition is a sole source or sole brand, the affidavit shall be submitted to the CEO for signature of approval. In the prolonged absence of the CEO, the designee of the CEO may approve a sole source acquisition.~~

~~(B) Upon approval by the CEO or in the CEO's absence, the designee, the CPO completes the acquisition pursuant to the provisions of the Oklahoma Central Purchasing Act.~~

~~(C) The affidavit shall be maintained in a file within the Authority.~~

~~(2) If the total acquisition price exceeds \$25,000:~~

~~(A) The appropriate CPO shall submit the affidavit to the CEO or in the CEO's absence, to the designee for approval/signature.~~

~~(B) The affidavit and acquisition information shall be submitted to the State Purchasing Director, Oklahoma Department of Central Services for completion of the acquisition.~~

~~(C) Copies of the affidavit are maintained in a file within the Authority.~~

~~(c) Criteria which may be sufficient to justify a sole source or sole brand contract include, but are not limited to:~~

~~(1) Replacement or repair parts require the same brand.~~

~~(2) Compatibility of equipment or the continuity of services rendered from the same vendor is an essential factor for effective utilization of the product or service.~~

~~(3) The goods, service or equipment is the only one of its kind that will fulfill the need of the agency.~~

~~(4) The product or service furnished by the vendor is very~~

~~specialized or the vendor providing the service possesses great acquired expertise, and the vendor is the only one singularly and peculiarly qualified to provide such product or service.~~

317:10-1-16. Delegation of authority

The authority to procure needed products and services for the Authority has been delegated to the Authority from the Oklahoma Department of Central Services, Central Purchasing Division. The Authority Board delegates procurement authority for expenditure of funds to the CEO and other Authority officers and personnel according to the dollar limits and types of products stated in (1), (2) and (3) of this Section. Within this authority, the CEO may delegate in writing to other specific individuals the responsibility for the performance of the procurement duties.

(1) **Supply and non-professional services acquisitions.** Each division director or supervisor may initiate any supply or non-professional services acquisition which is within his or her authorized division budget and approved by the CEO, associate director or designee. Any single acquisition of this kind over \$5,000 up to \$500,000 must be approved by the CEO or a designated associate director. Any single acquisition of this kind over \$500,000 must be approved by the Authority Board. A contract amendment that would increase the total original contract acquisition cost to an amount that equals or exceeds \$500,000 for a supply or non-professional services contract must be prior approved by the OHCA Board. Any amendment to a contract that would result in a 10 percent or greater increase in the total acquisition cost originally approved by the OHCA Board must be submitted to the OHCA Board for prior approval.

(2) **Professional service contracts.** Acquisitions of professional services must be approved by the CEO or designee. All professional service contracts over \$125,000 must be approved by the Authority Board. A contract amendment that would increase the total original contract acquisition cost to an amount that equals or exceeds \$125,000 for a professional service contract must be prior approved by the OHCA Board. Any amendment to a contract that would result in a 25 percent or greater increase or a \$250,000 or greater increase in the total acquisition cost originally approved by the OHCA Board must be submitted to the OHCA Board for prior approval. Board approval is not required if the increase in total contract acquisition cost results from the exercise of a price increase methodology, option for additional work, or option to renew that was contained in the previously approved contract.

(3) **Interagency/intergovernmental agreements.** All agreements

with another state agency or public agency must be approved by the CEO or designee, but are exempt from the Authority Board approval.

317:10-1-17. Acquisitions of \$2,500 or less [REVOKED]

~~(a) Any acquisition for an amount of \$2,500 or less shall be exempt from the competitive solicitation procedures. The items may be acquired by a purchase order or purchase card order issued directly to the vendor and pursuant to the provisions of the Oklahoma Department of Central Services, Rules of the Central Purchasing Division, OAC 580:15-6-6.~~

~~(b) Contracts or Purchasing will monitor these orders to see if the combined usage from the various divisions for the same items exceeds the \$2,500 amount allowed. Should this occur, the division will be notified that competitive solicitation specifications must be prepared and that the acquisition will be processed in accordance with agency policy based upon the overall dollar amount of the acquisition.~~

~~(c) The Authority may not make split purchases for the purpose of evading the dollar threshold for competitive solicitations.~~

317:10-1-18. Acquisitions in excess of \$2,500 and not exceeding \$10,000 [REVOKED]

