

EHB 2561

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THE STATE SENATE
Wednesday, March 17, 2004

ENGROSSED

House Bill No. 2561

ENGROSSED HOUSE BILL NO. 2561 - By: NATIONS of the House and NICHOLS of the Senate.

An Act relating to public buildings and public works; amending 61 O.S. 2001, Section 102, as amended by Section 13, Chapter 294, O.S.L. 2002 (61 O.S. Supp. 2003, Section 102), which relates to the Public Competitive Bidding Act of 1974; modifying certain definition; and providing an effective date.

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

SECTION 1. AMENDATORY 61 O.S. 2001, Section 102, as amended by Section 13, Chapter 294, O.S.L. 2002 (61 O.S. Supp. 2003, Section 102), is amended to read as follows:

Section 102. As used in the Public Competitive Bidding Act of 1974:

1. "Administrator" means the State Construction Administrator of the Construction and Properties Division of the Department of Central Services;

2. "Awarding public agency" means the public agency which solicits and receives sealed bids on a particular public construction contract;

3. "Bidding documents" means the bid notice, instruction to bidders, plans and specifications, bidding form, bidding

1 instructions, general conditions, special conditions and all other
2 written instruments prepared by or on behalf of an awarding public
3 agency for use by prospective bidders on a public construction
4 contract;

5 4. "Chief administrative officer" means an individual
6 responsible for directing the administration of a public agency.
7 The term does not mean one or all of the individuals that make
8 policy for a public agency;

9 5. "Public agency" means the State of Oklahoma, and any county,
10 city, town, school district or other political subdivision of the
11 state, any public trust, any public entity specifically created by
12 the statutes of the State of Oklahoma or as a result of statutory
13 authorization therefor, and any department, agency, board, bureau,
14 commission, committee or authority of any of the foregoing public
15 entities;

16 6. "Public construction contract" or "contract" means any
17 contract, exceeding Twenty-five Thousand Dollars (\$25,000.00) in
18 amount, awarded by any public agency for the purpose of making any
19 public improvements or constructing any public building or making
20 repairs to or performing maintenance on the same except where the
21 improvements, construction of any building or repairs to the same
22 are improvements or buildings leased to a person or other legal
23 entity exclusively for private and not for public use and no public

1 tax revenues shall be expended on or for the contract unless the
2 public tax revenues used for the project are authorized by a
3 majority of the voters of the applicable public agency voting at an
4 election held for that purpose and the public tax revenues do not
5 exceed twenty-five percent (25%) of the total project cost. The
6 amount of public tax dollars committed to the project will not
7 exceed a fixed amount established by resolution of the governing
8 body prior to or concurrent with approval of the project;

9 7. "Public improvement" means any beneficial or valuable change
10 or addition, betterment, enhancement or amelioration of or upon any
11 real property, or interest therein, belonging to a public agency,
12 intended to enhance its value, beauty or utility or to adapt it to
13 new or further purposes. The term does not include the direct
14 purchase of materials, provided that the materials are not purchased
15 in increments for an amount of less than Twenty-five Thousand
16 Dollars (\$25,000.00) and used for the purposes of completing a
17 single project, equipment or supplies by a public agency, or any
18 personal property as defined in subsection B of Section 430.1 of
19 Title 62 of the Oklahoma Statutes; and

20 8. "Retainage" means the difference between the amount earned
21 by the contractor on a public construction contract, with the work
22 being accepted by the public agency, and the amount paid on said
23 contract by the public agency.

1 SECTION 2. This act shall become effective November 1, 2004.
2 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-15-04
3 - DO PASS.