

ENGROSSED HOUSE
BILL NO. 1564

By: Miller (Ken) and Adkins of
the House

and

Jolley and Brogdon of the
Senate

An Act relating to public buildings and public works; amending 61 O.S. 2001, Section 202.1, as amended by Section 1, Chapter 277, O.S.L. 2003 (61 O.S. Supp. 2004, Section 202.1), which relates to the Public Building Construction and Planning Act; providing applicability of the act to certain entities; clarifying requirement for written approval; providing an exception from agency approval for certain construction methods; clarifying public trusts applicable to certain act; and providing an effective date.

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

SECTION 1. AMENDATORY 61 O.S. 2001, Section 202.1, as amended by Section 1, Chapter 277, O.S.L. 2003 (61 O.S. Supp. 2004, Section 202.1), is amended to read as follows:

Section 202.1 A. The design-build and at-risk construction management project delivery methods shall not be used without the written approval of the Director of Central Services when those projects are constructed for a state agency or by an act of the Legislature specifying design-build or at-risk construction management for a project. In all instances where the design-build project or at-risk construction management delivery method is authorized, construction administration shall be performed by the State Construction Administrator, the Administrator's designee or designees, or otherwise by contract or contract provision approved by the Director of Central Services for construction administration by another party.

B. Municipalities, counties, public trusts, or any other political subdivision in this state shall not be required to get approval of any other state agency in order to use design-build construction management or at-risk construction management as a construction management delivery method. However, municipalities, counties, public trusts, and any other political subdivision shall be subject to all other provisions of the Public Building Construction and Planning Act.

C. The provisions of subsection A of this section shall not apply to projects by contract pursuant to an interagency agreement under Section 581 of Title 74 of the Oklahoma Statutes or to projects a state agency performs solely with the staff of the agency.

~~C.~~ D. The Department of Central Services shall, pursuant to the Administrative Procedures Act, promulgate rules to effect procedures and processes necessary to the fulfillment of its responsibilities under subsection A of this section.

E. As used in the Public Building Construction and Planning Act, public trusts shall not include state beneficiary public trusts.

SECTION 2. This act shall become effective November 1, 2005.

Passed the House of Representatives the 15th day of March, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2005.

Presiding Officer of the Senate