

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 1505

6 By: Rabon

7 COMMITTEE SUBSTITUTE

8 An Act relating to public bidding; amending 61 O.S.  
9 2001, Sections 108, 115, as amended by Section 18,  
10 Chapter 294, O.S.L. 2002 and 118, as amended by  
11 Section 20, Chapter 294, O.S.L. 2002 (61 O.S. Supp.  
12 2007, Sections 115 and 118), which relate to written  
13 statements to accompany bid, collusion among bidders,  
14 and prequalification of bidders; clarifying type of  
15 bidder subject to certain requirements; modifying  
16 certain requirements; stating requirements relating  
17 to prequalification and licensing requirements; and  
18 declaring an emergency.

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

20 SECTION 1. AMENDATORY 61 O.S. 2001, Section 108, is  
21 amended to read as follows:

22 Section 108. Each successful bidder shall accompany ~~his bid~~ the  
23 contract with a written statement under oath disclosing the  
24 following information:

1. The nature of any partnership, joint venture or other  
business relationships then in effect or which existed within one

1 (1) year prior to the date of such statement with the architect,  
2 engineer or other party to the project;

3 2. Any such business relationship then in effect or which  
4 existed within one (1) year prior to the date of such statement  
5 between any officer or director of the bidding company and any  
6 officer or director of the architectural or engineering firm or  
7 other party to the project; and

8 3. The names of all persons having any such business  
9 relationships and the positions they hold with their respective  
10 companies or firms. If none of the business relationships  
11 hereinabove mentioned exist, then a statement to that effect.

12 SECTION 2. AMENDATORY 61 O.S. 2001, Section 115, as  
13 amended by Section 18, Chapter 294, O.S.L. 2002 (61 O.S. Supp. 2007,  
14 Section 115) is amended to read as follows:

15 Section 115. Any agreement or collusion among bidders,  
16 prospective bidders or material suppliers in restraint of freedom of  
17 competition by agreement to bid at a fixed price or to refrain from  
18 bidding, or otherwise, shall render the bids of such bidders void.  
19 Persons willfully violating this section shall be guilty of a  
20 felony. Each successful bidder shall accompany ~~his bid~~ the contract  
21 with a sworn statement that ~~he~~ the bidder has not been a party to  
22 any such agreement. The form of the statement shall be  
23 substantially as provided in Section 85.22 of Title 74 of the  
24

1 Oklahoma Statutes, but modified in wording to refer to the  
2 appropriate public agency requesting bids.

3 SECTION 3. AMENDATORY 61 O.S. 2001, Section 118, as  
4 amended by Section 20, Chapter 294, O.S.L. 2002 (61 O.S. Supp. 2007,  
5 Section 118), is amended to read as follows:

6 Section 118. A. In order to determine the responsibility of  
7 bidders, the awarding public agency may require prospective bidders,  
8 general contractors, subcontractors and material suppliers to  
9 prequalify as responsible bidders prior to submitting bids on a  
10 public construction contract. Prequalification to bid or perform  
11 work pursuant to this section does not constitute a license. Except  
12 as provided in subsection B of this section, prequalification shall  
13 not serve as a substitute for a license otherwise required by law.

14 Notice of any such prequalification requirement shall be made  
15 equally and uniformly known by the awarding public agency to all  
16 prospective bidders and the public in the same manner as proposals  
17 to award public construction contracts as set forth in Section 104  
18 of this title. Financial information including, but not limited to,  
19 audited financial statements required by the awarding public agency  
20 as part of prequalification shall remain confidential.

21 B. The Oklahoma Transportation Commission and the Oklahoma  
22 Transportation Authority may establish a system for prequalifying  
23 prospective bidders on construction and maintenance contracts to be  
24 awarded by the Commission or Authority. The Commission and the

1 Authority shall be the sole judge of the qualifications of  
2 prospective bidders and shall ascertain, to their exclusive  
3 satisfaction, the qualifications of each prequalified bidder. Any  
4 contractor or subcontractor prequalified as of the effective date of  
5 this act performing signing, highway lighting, or traffic signal  
6 installation or maintenance for the Oklahoma Department of  
7 Transportation or the Oklahoma Transportation Authority shall be  
8 allowed to continue to bid and perform such work without obtaining  
9 any additional license from this state or any political subdivision  
10 of this state. However, no contractor or subcontractor may  
11 transfer, convey or assign this exemption to any other person or  
12 entity.

13 SECTION 4. It being immediately necessary for the preservation  
14 of the public peace, health and safety, an emergency is hereby  
15 declared to exist, by reason whereof this act shall take effect and  
16 be in full force from and after its passage and approval.

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