

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 168 By: Hicks

4

5

6 AS INTRODUCED

7 An Act relating to state property; defining terms;
8 establishing requirements for purchasing certain
9 goods or equipment; providing exceptions; creating a
10 differential pricing preference for the cost of goods
manufactured or produced in the United States of
America; providing for codification; and providing an
effective date.

11

12

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 53 of Title 61, unless there is
16 created a duplication in numbering, reads as follows:

17 A. As used in this section:

18 1. "Manufactured or produced in the United States" means a
product that has all manufacturing processes occurring in the United
19 States. All components of the product must be of United States
20 origin. A component is considered to be a product of United States
21 origin if all of its manufacturing processes occur in the United
22 States, notwithstanding the origin of its subcomponents; and
23

1 2. "Public building or public work" means any structure,
2 building, highway, waterway, street, bridge, transit system,
3 airport, or other betterment, work, or improvement, whether of a
4 permanent or temporary nature and whether for governmental or
5 proprietary use. The term includes, but is not limited to, any
6 railway, street railway, subway, elevated and passenger and rail
7 rolling stock, self-propelled cars, gallery cars, locomotives,
8 passenger buses, wires, poles and equipment for electrification of a
9 transit system, rails, tracks, roadbeds, guideways, elevated
10 structures, buildings, schools, hospitals, stations, terminals,
11 docks, shelters, and repairs to any such public building or public
12 work.

13 B. Any agency or entity of this state, or any person making
14 purchases on behalf of such agency or entity, shall require any
15 contract for the construction, reconstruction, alteration, repair,
16 improvement, or maintenance of a public building or public work with
17 an estimated contract price exceeding One Hundred Thousand Dollars
18 (\$100,000.00), to state that all iron, steel, and aluminum to be
19 used in the completion of such contract shall be manufactured or
20 produced in the United States. All solicitation documents for such
21 contracts shall clearly state such requirement. Any bid or proposal
22 that does not affirmatively attest that the bidder read and
23 understood such requirement shall not be considered by the agency or

1 entity, or person making purchases on behalf of such agency or
2 entity.

3 C. An agency or entity of this state may submit a written
4 appeal to the State Purchasing Director to exempt a contract from
5 the requirements of subsection B of this section. The appeal shall
6 include information demonstrating that:

- 7 1. Such requirements are inconsistent with the public interest;
- 8 2. A particular material to be used in the completion of the
9 contract is not produced or manufactured in the United States in
10 sufficient and reasonably available quantities and with satisfactory
11 quality; or
- 12 3. Using materials produced or manufactured in the United
13 States shall increase the cost of construction, reconstruction,
14 alteration, repair, improvement, or maintenance of a public building
15 or public work by more than twenty-five percent (25%).

16 The State Purchasing Director shall give public notice of the
17 appeal upon its receipt in a manner that the State Purchasing
18 Director determines shall give adequate notice to the public and to
19 individuals, firms, or corporations that intend to submit or have
20 submitted bids or proposals for such contracts for public buildings
21 or public works. The State Purchasing Director shall allow seven
22 (7) calendar days for public comment on the appeal. If after the
23 public comment period the State Purchasing Director authorizes the
24 exemption of a contract from the requirements of subsection B of

1 this section, he or she shall provide public notice of the
2 authorization in the same method used to provide public notice of
3 the appeal.

4 D. A state agency or entity shall notify the State Purchasing
5 Director if it suspects an individual, firm, or corporation is
6 intentionally violating the requirements of subsection B of this
7 section. If the State Purchasing Director determines after a review
8 of the contract and the actions of the individual, firm, or
9 corporation that an intentional violation has taken place, the
10 individual, firm, or corporation shall be ineligible to, and shall
11 not, bid on a state contract for a period of five (5) years. Such
12 individual, firm, or corporation shall have the right to appeal the
13 decision of the State Purchasing Director to a court of competent
14 jurisdiction.

15 E. The provisions of this section shall not apply if a
16 reciprocal trade agreement or treaty has been negotiated by this
17 state or by the United States on behalf of or including this state
18 with a foreign nation or government for nondiscriminatory
19 governmental procurement practices or policies with such foreign
20 nation or government.

21 SECTION 2. This act shall become effective November 1, 2025.
22

23 60-1-283 RD 12/30/2024 12:30:09 PM
24