

ENROLLED HOUSE
BILL NO. 2346

By: Staggs and Jones of the
House

and

Taylor and Robinson of the
Senate

An Act relating to port authorities; amending 82 O.S. 1991, Sections 1112, as last amended by Section 1, Chapter 123, O.S.L. 1994 and 1133 (82 O.S. Supp. 1999, Section 1112), which relate to contracts for construction and contracts for the sale of property; modifying requirements for construction contracts of port authorities; providing exception in cases of emergency; requiring findings be entered into the minutes of the port authority; deleting conflicting requirements; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 1991, Section 1112, as last amended by Section 1, Chapter 123, O.S.L. 1994 (82 O.S. Supp. 1999, Section 1112), is amended to read as follows:

Section 1112. A. ~~No contract~~ Contracts for the creation, construction, alteration, or repair of any building, structure, or other improvement undertaken by a port authority created in accordance with Section 1102 of this title and involving an expenditure exceeding ~~Seven Thousand Five Hundred Dollars (\$7,500.00)~~ Twelve Thousand Five Hundred Dollars (\$12,500.00) shall be ~~let and, except~~ subject to the Public Competitive Bidding Act of 1974. Except as otherwise provided by subsection B of this section, no sale of any real property or property having a fair market value exceeding ~~Seven Thousand Five Hundred Dollars (\$7,500.00)~~ Twelve Thousand Five Hundred Dollars (\$12,500.00) shall be made by the port authority unless notice calling for bids for the same shall have been given by publication as provided by Section 1101 of this title. No such contract shall be let except to the lowest ~~and best~~ responsible bidder. No such sale shall be made except to the highest ~~and best~~ responsible bidder. In the case of any sale of land by the port authority requiring competitive bids, specifications for the bids for such sale shall be in such form and detail as shall be determined by the port authority. Provided, however, should the port authority find that an immediate emergency exists, which findings shall be entered in the minutes of the port authority, by reason of which an expenditure in an amount exceeding Twelve Thousand Five Hundred Dollars (\$12,500.00) is necessary in order to avoid loss of life, substantial damage to property, or

damage to the public peace or safety, then such contracts may be made and entered into without public notice or competitive bids.

B. Competitive bids shall not be required for the sale of real property or property by a port authority if:

1. Such real property or property is to be sold for industrial development purposes;

2. The real property or property was acquired by the port authority for industrial development purposes; and

3. The contract for the sale of such real property or property has been approved by the board of directors of such port authority.

Every contract let shall be in writing, and if the same involves work or construction, it shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the port authority, signed by the chairman of the port authority and by the contractor, and shall be executed in triplicate.

SECTION 2. AMENDATORY 82 O.S. 1991, Section 1133, is amended to read as follows:

Section 1133. All bonds sold hereunder shall be awarded to the best bidder, based upon an open competitive public offering. Notice of sale of such bonds shall be advertised at least fourteen (14) days in advance of the time of receiving bids and said notice shall appear at least once a week for two (2) successive weeks in a newspaper of general circulation in the county where the principal office of the port authority is located. No bonds shall be sold for less than par value.

~~Contracts for construction, labor, equipment, material, or repairs in excess of Five Hundred Dollars (\$500.00) shall be awarded by the port authority to the lowest and best competitive bidder, pursuant to public invitations to bid, which shall be published in the manner provided in the preceding section hereof. Such advertisements shall appear in the county where the principal office of the port authority is located. Provided, however, should the port authority find that an immediate emergency exists, which findings shall be entered in the minutes of said port authority, by reason of which an expenditure in an amount exceeding Five Hundred Dollars (\$500.00) is necessary in order to avoid loss of life, substantial damage to property, or damage to the public peace or safety, then such contracts may be made and entered into without public notice or competitive bids.~~

SECTION 3. This act shall become effective July 1, 2000.

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 House of Representatives the 1st day of May, 2000.

Speaker of the House of
Representatives

Passed the Senate the 17th day of April, 2000.

President of the Senate