

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1753 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Scott Martin _____

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1753

By: Martin (Scott)

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to public buildings and public works;
9 amending 61 O.S. 2001, Section 121, as last amended
10 by Section 23, Chapter 271, O.S.L. 2006 (61 O.S.
11 Supp. 2008, Section 121), which relates to the Public
12 Competitive Bidding Act of 1974; modifying approval
13 of change orders; 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 121, as last
16 amended by Section 23, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2008,
17 Section 121), is amended to read as follows:

18 Section 121. A. Change orders or addenda to public
19 construction contracts of One Million Dollars (\$1,000,000.00) or
20 less shall not exceed a fifteen percent (15%) cumulative increase in
21 the original contract amount.

22 B. Change orders or addenda to public construction contracts of
23 over One Million Dollars (\$1,000,000.00) shall not exceed the
24

1 greater of One Hundred Fifty Thousand Dollars (\$150,000.00) or a ten
2 percent (10%) cumulative increase in the original contract amount.

3 C. Change orders or cumulative change orders which exceed the
4 limits of subsection A or B of this section shall require a
5 readvertising for bids on the incomplete portions of the contract.

6 D. If the awarding public agency does not have a governing
7 body, the chief administrative officer of the awarding public agency
8 shall approve change orders. The State Construction Administrator
9 of the Construction and Properties Division of the Department of
10 Central Services, or the administrator's designee, shall sign and
11 execute all contracts and change orders, as they relate to state
12 agencies.

13 E. If the awarding public agency has a governing body, all
14 change orders shall be formally approved by the governing body of
15 the awarding public agency and the reasons for approval recorded in
16 the permanent records of the governing body. The governing body of
17 a municipality may delegate approval of change orders up to ten
18 percent (10%) of any contract to the chief administrative officer of
19 the municipality or their designee, with any approved change orders
20 reported to the governing body at the next regularly scheduled
21 meeting.

22 F. The governing body of the Oklahoma Tourism and Recreation
23 Department is authorized, upon approval of a majority of all of the
24 members of the Oklahoma Tourism and Recreation Commission, to

1 delegate to the Director of the agency the authority to approve
2 change orders on a construction contract provided that the
3 individual change order does not exceed Twenty-five Thousand Dollars
4 (\$25,000.00) in expenditure and complies with the limits established
5 by this section. The Administrator of the Division shall sign and
6 execute all contracts and change orders.

7 G. The Transportation Commission may, by rule, authorize the
8 Director of the Department of Transportation to approve change
9 orders in an amount of not to exceed Five Hundred Thousand Dollars
10 (\$500,000.00). Change orders approved by the Director shall be
11 presented to the Transportation Commission during the next regular
12 meeting and the reasons therefor recorded in the permanent records.
13 The Oklahoma Turnpike Authority may authorize the Director of the
14 Authority to approve change orders in an amount not to exceed Two
15 Hundred Fifty Thousand Dollars (\$250,000.00). Change orders
16 approved by the Director of the Authority shall be presented to the
17 Authority during the next regular meeting and the reasons for the
18 orders recorded in permanent records.

19 H. All change orders for the Department of Transportation or
20 the Authority shall contain a unit price and total for each of the
21 following items:

- 22 1. All materials with cost per item;
- 23 2. Itemization of all labor with number of hours per operation
24 and cost per hour;

1 3. Itemization of all equipment with the type of equipment,
2 number of each type, cost per hour for each type, and number of
3 hours of actual operation for each type;

4 4. Itemization of insurance cost, bond cost, social security,
5 taxes, workers' compensation, employee fringe benefits and overhead
6 cost; and

7 5. Profit for the contractor.

8 I. 1. If a construction contract contains unit pricing, and
9 the change order pertains to the unit price, the change order will
10 not be subject to subsection A or B of this section.

11 2. When the unit price change does not exceed Ten Thousand
12 Dollars (\$10,000.00), the unit price change order computation may be
13 based on an acceptable unit price basis in lieu of cost itemization
14 as required in paragraphs 1, 2, 3, 4 and 5 of subsection H of this
15 section.

16 J. Alternates or add items bid with the original bid and
17 contained in the awarded contract as options of the awarding public
18 agency shall not be construed as change orders under the provisions
19 of the Public Competitive Bidding Act of 1974.

20 SECTION 2. This act shall become effective November 1, 2009.

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