

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1317

By: Snyder

AS INTRODUCED

An Act relating to public buildings and public works; making Department of Central Services prime contractor on all state public construction and repair projects except roads; stating responsibility; authorizing Director of the Department of Central Services, upon declaring certain emergency, to solicit assistance from state agencies; requiring agencies to give assistance; allowing exception thereto; authorizing Director of the Department of Central Services, under certain circumstances, to modify or waive certain notice and bidding requirements; requiring certain filing of bid documents and passage of time prior to opening of bids; requiring certain comparison with certain fees on projects previously awarded; requiring filing of certain bid documents; providing for codification; and declaring an emergency.

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 301 of Title 61, unless there is created a duplication in numbering, reads as follows:

A. The Department of Central Services shall be the prime or general contractor for all state public construction and repair projects except road projects. It shall be the responsibility of the Department to oversee such construction and repair projects in the most economical and expeditious manner authorized by law.

B. When the Director of the Department of Central Services determines that an emergency requires construction or repair in less time than normal procedures permit, the Director shall first seek state agency personnel to perform the services required. All agencies of this state are directed to provide available personnel, equipment, and supplies upon written declaration of emergency and

request for assistance by the Director of the Department of Central Services, but not to the extent that the chief officer of any state agency deems that complying with such request would seriously impair the operation of the agency.

C. The Director of the Department of Central Services, having declared an emergency and sought assistance as provided in subsection B of this section, may then contract for project services from interested firms, and in so doing may modify or entirely waive public notice and bidding procedures otherwise required. The bid notices required to be mailed and published not less than twenty (20) days prior to the time set for opening bids as specified in Section 104 of Title 61 of the Oklahoma Statutes may be given at such other times and in such manner as the Director shall specify by written order which shall be recorded in the official records of the Department. Consistent with the time constraints imposed by the emergency, the method of notification specified by the Director shall be reasonably calculated to inform as large a number of prospective bidders as is practical of the proposed contracts. Such notice as the Director may order shall be given not less than three (3) working days prior to the time set for opening bids. The notice specified by the Director may be given by mail, by publication, by personal or telephonic communication, or by any combination of such means as the Director may specify. The Department shall, upon the Director's declaration of emergency need, be exempt from the provisions of subsections C, D and E of Section 62 of Title 61 of the Oklahoma Statutes; provided, the Director shall determine before awarding a contract for an emergency project that percentage fees charged by consultants are not higher than those awarded on similar previous construction projects. The requirement of Section 106 of Title 61 of the Oklahoma Statutes that a complete set of bidding documents be on file for a period of at least twenty (20) days prior to the date set for opening bids may be reduced by the order of the

Director; provided, a complete set of bidding documents regarding the proposed emergency public construction contract shall be on file in the main office of the awarding public agency at least three (3) working days prior to the date set for opening bids.

SECTION 2. 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.

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