~~(a) If the acquisition is for an amount exceeding \$2,500, but is not more than \$10,000, the appropriate CPO shall determine if the goods or services are available from a mandatory statewide contract, State Use Committee procurement schedule, scheduled acquisition, non encumbered contract, another governmental agency or from non mandatory statewide contracts. If the goods or services are available through one of these methods, the agency will acquire the goods or services in this manner.~~

~~(b) If the acquisition is not available utilizing one of the methods stated in (a) of this Section, the agency shall acquire the goods or services by an open market acquisition.~~

~~(1) The CPO may select suppliers from the registered supplier list maintained by the Central Purchasing Division, Oklahoma Department of Central Services, suppliers that can meet the agency's delivery date or suppliers in the vicinity. Suppliers will not be chosen that have been suspended or debarred from the registered supplier list.~~

~~(2) The CPO shall secure price quotations and delivery dates from suppliers. Price quotations may be in writing or documented by the CPO.~~

~~(3) If the Authority and the supplier execute a contract for the acquisition, the supplier shall submit a notarized, sworn statement of non collusion pursuant to 74 O.S., Section 85.23.~~

~~(4) The Authority shall pay the supplier following receipt,~~

~~inspection and acceptance of the acquisition.~~

~~(5) The Authority shall retain documents and records of each acquisition for three years following acquisition date.~~

~~(6) All records and documentation shall be made available to the State Auditor and Inspector or the State Purchasing Director, Oklahoma Department of Central Services, upon request. Further, all contracting and purchasing records required to be open under the Open Records Act shall be available.~~

~~(c) The Authority may not make split purchases for the purpose of evading the dollar threshold for competitive solicitations.~~

~~(d) The Authority may issue change orders to increase a purchase order for an acquisition not to exceed ten percent of the original purchase order total price.~~

317:10-1-18.1. Acquisitions in excess of \$10,000 and not exceeding \$25,000 [REVOKED]

~~(a) The CPO shall determine if the acquisition is available from a mandatory statewide contract, State Use Committee procurement schedule, scheduled acquisition, non encumbered contract, another governmental agency or from a non mandatory statewide contract. If the acquisition is available through one of these methods, the agency will acquire the goods or services in this manner.~~

~~(b) If the acquisition is not available utilizing one of the above methods, the agency shall acquire the goods or services by an open market acquisition.~~

~~(1) The CPO shall select a minimum of three suppliers for solicitation. The CPO may select suppliers from the registered supplier list maintained by the Central Purchasing Division, Oklahoma Department of Central Services, suppliers that can meet the agency's delivery date or suppliers in the vicinity. Suppliers will not be chosen that have been suspended or debarred from the registered supplier list.~~

~~(2) The CPO shall secure price quotations and delivery dates from suppliers. Price quotations may be in writing or documented by the Certified Procurement Officer.~~

~~(3) If a vendor submits a bid, the vendor shall submit an original notarized non collusion affidavit pursuant to 74 O.S., Section 85.22.~~

~~(4) If the Authority and the supplier execute a contract for the acquisition, the supplier shall submit a notarized, sworn statement of non collusion pursuant to 74 O.S., Section 85.23.~~

~~(5) The Authority shall pay the supplier following receipt, inspection and acceptance of the acquisition.~~

~~(6) The Authority shall retain documents and records of each acquisition for three years following acquisition date.~~

~~(7) All records and documentation shall be made available to the State Auditor and Inspector or the State Purchasing Director, Oklahoma Department of Central Services, upon request. Further, all purchasing records required to be open under the Open Records Act shall be available.~~

~~(c) The Authority may not make split purchases for the purpose of evading the dollar threshold for competitive solicitations.~~

~~(d) The Authority may issue change orders to increase a purchase order for an acquisition not to exceed ten percent of the original purchase order total price. The Authority shall notify the Department of Central Services, State Purchasing Director, if a change order increases an acquisition purchase price above \$25,000.~~

317:10-1-18.2. Acquisitions in excess of \$25,000 [REVOKED]

~~(a) The CPO shall determine if the acquisition is available from a mandatory statewide contract, State Use Committee procurement schedule, scheduled acquisition, non encumbered contract, another governmental agency or from a non-mandatory statewide contract. If the acquisition is available through one of these methods, the agency will acquire the goods or services in this manner subject to the provisions of OAC 317:10-1-16.~~

~~(b) If the acquisition is not available utilizing one of the above methods, the agency shall submit a request for the acquisition to the State Purchasing Director, Oklahoma State Department of Central Services.~~

317:10-1-19. Professional service contracts [REVOKED]

