

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1417

By: Coates

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6 AS INTRODUCED

7 An Act relating to public buildings and public works;
8 amending 61 O.S. 2001, Section 118, as amended by
9 Section 20, Chapter 294, O.S.L. 2002 (61 O.S. Supp.
10 2007, Section 118), which relates to prequalification
of bidders; defining prequalification requirements;
stating exception; providing an effective date; and
declaring an emergency.

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

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

17 Section 118. A. In order to determine the responsibility of
18 bidders, the awarding public agency may require prospective bidders,
19 general contractors, subcontractors and material suppliers to
20 prequalify as responsible bidders prior to submitting bids on a
21 public construction contract. Prequalifications to bid or perform
22 work pursuant to this section does not constitute a license. Except
23 as provided in subsection B of this section, prequalification shall
24 not serve as a substitute for a license otherwise required by law.

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

8 B. The Oklahoma Transportation Commission and the Oklahoma
9 Transportation 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~~ July 1, 1994, performing signing, highway lighting, or
17 traffic signal installation or maintenance for the Oklahoma
18 Department of Transportation or the Oklahoma Transportation
19 Authority shall be allowed to continue to bid and perform such work
20 without obtaining any additional license from this state or any
21 political subdivision of this state. However, no contractor or
22 subcontractor may transfer, convey or assign this exemption to any
23 other person or entity.

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

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

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