ENROLLED HOUSE
BILL NO. 2323

By: Tyler of the House

and

Stipe of the Senate

An Act relating to public buildings and public works; amending 61 O.S. 1991, Section 116, as last amended by Section 2, Chapter 341, O.S.L. 1999 (61 O.S. Supp. 1999, Section 116), which relates to disclosure of terms of bid; exempting certain provision from penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 61 O.S. 1991, Section 116, as last amended by Section 2, Chapter 341, O.S.L. 1999 (61 O.S. Supp. 1999, 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~~ the 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of ~~said~~ such information after notice of the bid has been given, unless the solicitation of bids has been withdrawn or the particular information in question has been deleted or replaced through alteration of the bid notice and ~~said~~ the withdrawal or alteration has been made equally and uniformly known. The public agency's engineering estimate of the actual cost of the project shall not be considered confidential and shall be open for public inspection. Any violation of this section shall be a felony and shall render the proceedings void and require solicitation and award anew. However, this penalty shall not apply to the public agency's engineering estimate which is not considered confidential and is open for public inspection.

SECTION 2. This act shall become effective November 1, 2000.

Passed the House of Representatives the 8th day of March, 2000.

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Speaker of the House of Representatives

Passed the Senate the 13th day of April, 2000.

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President of the Senate