~~(a) The Contracts Unit (Contracts) is the official repository for all original professional service agreements/contracts except as otherwise authorized by the CEO. Divisions must forward to Contracts all original agreements/contracts in their files. A standard format for all agreements will be on file and any changes will be coordinated with Contracts. Any correspondence affecting the contract must also be forwarded to Contracts. Contracts staff will assist agency personnel in obtaining copies of documents requested from the files. Contracts' central file will contain:~~

~~(1) Official copy of the agreement/contract,~~

~~(2) Amendments,~~

~~(3) Compliance audits or reviews,~~

~~(4) Historical vendor performance,~~

~~(5) The requisition, and~~

~~(6) Other related documents including purchase orders.~~

~~(b) The Authority may not enter into a professional service contract with any person who has been employed by the Authority within one year after the termination date of the individual's~~

~~employment, unless specifically permitted by statute. This shall not apply to contracts with qualified interpreters for the deaf.~~

~~(c) All professional services contracts shall contain an audit clause which provides that books, records, documents, accounting procedures, practices and any other item of the services provider relevant to the contract are subject to examination by OHCA or the State Auditor and Inspector.~~

~~(d) The Authority shall monitor and review compliance all professional services contracts periodically, but not less than twice during the contract period.~~

~~(e) A performance evaluation is required of the service provided under a professional service contract. Such evaluations shall assess the performance of the vendor during the contractual period. Evaluations shall be completed by the division responsible for initiating the contract no less than 90 days after the end of the contract. A copy of each evaluation is forwarded to Contracts for filing in the contract file.~~

~~(f) If the final product of a contract is a report, written proposal or study, the vendor shall comply with the following:~~

~~(1) the vendor shall provide a sworn statement certifying that said vendor has not previously entered into a contract with the Authority or any other state agency which would result in a substantial duplication of the previous end report. A sworn statement shall not be required of a vendor who is renewing a contract; and~~

~~(2) the vendor must deliver two copies of the report to Contracts. Contracts will file one copy with the State Librarian and Archivist.~~

~~(g) Contract terms and price must be definite and fixed. Contracts for professional services shall provide for payments to vendors at a uniform rate for the duration of the contract if the services being provided are similar and consistent. If the professional services are not similar and consistent for the duration of the contract, the Authority shall comply with the provisions of 74 O.S., 1998, Section 85.41(G).~~

~~(h) The following professional services are exempt from competitive bidding pursuant to 74 O.S., Section 85.7(2), and 18 O.S., Section 803:~~

~~(1) Physician, Surgeon or doctor of medicine;~~

~~(2) Osteopathic Physician or Surgeon;~~

~~(3) Chiropractor;~~

~~(4) Chiropodist-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; and~~
- ~~(20) Licensed Perfusionist.~~

~~(i) The Authority shall require proof of professional certification or license of all vendors providing professional services described in (h) of this Section.~~

~~(j) All professional service contracts other than those specified in (h) of this Section must be competitively bid pursuant to this Chapter unless criteria exist sufficient to justify a sole source contract, or unless the contract does not exceed the \$25,000 threshold required for competitive bidding, or as otherwise provided by state law.~~

~~(k) 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 (h) of this Section, to perform non-germane services. For example, a lawyer may not be given a contract to serve as an investment counselor without competitive bidding.~~

~~(l) Bids for professional services contracts shall be evaluated by the appropriate division and/or evaluation team, and reviewed by the Contracts Administrator or designee prior to submittal to the State Purchasing Director. Both cost and technical expertise shall be considered in determining the lowest and best or best value bid.~~

~~(m) The travel expenses to be incurred by the vendor pursuant to the contract for services shall be included in the total amount of the contract award, unless the Authority decides to reimburse the vendor under state statutes for such expenses, and informs vendors of such reimbursement in the ITB or request for proposal. The vendor shall be responsible for all travel arrangements and provide supporting documentation when submitting claims for reimbursement.~~

317:10-1-20. Interagency/Intergovernmental agreements [REVOKED]

~~(a) OHCA may contract with another state agency pursuant to 74 O.S., Section 581.~~

~~(b) OHCA may contract with a political subdivision or agency of the United States pursuant to 74 O.S., Sections 1001 through 1008.~~

~~(c) OHCA shall not attempt to make or make an acquisition through another state agency or public agency for the purpose of evading competitive solicitation provisions of the Oklahoma Central Purchasing Act or rules of the Central Purchasing Division.~~