HB 1774

THE HOUSE OF REPRESENTATIVES
Monday, February 19, 2007

House Bill No. 1774

HOUSE BILL NO. 1774 - By: THOMPSON of the House and BRANAN of the Senate.

An Act relating to public buildings and public works; amending 61 O.S. 2001, Section 123, as amended by Section 24, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2006, Section 123), which relates to contractor certification; providing specifics of certain progress payments; requiring certain certification; and providing an effective date.

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

SECTION 1. AMENDATORY 61 O.S. 2001, Section 123, as amended by Section 24, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2006, Section 123), is amended to read as follows:

Section 123. A. All statements or invoices submitted to the awarding public agency for work performed shall contain a certification by the supervising architect or engineer, or other supervisory official if no supervisory architect or engineer is employed for the project, that work for which payment is claimed has been performed and that such work conforms to the plans and specifications for the project. No such statement or invoice shall be paid by the awarding public agency without such certification. The execution of a certificate, as herein provided, shall not constitute a defense or in any other manner affect any cause or causes of action which the awarding public agency might otherwise have against the contractor for nonperformance of a public construction contract.

B. If project progressive payments are based on the public agency's estimated quantities of materials provided and work performed, certifications are not required. Payment of progressive estimates shall not constitute a defense or in any manner affect any cause or causes of action which the awarding public agency might have against the contractor for failure to properly perform in accordance with the project contract, plans, specifications, or special provisions. Final estimates shall contain a sworn certification signed by the contractor that the work performed and the material provided conform to the requirements of the contract, plans, specifications, and special provisions.

SECTION 2. This act shall become effective November 1, 2007.

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND TRANSPORTATION, dated 02-15-07 - DO PASS, As Coauthored.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.