



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

REVISION DATE: September 15, 2009

SUBJECT: Exemptions from Competitive Bidding – Policy Guidance

1. References: Title 74 O.S. §§ 85.7(A) (3) (a); 85.41 and Title 18 O.S. § 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 O.S. §803) contracts exceeding the delegated purchasing authority limit 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 O.S. §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 Title 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.

A handwritten signature in black ink, appearing to read "Scott Schlotthauer". The signature is stylized with a large, looping initial "S" and a trailing flourish.

Scott Schlotthauer
State Purchasing Director

Title 18 Professional Services Categories

"Professional entity" means a domestic corporation, limited partnership or limited liability company formed for the purpose of rendering professional service; or

"Professional service" means the personal service rendered by:

"Related professional services" means those services which are combined for professional entity purposes as any combination of the below professionals.

- a. **physician, surgeon or doctor of medicine** pursuant to a license under Sections 481 through 524 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of medicine,
- b. **an osteopathic physician or surgeon** pursuant to a license under Sections 620 through 645 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of osteopathy,
- c. **a chiropractic physician** pursuant to a license under Sections 161.1 through 161.20 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of chiropractic,
- d. a podiatric physician pursuant to a license under Sections 135.1 through 160.2 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of podiatric medicine,
- e. **an optometrist** pursuant to a license under Sections 581 through 606 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of optometry,
- f. **a veterinarian** pursuant to a license under Sections 698.1 through 698.18 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of veterinary medicine,
- g. **an architect** pursuant to a license under Sections 46.1 through 46.37 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of architecture,
- h. **an attorney** pursuant to his authority to practice law granted by the Supreme Court of the State of Oklahoma,
- i. **a dentist** pursuant to a license under Sections 328.1 through 328.51a of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of dentistry,
- j. **a certified public accountant or a public accountant** pursuant to his or her authority to practice accounting under Sections 15.1 through 15.35 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of public accountancy,
- k. **a psychologist** pursuant to a license under Sections 1351 through 1376 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of psychology,
- l. **a physical therapist** pursuant to a license under Sections 887.1 through 887.18 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of physical therapy,
- m. **a registered nurse** pursuant to a license under Sections 567.1 through 567.16a of Title 59 of the Oklahoma Statutes, and any other subsequent laws regulating the practice of nursing,
- n. **a professional engineer** pursuant to a license under Sections 475.1 through 475.22a of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of engineering,
- o. **a land surveyor** pursuant to a license under Sections 475.1 through 475.22a of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of land surveying,
- p. **an occupational therapist** pursuant to Sections 888.1 through 888.15 of Title 59 of the Oklahoma Statutes and any subsequent law regulating the practice of occupational therapy,
- q. **a speech pathologist or speech therapist** pursuant to Sections 1601 through 1622 of Title 59 of the Oklahoma Statutes, and any subsequent law regulating the practice of speech pathology,
- r. **an audiologist** pursuant to Sections 1601 through 1622 of Title 59 of the Oklahoma Statutes, and any subsequent law regulating the practice of audiology,
- s. **a registered pharmacist** pursuant to Sections 353 through 366 of Title 59 of the Oklahoma Statutes, and any subsequent law regulating the practice of pharmacy,
- t. **a licensed perfusionist** pursuant to Sections 2051 through 2071 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of perfusionists,
- u. **a licensed professional counselor** pursuant to Sections 1901 through 1920 of Title 59 of the Oklahoma Statutes, and any subsequent law regulating the practice of professional counseling,
- v. **a licensed marital and family therapist** pursuant to Sections 1925.1 through 1925.18 of Title 59 of the Oklahoma Statutes, and any subsequent law regulating the practice of marital and family therapy,
- w. **a dietitian** licensed pursuant to Sections 1721 through 1739 of Title 59 of the Oklahoma Statutes and any subsequent laws regulating the practice of dietitians, or
- x. **a social worker** licensed pursuant Sections 1250 through 1273 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of social work;

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