

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1759 _____
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

Adopted: _____

Amendment submitted by: John Enns

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. 1759

By: Enns

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to roads, bridges and ferries;
9 amending 19 O.S. 2001, Section 1501, as last amended
10 by Section 4, Chapter 132, O.S.L. 2007 (19 O.S. Supp.
11 2008, Section 1501), which relates to county
12 purchasing agents; modifying certain purchase order
13 requirements; raising threshold; amending 69 O.S.
14 2001, Section 633, as last amended by Section 1,
15 Chapter 174, O.S.L. 2005 (69 O.S. Supp. 2008, Section
16 633), which relates to county bridge construction;
17 increasing certain project thresholds; amending 69
18 O.S. 2001, Section 662, as amended by Section 3,
19 Chapter 157, O.S.L. 2006 (69 O.S. Supp. 2008, Section
20 662), which relates to county bridge improvement;
21 increasing certain account reimbursement limits;
22 providing an effective date; and declaring an
23 emergency.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 1501, as
last amended by Section 4, Chapter 132, O.S.L. 2007 (19 O.S. Supp.
2008, Section 1501), is amended to read as follows:

Section 1501. A. The county purchasing agent:

1 1. Shall, within the amount of the unencumbered balance, make
2 all purchases that are paid from county funds for the various
3 institutions, departments, officers, and employees of the county,
4 except at public auctions and as otherwise provided for by law;

5 2. May make purchases for political subdivisions of this state
6 within the county if authorized by appropriate action of the
7 governing board or body of the political subdivision affected;

8 3. Shall make purchases and rental or lease-purchase agreements
9 only after following the bidding procedures as provided for by law,
10 except:

11 a. when the purchase does not exceed Ten Thousand Dollars
12 (\$10,000.00). All purchases made pursuant to this
13 subparagraph shall be by a single purchase order.

14 Splitting purchase orders which would result in paying
15 an amount in excess of the limitations specified in
16 this subparagraph is expressly prohibited. Any person
17 convicted of violating the provisions of this
18 subparagraph shall be guilty of a misdemeanor and such
19 person shall forfeit the person's position or office,

20 b. when the total payments of a rental or lease-purchase
21 agreement do not exceed the current bid limit as
22 established in subparagraph a of this paragraph,

23 c. when articles and items are covered by single source
24 contracts,

- 1 d. service or maintenance contracts on equipment or
2 machinery which are entered into at the time of the
3 purchase of the equipment or machinery,
4 e. purchases made pursuant to a blanket purchase order as
5 provided for in Section 310.8 of Title 62 of the
6 Oklahoma Statutes,
7 f. when materials for road or bridge improvements do not
8 exceed Three Dollars (\$3.00) per yard or per ton,
9 g. purchases of fuel if the county purchasing agent
10 obtains telephone quotes from at least three vendors
11 prior to the purchase and the lowest and best quote is
12 selected. Documentation of these quotes shall be
13 recorded in the permanent records of the clerk,
14 h. purchases of tools, apparatus, machinery or equipment
15 from a state agency or a political subdivision of the
16 state as provided for in subsection C of Section 421.1
17 of this title,
18 i. purchases of food for prisoners incarcerated in the
19 county jail; provided, in counties having a population
20 in excess of one hundred thousand (100,000) persons,
21 the county purchasing agent shall follow bidding
22 procedures as provided by law unless the county
23 purchasing agent obtains telephone quotes pursuant to
24 the whole total of food items requisitioned prior to

1 the purchase and the lowest and best quote is
2 selected. Documentation of these quotes shall be
3 recorded in the permanent records of the county clerk,

4 j. when a county solicits bids for the purchase of
5 processed native materials for road and bridge
6 improvements, the county may accept all bids received,
7 with the lowest and best bid from those accepted to be
8 selected at the time of opening of any construction
9 project. The selection of the bid shall be based upon
10 availability, bid price, plus transportation costs,

11 k. when a vendor has been selected as the lowest and best
12 bidder to furnish a particular item or items to the
13 county during a specified time period and in the event
14 the vendor is unable to perform, the purchasing agent
15 may solicit telephone quotes for the item or items
16 needed from the list of qualified bidders and provide
17 for the purchase of the items at the lowest and best
18 quote available,

19 l. when considering the purchase of an item or items from
20 the state bid list as provided by the Department of
21 Central Services or the General Services
22 Administration, if the same exact item is available
23 from a local vendor at or below the price listed on
24 the state bid list or the General Services

