

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3182

By: Kern

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5
6 AS INTRODUCED

7 An Act relating to turnpikes; amending 61 O.S. 2001,
8 Section 118, as amended by Section 20, Chapter 294,
9 O.S.L. 2002 (61 O.S. Supp. 2007, Section 118), which
10 relates to prequalification of bidders; prohibiting
11 all transactions with certain companies; defining
12 term; amending 69 O.S. 2001, Section 1701, as last
13 amended by Section 1, Chapter 68, O.S.L. 2005 (69
14 O.S. Supp. 2007, Section 1701), which relates to
15 turnpikes; prohibiting all transactions with certain
16 companies; defining term; and providing an effective
17 date.

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

19 SECTION 1. AMENDATORY 61 O.S. 2001, Section 118, as
20 amended by Section 20, Chapter 294, O.S.L. 2002 (61 O.S. Supp. 2007,
21 Section 118), is amended to read as follows:

22 Section 118. A. In order to determine the responsibility of
23 bidders, the awarding public agency may require prospective bidders,
24 general contractors, subcontractors and material suppliers to
prequalify as responsible bidders prior to submitting bids on a
public construction contract. Notice of any such prequalification
requirement shall be made equally and uniformly known by the

1 awarding public agency to all prospective bidders and the public in
2 the same manner as proposals to award public construction contracts
3 as set forth in Section 104 of this title. Financial information
4 including, but not limited to, audited financial statements required
5 by the awarding public agency as part of prequalification shall
6 remain confidential.

7 B. The Except as provided in subsection C of this section, the
8 Oklahoma Transportation Commission and the Oklahoma ~~Transportation~~
9 Turnpike Authority may establish a system for prequalifying
10 prospective bidders on construction and maintenance contracts to be
11 awarded by the Commission or Authority. The Commission and the
12 Authority shall be the sole judge of the qualifications of
13 prospective bidders and shall ascertain, to their exclusive
14 satisfaction, the qualifications of each prequalified bidder. Any
15 contractor or subcontractor prequalified as of the effective date of
16 this act performing signing, highway lighting, or traffic signal
17 installation or maintenance for the Oklahoma Department of
18 Transportation or the Oklahoma ~~Transportation~~ Turnpike Authority
19 shall be allowed to continue to bid and perform such work without
20 obtaining any additional license from this state or any political
21 subdivision of this state. However, no contractor or subcontractor
22 may transfer, convey or assign this exemption to any other person or
23 entity.

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1 C. The Oklahoma Transportation Commission and the Oklahoma
2 Turnpike Authority shall not enter into any contract or lease
3 agreement regarding any portion of operation, maintenance, or
4 construction of a turnpike in this state with any foreign company.
5 For the purposes of this section, "foreign company" means an entity
6 organized and licensed under the laws of a foreign country, a
7 territory of the United States, Puerto Rico, Guam, American Samoa,
8 or the Virgin Islands.

9 SECTION 2. AMENDATORY 69 O.S. 2001, Section 1701, as
10 last amended by Section 1, Chapter 68, O.S.L. 2005 (69 O.S. Supp.
11 2007, Section 1701), is amended to read as follows:

12 Section 1701. ~~In~~ A. Except as provided in subsection B of this
13 section, in order to facilitate vehicular traffic throughout the
14 state and remove the present handicaps and hazards on the congested
15 highways in the state, and to provide for the construction of modern
16 express highways embodying reasonable safety devices including ample
17 shoulder widths, long sight distances, the bypassing of cities and
18 towns, and grade separations at intersecting highways and railroads,
19 the Oklahoma Turnpike Authority, as created in Section 1703 of this
20 title, is hereby authorized and empowered to construct, maintain,
21 repair, and operate turnpike projects as defined in Section 1704 of
22 this title, at such locations as shall be approved by the
23 Transportation Commission, and to issue turnpike revenue bonds of
24 the Authority payable solely from revenues to pay the cost of such

1 projects. The Authority is further authorized and empowered to
2 develop and market alternative uses of the Oklahoma Turnpike
3 Authority Electronic Toll Collection System, and construct,
4 maintain, repair, and operate inter-modal transportation transfer
5 facilities and infrastructure relating thereto, including, without
6 limitation, warehouses and utility facilities and intercity rail
7 transit projects as it shall determine to be feasible and
8 economically sound.

9 B. The Oklahoma Turnpike Authority shall not enter into any
10 contract or lease agreement regarding any portion of operation,
11 maintenance, or construction of a turnpike in this state with any
12 foreign company. For the purposes of this section, "foreign
13 company" means an entity organized and licensed under the laws of a
14 foreign country, a territory of the United States, Puerto Rico,
15 Guam, American Samoa, or the Virgin Islands.

16 SECTION 3. This act shall become effective November 1, 2008.

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