

THE HOUSE OF REPRESENTATIVES
Tuesday, April 8, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1181

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1181 - By: RABON
of the Senate and THOMPSON of the House.

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Section
708.2, which relates to consultants; modifying authority reference; removing
certain contract limitations; providing an effective date; and declaring an
emergency.

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

1 SECTION 1. AMENDATORY 69 O.S. 2001, Section 708.2, is amended to read
2 as follows:
3 Section 708.2 A. The Department of Transportation and the Oklahoma
4 ~~Transportation~~ Turnpike Authority shall each compile a list of all persons and entities
5 interested in and capable of performing construction management and design consultant
6 services specific to the transportation industry. The consultant list shall include, but
7 shall not be limited to, qualified construction managers and design consultants capable of
8 performing such services as solicited from the Department of Central Services file on an
9 annual basis. The Department and the Authority shall each determine the qualifications
10 of the prospective construction managers and design consultants. The construction

1 managers and design consultants shall be selected at the discretion of the Department or
2 the Authority.

3 B. The Department or the Authority shall issue a solicitation to construction
4 managers or design consultants capable of providing the services desired. The
5 solicitation shall, at a minimum, contain:

- 6 1. A description and scope of the projects;
- 7 2. An estimated construction cost, anticipated starting date, and completion date
8 the Department or the Authority desires for the project;
- 9 3. A certification of funds available for the construction manager or design
10 consultant fee, including federal, state or other participation;
- 11 4. The closing date for construction manager or design consultant to give notice of
12 interest; and
- 13 5. Additional data the Department or the Authority requires from the construction
14 manager or design consultant. The closing date for submission of construction manager
15 or design consultant notice of interest for consideration shall be within thirty (30) days of
16 the date the notice is issued by the Department or the Authority.

17 C. The Department or the Authority shall review the qualifications of the entities
18 on the consultant list and shall select no less than three and no more than five
19 consultants per contract for further consideration. The review shall include
20 consideration of the following information:

- 21 1. Professional qualifications for the type of work contemplated;
- 22 2. Capacity for completing the project in the specified time period;

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

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

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

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

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

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

1 consultant can reasonably document and demonstrate performance improvement to the
2 satisfaction of the Department or the Authority.

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

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

12 SECTION 3. It being immediately necessary for the preservation of the public
13 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
14 this act shall take effect and be in full force from and after its passage and approval.

15 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
16 TRANSPORTATION, dated 04-07-08 - DO PASS, As Amended.