1 Administration list, the item may be obtained from the
2 vendor,

3 m. any item or items bid by the Department of Central
4 Services which may be purchased by the county,
5 provided the vendor is willing to supply the item or
6 items to the county at the bid price,

7 n. when a county obtains proceeds from the sale of its
8 property at a public auction, that county may use
9 those proceeds to acquire items previously identified
10 as needed by the county at the same public auction
11 pursuant to subsection D of Section 1505 of this
12 title,

13 o. when an item or items have been competitively bid by a
14 county, or on behalf of a group of contiguous
15 counties, provided:

16 (1) the notice to bidders shall list each county
17 which may participate in the purchase of the item
18 or items being bid,

19 (2) the notice of bid is advertised, as provided by
20 law, in each of the counties which may
21 participate in the purchase of the item or items,

22 (3) all vendors on the list of qualified bidders of
23 each participating county who offer the item or
24

1 items for sale received notice of the bid
2 request, and

3 (4) the vendor awarded the bid is willing and able to
4 provide the item or items at the bid price,

5 p. counties may participate in a nationwide purchasing
6 program sponsored by the national association
7 representing counties, or

8 q. when the Governor declares an emergency in a county,
9 the district attorney of that county shall have the
10 authority to temporarily waive competitive bidding
11 procedures for purchases that may expedite a response
12 to the emergency situation. This temporary waiver
13 shall be in addition to any powers exercised pursuant
14 to Section 683.11 of Title 63 of the Oklahoma
15 Statutes.

16 The purchases shall be paid by attaching properly itemized
17 invoices, as described in Section 1505 of this title, to a purchase
18 order which has been prepared by the county purchasing agent and
19 submitting both to the county clerk for filing, encumbering, and
20 consideration for payment by the board of county commissioners;

21 4. Shall not furnish any supplies, materials, equipment, or
22 other articles, except upon receipt of a requisition signed by a
23 county officer. Written requisitions will not be required for
24 blanket purchase orders as provided for in Section 310.8 of Title 62

1 of the Oklahoma Statutes. Each county officer may designate not
2 more than two employees who also shall be authorized to sign
3 requisitions in the absence of the county officer. A written
4 designation of the employees shall be filed with the county clerk
5 and shall be entered in the minutes of the board of county
6 commissioners;

7 5. Shall make lease or lease-purchase agreements for road
8 machinery and equipment if the county has adequate funds
9 appropriated during any fiscal year for such purpose and only after
10 following the bidding procedures as provided for in Section 1505 of
11 this title. The term of any lease or lease-purchase agreement
12 authorized pursuant to this paragraph may be for any period up to
13 one (1) year, provided, the term shall not extend beyond the end of
14 any fiscal year, with an option to renew such agreement subject to
15 the requirement that adequate funds are appropriated during the
16 fiscal year by the county for such purpose. The State Auditor and
17 Inspector's office shall be notified by the county of the terms and
18 conditions of a lease or lease-purchase agreement authorized
19 pursuant to this paragraph before any such agreement is made by the
20 county purchasing agent; and

21 6. Shall perform such other duties as may be delegated by the
22 appointing authority or as may be provided for by law.

23 B. Each department of county government needing repairs to
24 equipment, machinery or vehicles shall make estimates and

1 requisition a purchase order from the county purchasing agent for
2 repairs not in excess of ~~Two Thousand Five Hundred Dollars~~
3 ~~(\$2,500.00)~~ Five Thousand Dollars (\$5,000.00). Repairs in excess of
4 ~~Two Thousand Five Hundred Dollars (\$2,500.00)~~, Five Thousand Dollars
5 (\$5,000.00) shall be submitted on a blanket purchase order as
6 provided in Section 310.8 of Title 62 of the Oklahoma Statutes.

7 SECTION 2. AMENDATORY 69 O.S. 2001, Section 633, as last
8 amended by Section 1, Chapter 174, O.S.L. 2005 (69 O.S. Supp. 2008,
9 Section 633), is amended to read as follows:

