

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1850

By: Coates

4
5 AS INTRODUCED

6 An Act relating to public buildings and public works;
7 amending 61 O.S. 2001, Section 202.1, as last amended
8 by Section 28, Chapter 271, O.S.L. 2006 (61 O.S.
9 Supp. 2007, Section 202.1), which relates to the
10 Public Building Construction and Planning Act;
11 modifying required criteria for use of design-build
12 and construction management project delivery methods;
13 and providing an effective date.

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

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

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

1 designee or designees, or otherwise by contract or contract
2 provision approved by the Director of Central Services for
3 construction administration by another party.

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

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

- 20 ~~1. The project benefits the public;~~
- 21 ~~2. There is a need for cost control; and~~
- 22 ~~3. The the need exists for ~~specialized or complex construction~~~~
23 ~~methods due to the unique nature of the project uninterrupted phased~~
24 construction.

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

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

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

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

18 H. As used in the Public Building Construction and Planning
19 Act, public trusts shall not include state beneficiary public
20 trusts.

21 SECTION 2. This act shall become effective November 1, 2008.

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