

SHORT TITLE: Public buildings and public works and schools;  
modifying certain procedures for district boards of education in  
certain emergencies; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1181

By: Helton

AS INTRODUCED

An Act relating to public buildings and public works and schools; amending 61 O.S. 1991, Section 130, and 70 O.S. 1991, Section 5-123, which relate to the Public Competitive Bidding Act of 1974 and expenditures of district boards of education; modifying amount of certain contract allowed in certain emergencies; exempting district boards of education from certain bidding requirements in certain circumstances; providing procedures for certain declaration of emergency and certain contracts; requiring approval of Governor of certain declaration of emergency and certain contracts; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 61 O.S. 1991, Section 130, is amended to read as follows:

Section 130. A. The provisions of the Public Competitive Bidding Act with reference to notice and bids shall not apply whenever the governing body of a public agency declares by a two-thirds (2/3) vote of all of the members of the governing body that an emergency exists; provided, the Oklahoma Transportation Commission and the Oklahoma Tourism and Recreation Commission may, by majority vote of all the members of each Commission, declare that

an emergency exists. The governing bodies of all public agencies are further authorized, upon approval of two-thirds (2/3) of all of the members of the governing body, to delegate to the chief administrative officer of a public agency the authority to declare an emergency situation, in which event the provisions of the Public Competitive Bidding Act with reference to notice and bids shall not apply, but such authority shall not extend to any contract exceeding Twenty-five Thousand Dollars (\$25,000.00) in amount; provided, such authority of the Oklahoma Department of Transportation or of a school district, when student health and safety is endangered, shall not extend to any contract exceeding One Hundred Fifty Thousand Dollars (\$150,000.00) in amount. Whenever said chief administrative officer shall declare such an emergency he shall notify the governing body, the President Pro Tempore of the State Senate and Speaker of the House of Representatives of such action within ten (10) days. Such notification shall contain a statement of the reasons for his action, and shall be recorded in the official minutes of said governing body.

B. Emergency as used in this section shall be limited to conditions resulting from a sudden unexpected happening or unforeseen occurrence or condition and situation wherein the public health or safety is endangered.

C. The reasons for declaring an emergency and not complying with the provisions of the Public Competitive Bidding Act shall be entered into the official minutes of the governing body of the public agency. Copies of said minutes shall be submitted to the President Pro Tempore of the State Senate and Speaker of the House of Representatives.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 5-123, is amended to read as follows:

Section 5-123. A. No expenditure involving an amount greater than Five Hundred Dollars (\$500.00) shall be made by a board of

education except in accordance with the provisions of a written contract or purchase order, and no contract involving an expenditure of more than Seven Thousand Five Hundred Dollars (\$7,500.00) for the purpose of erecting any public building or making any improvements shall be made except upon sealed proposals and to the lowest responsible bidder. Provided, this section shall not be construed to prohibit a school district from erecting a building or making improvements on a force account basis. Contracts with any state agency for the purpose of emergency asbestos abatement shall be exempt from the provisions of this section.

B. The competitive bidding requirements set forth in subsection A of this section shall not apply if student health and safety are endangered and the following conditions are met:

1. The board of education declares by a two-thirds (2/3) vote of all the members of the board that an emergency exists;

2. The board of education records in its minutes the reasons for the declaration of emergency;

3. The board of education votes by a two-thirds (2/3) vote of all the members of the board to enter into a contract for the purpose of ameliorating the emergency situation;

4. The board of education notifies the Governor of the declaration of emergency and submits to the Governor a copy of the minutes of the meeting in which the emergency was declared and the reasons recorded and a copy of the proposed contract; and

5. The Governor approves the board's declaration of emergency and the contract.

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.

