



John S. Richard  
Director

Brad Henry  
Governor

STATE OF OKLAHOMA  
DEPARTMENT OF CENTRAL SERVICES

**PROCUREMENT INFORMATION MEMORANDUM (Number 09-01)**

TO: All Certified Procurement Officers

DATE: January 13, 2009

SUBJECT: Exemptions from Competitive Bidding – Policy Guidance

1. References: Title 74 O.S. 2007 §§ 85.7(A) (3) (a); 85.41 and Title 18§803

2. Previously, contracts for master custodian banks or trust companies, investment managers, investment consultants, and actuaries for the state retirement systems, CompSource Oklahoma, State and Education Employees Group Insurance Board, pension fund management consultants of the Oklahoma State Pension Commission and the Commissioners of the Land Office, contracts with financial institutions to act as depositories and managers of the Oklahoma College Savings Plan accounts and professional services (as defined in Title 18§803) contracts exceeding \$25,000 were required to be sent to Central Purchasing. In order to provide agencies greater flexibility in the management of their purchasing processes the following guidance is provided.

a. Effective January 13, 2009, agencies with approved internal procedures and a Certified Procurement Officer may process the acquisitions for professional services as defined in Section 803 of Title 18 of the Oklahoma Statutes, which are exempt from competitive bidding, for unlimited dollar amounts, without submission of a requisition to the State Purchasing Director. The contractor must be providing solely the services for which they are licensed. See attached list of currently licensed professions; this list may be modified by legislation. The status of the license of the professional should be confirmed prior to contracting or any renewal of an existing contract. The license should be both current and in good standing.

b. Agencies are encouraged to conduct negotiations on contract costs or to conduct solicitations, as may be appropriate.

c. Unless otherwise exempt, State agencies or officials contracting with an attorney must comply with the requirements found on the web site of the Office of the Attorney General:  
<http://www.oag.ok.gov/oagweb.nsf/20i.html>.

~~d. A "consultant" is not a licensed profession in accordance with Title 18 §803.~~

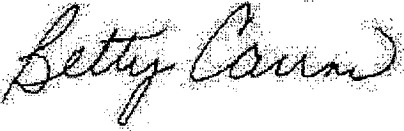
e. Agencies with approved internal procedures and a Certified Procurement Officer may process the acquisitions for Contracts for master custodian banks or trust companies, investment managers, investment consultants, and actuaries for the state retirement systems, CompSource Oklahoma, State and Education Employees Group Insurance Board, pension fund management consultants of the Oklahoma State Pension Commission and the Commissioners of the Land Office, Contracts with financial institutions to act as depositories and managers of the Oklahoma College Savings Plan accounts, which

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are exempt from competitive bidding, for unlimited dollar amounts, without submission of a requisition to the State Purchasing Director.

f. In accordance with 74 O.S. §85.7(A)(3)(c), state agencies shall notify the State Purchasing Director, by submission of form DCS-FORM-CP-091, Report of Exemptions from Competitive Bidding, within 15 days of completion of an acquisition of professional services under this policy.

3. The point of contact for this memorandum is Lee Johnson, Contract Manager 522-5395.



Betty Cairns  
State Purchasing Director  
Department of Central Services