

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 689

BY: STIPE

AS INTRODUCED

AN ACT RELATING TO PUBLIC BUILDINGS AND PUBLIC WORKS;
AMENDING 61 O.S. 1991, SECTIONS 116 AND 118, WHICH
RELATE TO THE PUBLIC COMPETITIVE BIDDING ACT;
PROHIBITING THE RELEASE OF CERTAIN INFORMATION;
REQUIRING CERTAIN FINANCIAL INFORMATION BE KEPT
CONFIDENTIAL; PROVIDING PROCEDURES FOR THE
TERMINATION OF CONTRACTS; DIRECTING STATE TREASURER
TO HOLD CERTAIN FUNDS IN SEPARATE ACCOUNT FOR
DESIGNATED PERIOD OF TIME; PROVIDING FOR
CODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 61 O.S. 1991, Section 116, is amended to read as follows:

Section 116. Any disclosure by an employee of a public agency of the terms of a bid submitted in response to a bid notice issued by a public agency in advance of the time set for opening of all bids so submitted shall be unlawful. It shall also be unlawful for any person to solicit, possess or receive information which is to be contained in a bid notice of a public agency, for use in preparing a bid, in advance of the date on which said bid notice is to be made equally and uniformly known to all prospective bidders and the public, and it shall further be unlawful for any employee of a

public agency to withhold or impede the distribution of said information after notice of the bid has been given, unless the solicitation of bids has been withdrawn or the particular information in question has been deleted or replaced through alteration of the bid notice and said withdrawal or alteration has been made equally and uniformly known. Information concerning prospective bidders and the public agency's engineering estimate of the actual cost of the project shall remain confidential until the bids have been opened. Any violation of this section shall constitute a felony and shall render the proceedings void and require solicitation and award anew.

SECTION 2. AMENDATORY 61 O.S. 1991, Section 118, is amended to read as follows:

Section 118. In order to determine the responsibility of bidders, the awarding public agency may require prospective bidders to prequalify as responsible bidders prior to submitting bids on a public construction contract. Notice of any such prequalification requirement shall be made equally and uniformly known by the awarding public agency to all prospective bidders and the public in the same manner as proposals to award public construction contracts as set forth in Section ~~4 hereof~~ 104 of this title. Financial information including, but not limited to, audited financial statements required by the awarding public agency as part of prequalification shall remain confidential.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 137 of Title 61, unless there is created a duplication in numbering, reads as follows:

Any contract which has been bid under the provisions of the Public Competitive Bidding Act, Section 101 et seq. of Title 61 of the Oklahoma Statutes, and on which no work has been performed and no formal claim or litigation has been pending within the last twenty-four (24) months shall be terminated by the public agency

which awarded the contract. After termination, the public agency shall determine the amount of any final payment due to the contractor and shall make such payment to the contractor at the contractor's last-known address, or if the public agency is unable to locate the contractor, the amount due shall be held in a separate account by the State Treasurer in the name of the contractor.

Termination of the contract and payment to the contractor or deposit of the funds due to the contractor as determined by the public agency shall release the public agency from any further liability to the contractor or surety company. Any such funds held by the State Treasurer for the contractor which are not claimed by the contractor within thirty-six (36) months from the date of deposit with the State Treasurer shall be deposited in the General Revenue Fund and the state shall have no further liability on the project to the contractor or surety company.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-1714

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