

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1505

By: Rabon

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5
6 AS INTRODUCED

7 An Act relating to public bidding; amending 61 O.S.
8 2001, Section 118, as amended by Section 20, Chapter
9 294, O.S.L. 2002 (61 O.S. Supp. 2007, Section 118),
10 which relates to prequalification of bidders; stating
11 requirements relating to prequalification and
12 licensing requirements; and declaring an emergency.

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. Prequalification 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.
Notice of any such prequalification requirement shall be made

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

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

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.

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