

ENGROSSED HOUSE  
BILL NO. 1448

BY: BATES of the HOUSE

and

EASLEY of the SENATE

AN ACT RELATING TO PUBLIC BUILDINGS AND PUBLIC WORKS;  
AMENDING 61 O.S. 1981, SECTION 121, AS AMENDED BY  
SECTION 1, CHAPTER 164, O.S.L. 1989 (61 O.S. SUPP.  
1990, SECTION 121), WHICH RELATES TO CHANGE ORDERS  
OR ADDENDUMS; AND AUTHORIZING CHARTER  
MUNICIPALITIES TO ENACT ORDINANCES FOR HANDLING  
CHANGE ORDERS.

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

SECTION 1. AMENDATORY 61 O.S. 1981, Section 121, as amended by Section 1, Chapter 164, O.S.L. 1989 (61 O.S. Supp. 1990, Section 121), is amended to read as follows:

Section 121. Change orders or addendums to public construction contracts of One Million Dollars (\$1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount. Change orders or addendums to public construction contracts of over One Million Dollars (\$1,000,000.00) shall not exceed a ten percent (10%) cumulative increase in the original contract amount. Any change orders or cumulative change orders which exceed these limits shall require a readvertising for bids on that part of the contract. Change orders in any amount shall be formally approved by the governing body of the public agency

involved and the reasons therefor recorded in the permanent records, except for charter municipalities which may enact their own rules, by ordinance, for handling change orders. Provided such rules do not conflict with statutory authority. All change orders shall contain a unit price and total for each of the following items:

1. All materials with cost per item; and
2. Itemization of all labor with number of hours per operation and cost per hour; and
3. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type; and
4. Itemization of insurance cost, bond cost, social security, taxes, workers' compensation, employee fringe benefits and overhead cost; and
5. Profit for the contractor.

If the construction contract was bid on a unit basis, and the change order is based exactly on the unit price or basis, such a change order will not be subject to this section. When the individual change orders are less than Ten Thousand Dollars (\$10,000.00), the change order may be based on an acceptable unit price(s) basis in lieu of cost itemization as required in the above items 1, 2, 3, 4 and 5. Alternates or add items bid with the original bid and contained in the awarded contract as options of the awarding public agency shall not be construed as change orders under the provisions of this act.

Passed the House of Representatives the 4th day of March, 1991.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1991.

President of the Senate