

ENROLLED SENATE
BILL NO. 1059

By: Stipe of the Senate

and

Dunegan of the House

An Act relating to roads, bridges and ferries;
amending 69 O.S. 1991, Section 1103, which relates
to certain retainage held by Transportation
Commission; modifying amount of retainage
Transportation Commission may retain; modifying
statutory reference; amending 61 O.S. 1991, Section
118, as amended by Section 5, Chapter 239, O.S.L.
1992 (61 O.S. Supp. 1993, Section 118), which
relates to prequalification of bidders; authorizing
Oklahoma Transportation Commission and Oklahoma
Turnpike Authority to establish prequalification
system for certain bidders; providing that certain
prequalified bidders be exempt from certain
requirements; prohibiting a transfer, conveyance or
assignment of the exemption; providing an effective
date; and declaring an emergency.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 1103, is
amended to read as follows:

Section 1103. As a portion of the retainage held by the
Commission pursuant to Section 113.1 of Title 61 of the Oklahoma
Statutes, the Commission ~~shall~~ may retain not ~~less~~ more than five
percent (5%) of the total amount of money due under contract with
the Commission for construction, maintenance or repair of state,
county or municipal highways or streets until the contractor to whom
payment is due files with the Commission documentation from the
Oklahoma Tax Commission that all income taxes, sales and use taxes,
motor fuel taxes, motor vehicle taxes, and any other taxes due the
State of Oklahoma have been paid or will be paid when due, a
certified copy of a personal tax receipt, showing payment of

personal property taxes due on the contractor's equipment and supplies, from the county treasurer of the county wherein the property is assessed, or is required to be assessed, and evidence of having proper workers' compensation coverage for employees as provided by ~~Title 85 of the Oklahoma Statutes~~, Section 61 of Title 85 of the Oklahoma Statutes, provided however, the Commission must retain an amount sufficient to guarantee payment of the taxes indicated in this section. In the alternative, the Commission may accept, in lieu of retainage held for the purpose of this section, a deposit of Treasury notes or bank certificates of deposit ~~equal to~~ of not more than five percent (5%) of the amount due under contract with the Commission, with proper assignment of same, until full compliance with the requirements of this section is established by the Commission.

SECTION 2. AMENDATORY 61 O.S. 1991, Section 118, as amended by Section 5, Chapter 239, O.S.L. 1992 (61 O.S. Supp. 1993, Section 118), is amended to read as follows:

Section 118. A. 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 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.

B. The Oklahoma Transportation Commission and the Oklahoma Turnpike Authority shall establish a system for prequalifying prospective bidders on construction and maintenance contracts to be awarded by the Commission or Authority. The Commission and the Authority shall be the sole judge of the qualifications of prospective bidders and shall ascertain, to their exclusive satisfaction, the qualifications of each prequalified bidder. Any contractor or subcontractor prequalified as of the effective date of this act performing signing, highway lighting, or traffic signal installation or maintenance for the Oklahoma Department of Transportation or the Oklahoma Turnpike Authority shall be allowed to continue to bid and perform such work without obtaining any additional license from this state or any political subdivision of this state. However, no contractor or subcontractor may transfer, convey or assign this exemption to any other person or entity.

SECTION 3. This act shall become effective July 1, 1994.

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.

Passed the Senate the 4th day of May, 1994.

President of the Senate

Passed the House of Representatives the 11th day of May, 1994.

Speaker

of the House of
Representatives