ENROLLED HOUSE
BILL NO. 1722

By: Leist, Fields and Tyler of the House

and

Shurden of the Senate

An Act relating to roads, bridges and ferries; providing for expedited highway improvement contracts; providing definitions; providing for Department of Transportation to award certain contracts in a highway emergency; providing for certain rules to be adopted; requiring highway emergency certification; providing for notification to Transportation Commission; requiring certain approval by Transportation Commission; providing for contracts to meet certain requirements; 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 1104 of Title 69, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Highway emergency" means a situation or condition of a designed state highway that:

a. poses a threat to life or property of travelers, or

b. substantially disrupts the orderly flow of traffic and commerce; and

2. "Highway improvement contract" means a contract awarded by the Department of Transportation for the construction, repair, or maintenance of a designated state highway or any part of the highway.

B. As the part of any bidding procedure as provided by law for the letting of contracts by the Department of Transportation, the Department may award a highway improvement contract in a highway emergency in accordance with rules adopted by the Department which may include:

1. Contractor eligibility;

2. Notification of prospective bidders;

3. Bidding requirements;

4. Procedures for awarding the contract, pursuant to the Public Competitive Bidding Act of 1974;

5. Bonding or other requirements to ensure satisfactory performance by the contractor and the protection of claimants supplying labor and materials used in performance of the contract;

6. Contract form and contents;

7. Provisions for extended work days to expedite the improvement; and

8. Provisions for waiver of or exception to a procedure or requirement adopted pursuant to this section.

C. Prior to awarding a contract under this section, the Department shall certify in writing a description of the highway emergency. A copy of the certification of the highway emergency shall be attached to the contract. The Transportation Commission shall be sent a copy of the certification of the highway emergency for final approval.

D. In addition to the requirements of this section, any contract awarded pursuant to this section shall comply with the Public Competitive Bidding Act of 1974.

SECTION 2. This act shall become effective November 1, 1997.

Passed the House of Representatives the 18th day of February, 1997.

Speaker of the House of Representatives

Passed the Senate the 3rd day of April, 1997.

President of the Senate