

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1181 By: Rabon of the Senate

3 and
4 Thompson of the House
5

6
7 An Act relating to roads, bridges and ferries;
8 amending 69 O.S. 2001, Section 708.1, which relates
9 to transportation construction projects; modifying
10 definition; amending 69 O.S. 2001, Section 708.2,
11 which relates to construction managers; requiring
12 certain notice to construction managers; describing
13 notice; requiring submission of notice within certain
14 time period; requiring cooperation on certain
15 contracts; authorizing certain contracts for design
16 consultant services; providing an effective date; and
17 declaring an emergency.

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21 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
22 and insert

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

SECTION 1. AMENDATORY 69 O.S. 2001, Section 708.2, is
amended to read as follows:

1 Section 708.2 A. The Department of Transportation and the
2 Oklahoma ~~Transportation~~ Turnpike Authority shall each compile a list
3 of all persons and entities interested in and capable of performing
4 construction management and design consultant services specific to
5 the transportation industry. The consultant list shall include, but
6 shall not be limited to, qualified construction managers and design
7 consultants capable of performing such services as solicited from
8 the Department of Central Services file on an annual basis. The
9 Department and the Authority shall each determine the qualifications
10 of the prospective construction managers and design consultants.
11 The construction managers and design consultants shall be selected
12 at the discretion of the Department or the Authority.

13 B. The Department or the Authority shall issue a solicitation
14 to construction managers or design consultants capable of providing
15 the services desired. The solicitation shall, at a minimum,
16 contain:

17 1. A description and scope of the projects;

18 2. An estimated construction cost, anticipated starting date,
19 and completion date the Department or the Authority desires for the
20 project;

21 3. A certification of funds available for the construction
22 manager or design consultant fee, including federal, state or other
23 participation;

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1 4. The closing date for construction manager or design
2 consultant to give notice of interest; and

3 5. Additional data the Department or the Authority requires
4 from the construction manager or design consultant. The closing
5 date for submission of construction manager or design consultant
6 notice of interest for consideration shall be within thirty (30)
7 days of the date the notice is issued by the Department or the
8 Authority.

9 C. The Department or the Authority shall review the
10 qualifications of the entities on the consultant list and shall
11 select no less than three and no more than five consultants per
12 contract for further consideration. The review shall include
13 consideration of the following information:

14 1. Professional qualifications for the type of work
15 contemplated;

16 2. Capacity for completing the project in the specified time
17 period;

18 3. Past performance on projects of a similar nature; and

19 4. Percentage of work to be performed by residents of Oklahoma.

20 D. The Department and the Authority shall each establish a
21 committee which will evaluate the construction managers or design
22 consultants selected for consideration and rank the construction
23 managers or design consultants in order of preference.

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1 E. The Department or the Authority shall enter into
2 negotiations with the first-choice consultant. If the Department or
3 Authority and the first-choice consultant cannot reach an agreement,
4 their negotiations shall be terminated and negotiations with the
5 second-choice consultant shall commence. If the Department or the
6 Authority and the second-choice consultant cannot reach an
7 agreement, their negotiations shall be terminated and negotiations
8 with the third-choice consultant shall commence. If the Department
9 or the Authority and the third-choice consultant cannot reach an
10 agreement, then all negotiations shall be terminated. Should the
11 Department or the Authority be unable to negotiate a satisfactory
12 contract with any of the three selected consultants, the Department
13 or the Authority shall reevaluate the proposed work and send out a
14 new notice.

15 F. As provided for in the Transportation Commission rules or by
16 Authority resolutions, the Department or the Authority shall perform
17 a written evaluation of the services provided by the consultant.
18 This evaluation shall become a part of the Department's and the
19 Authority's consultant file. Failure of the consultant to perform
20 the prescribed work in a timely and accurate manner shall be grounds
21 for exclusion from the list of qualified construction managers or
22 design consultants until such time as the consultant can reasonably
23 document and demonstrate performance improvement to the satisfaction
24 of the Department or the Authority.

1 G. ~~In addition to the foregoing provisions of this section~~ As
2 provided for in the Transportation Commission rules or by Authority
3 resolutions, the Department or the Authority may enter into demand
4 services contracts for consultant services to provide a specific
5 project work type or activity for unspecified projects or facilities
6 on an as-needed basis. ~~Contract consultants for demand services~~
7 ~~shall not exceed a total of Two Hundred Fifty Thousand Dollars~~
8 ~~(\$250,000.00) per consultant per state fiscal year.~~ When soliciting
9 and securing such services, the Department and the Authority shall
10 utilize the procedure as set forth in this section.

11 SECTION 2. This act shall become effective July 1, 2008."

12 Passed the House of Representatives the 15th day of April, 2008.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2008.

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Presiding Officer of the Senate

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