

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1649

By: Webb

AS INTRODUCED

An Act relating to state government; providing for promulgation of rules; requiring statewide elevator preventative maintenance and repair contracts; providing for availability; requiring use of certain contracts; requiring compliance; providing for violations; making certain contracts void; requiring certain insurance; requiring certification; providing for certain listing; prohibiting certain contracts; defining term; creating an advisory review committee; providing for membership and meetings; providing for meetings; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 91.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. By September 1, 1993, the Director of the Department of Central Services shall have promulgated rules and prescribed standardized forms for the establishment of a statewide elevator preventative maintenance and repair contract required for usage by

all state agencies including the Oklahoma State Capitol Building. Such rules and contracts shall be made available to all public state entities.

B. The statewide elevator preventative maintenance and repair contracts shall include but not be limited to requirements for use of certified elevator and escalator mechanics, contractor responsibilities, scope of work, schedules of maintenance, parts and supply specifications, inspections and testing requirements.

C. For state agencies subject to the Central Purchasing Act, the Director shall provide for elevator preventative maintenance and repair required by state agencies by statewide contract. Each state agency, unless specifically exempted for economic feasibility reasons by the Department, shall acquire any elevator preventative maintenance and repair necessary through statewide contract executed by the Director of the Department of Central Services. Any state agency specifically exempted from the statewide contract requirements, pursuant to the provisions of this subsection, shall use the standardized contract specified by subsection A of this section for such preventative maintenance and repair.

D. Any state agency not subject to the Central Purchasing Act shall comply with the rules established by the Director for elevator preventative maintenance and repair.

E. Any contract executed by a state agency, whether or not subject to the Central Purchasing Act, in violation of the provisions of this act or rules promulgated thereto, shall be null and void.

F. The Director shall require any contractor providing elevator preventative maintenance and repair to provide certificates of insurance for worker's compensation, public liability and builders' risk which shall indemnify the State of Oklahoma and the contractor against all liability for claims for damages or injury occurring wholly or in part because of the contract. The state shall have the

right of subrogation against the insurer issuing any applicable contractor policy of insurance to the monetary limit of said policy of insurance if any judgment or settlement of any claim results in the imposition of monetary liability upon the state.

G. The State Purchasing Director shall not enter into a statewide contract for elevator preventative maintenance and repair or elevator inspection services unless the persons performing such preventative maintenance and repair or inspection services have been certified.

H. The State Purchasing Director shall prepare and maintain a listing of certified elevator contractors or elevator mechanics. Such list shall be provided to state agencies or other state public entities upon request.

I. The State Purchasing Director shall contract for elevator inspection services. The State Purchasing Director shall not contract for elevator inspection services and preventative maintenance and repair services with the same elevator contractor or business engaged in elevator maintenance and repair.

J. For purposes of this section, the term "elevator" shall also include escalators.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 91.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created an Elevator Advisory Review Committee. The Committee shall be composed of one member from the State Board of Regents; one member from the Department of Human Services; one member from the Capitol Improvement Authority; one member from the Central Purchasing Division of the Department of Central Services; one member from the Risk Management Division of the Department of Central Services; one member representing the National Elevator Industry Incorporation; and one member representing the National Association of Elevator Contractors.

B. The Committee shall meet at least two (2) times per year to review the standard statewide contracts for elevator preventative maintenance and repair specified by Section 1 of this act and make recommendations for necessary revisions and updates. Members of the Committee shall receive no additional compensation for serving on the Committee. Meetings of the Committee shall be called by the Director of Central Services and shall provide meeting space and staffing, as needed, for the Committee.

SECTION 3. This act shall become effective September 1, 1993.

44-1-5497

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