

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3123

By: Jones

4
5
6 AS INTRODUCED

7 An Act relating to public buildings and public works;
8 amending 61 O.S. 2001, Section 202.1, as last amended
9 by Section 28, Chapter 271, O.S.L. 2006 (61 O.S.
10 Supp. 2007, Section 202.1), which relates to design-
11 build and at-risk construction management project
12 delivery methods; deleting certain prohibitions for
13 the design-build and at-risk construction management
14 project delivery methods; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 61 O.S. 2001, Section 202.1, as
17 last amended by Section 28, Chapter 271, O.S.L. 2006 (61 O.S. Supp.
18 2007, Section 202.1), is amended to read as follows:

19 Section 202.1 A. The design-build and at-risk construction
20 management project delivery methods shall not be used without the
21 written approval of the Director of Central Services, or the
22 Director's designee, when those projects are constructed for a state
23 agency or by an act of the Legislature specifying design-build or
24 at-risk construction management for a project. In all instances
where the design-build project or at-risk construction management

1 delivery method is authorized, construction administration shall be
2 performed by the State Construction Administrator, the
3 Administrator's designee or designees, or otherwise by contract or
4 contract provision approved by the Director of Central Services for
5 construction administration by another party.

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

14 ~~C. The design build and construction management project~~
15 ~~delivery methods shall not be used for any project unless the~~
16 ~~project meets the criteria established by the administrative rules~~
17 ~~promulgated as required by this act. Such methods shall not be used~~
18 ~~unless there is a need for compressed construction time as required~~
19 ~~to respond to a natural disaster or other emergency situation~~
20 ~~affecting public health and safety, or all of the following criteria~~
21 ~~for designation are met:~~

- 22 ~~1. The project benefits the public,~~
- 23 ~~2. There is a need for cost control; and~~

24

1 ~~3. The need exists for specialized or complex construction~~
2 ~~methods due to the unique nature of the project.~~

3 ~~D. The use of design build and construction management project~~
4 ~~delivery methods shall not interfere or inhibit the opportunity for~~
5 ~~subcontractors to openly and freely compete for subcontracts~~
6 ~~pursuant to the Public Competitive Bidding Act of 1974.~~

7 ~~E.~~ The provisions of subsections A and B of this section shall
8 not apply to projects by contract pursuant to an interagency
9 agreement under Section 581 of Title 74 of the Oklahoma Statutes or
10 to projects a state agency performs solely with the staff of the
11 agency.

12 ~~F.~~ D. The State Construction Administrator shall file an annual
13 report to the legislature summarizing cost information for each
14 construction management project completed the preceding year.

15 ~~G.~~ E. The Department of Central Services shall, pursuant to the
16 Administrative Procedures Act, promulgate rules to effect
17 procedures, processes and design-build/construction management fee
18 guidelines necessary to the fulfillment of its responsibilities
19 under this section.

20 ~~H.~~ F. As used in the Public Building Construction and Planning
21 Act, public trusts shall not include state beneficiary public
22 trusts.

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 51-2-9109 KB 01/14/08

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24