10 Section 633. A. When any culvert or bridge is to be
11 constructed at an estimated cost of ~~Seventy five Thousand Dollars~~
12 ~~(\$75,000.00)~~ One Hundred Fifty Thousand Dollars (\$150,000.00) or
13 more, or any culvert or bridge reconstruction is to be accomplished
14 at an estimated cost of ~~Seventy five Thousand Dollars (\$75,000.00)~~
15 One Hundred Fifty Thousand Dollars (\$150,000.00) or more, or grade-
16 and-drainage project is to be developed, or reconstruction,
17 replacement or major repairs are to be accomplished by the board of
18 county commissioners acting alone or in cooperation with the state
19 or federal government, at an estimated cost of ~~One Hundred Fifty~~
20 ~~Thousand Dollars (\$150,000.00)~~ Three Hundred Thousand Dollars
21 (\$300,000.00) or more, in either event, engineering plans and
22 specifications shall be prepared by the county engineer to insure
23 sound engineering practices. The project shall be advertised for
24 bids pursuant to Section 1101 of this title, and the contract shall

1 be let only after notice at a public letting. If the construction
2 work can be completed for a cost below or equal to the estimate of
3 the engineer or below any bid submitted at a public letting and so
4 entered in its journal, nothing in this title shall prevent the
5 board from causing the same to be built by day labor, force account,
6 and purchase by the county of materials as provided by law.

7 B. If the board of county commissioners deems it necessary, it
8 may consult and seek the advice of the Department of Transportation
9 regarding the design, construction and maintenance of the project,
10 and the Department of Transportation may furnish advice for any of
11 the projects to insure sound engineering practices. If provided,
12 the services shall be furnished without cost or expense to the
13 county.

14 C. The board may authorize the county clerk to draw warrants
15 for the amount of payrolls for labor furnished under the day labor
16 system, when the payrolls are certified to as correct by the
17 engineer or person in charge of the work, and the payroll shall be
18 passed upon by the board following certification.

19 SECTION 3. AMENDATORY 69 O.S. 2001, Section 662, as
20 amended by Section 3, Chapter 157, O.S.L. 2006 (69 O.S. Supp. 2008,
21 Section 662), is amended to read as follows:

22 Section 662. A. The program and funds shall be administered by
23 the Oklahoma Department of Transportation under a minimum of
24 policies, guidelines and engineering design standards. Approved

1 projects will be awarded to contractors by the State Transportation
2 Commission or by other federal or state agencies under their normal
3 competitive bidding procedures, excluding prequalification of
4 bidders. Force account road projects may be approved for a county
5 by the Transportation Commission. No force account county bridge
6 project shall be reimbursed in excess of ~~Two Hundred Thousand~~
7 ~~Dollars (\$200,000.00)~~ Four Hundred Thousand Dollars (\$400,000.00).
8 No county road project in excess of ~~Two Hundred Thousand Dollars~~
9 ~~(\$200,000.00)~~ Four Hundred Thousand Dollars (\$400,000.00), excluding
10 the cost for engineering, right-of-way acquisition, and utility
11 relocation, in cost shall be done by the force account method.

12 B. Funds available for the County Bridge and Road Improvement
13 Act shall not be subject to fiscal year limitations and shall be
14 available for encumbrance and expenditure purposes for a period of
15 thirty (30) months from the effective date such funds are
16 appropriated.

17 C. In order to receive reimbursement for constructing a force
18 account bridge, a county shall have sufficient funds in the County
19 Bridge and Road Improvement Fund to pay the reimbursement request
20 cost. Upon completion of a force account bridge, the board of
21 county commissioners shall request an inspection of the bridge in
22 accordance with the criteria set forth by the National Bridge
23 Inventory Program.

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1 D. When the force account bridge has been inspected and
2 achieves a load rating of H. twenty (20) tons or greater, the board
3 of county commissioners may submit a request for reimbursement to
4 the Department of Transportation. The county shall receive
5 reimbursement for all costs claimed relating to the construction of
6 the bridge provided the inspection report indicates that the county
7 has met or exceeded the criteria set forth in this section. The
8 resolution for reimbursement submitted by the board of county
9 commissioners shall serve to satisfy the requirements of Section
10 41.16 of Title 62 of the Oklahoma Statutes. County force account
11 bridges eligible for reimbursement from the County Bridge and Road
12 Improvement Fund shall meet or exceed the following criteria:

13 1. The bridge has been built according to the current edition
14 of the County Bridge Standards manual or from field notes drawn by a
15 registered professional engineer that provide the basic structural
16 requirements to achieve a load rating of H. twenty (20) tons or
17 greater. Field notes may be handwritten specifications or sketches
18 which have been stamped or signed;

19 2. The finished bridge shall achieve a twenty-ton or greater
20 rating. The rating criteria shall be determined by the National
21 Bridge Inventory and approved by the Department of Transportation
22 for bridges twenty (20) feet or more in length;

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1 3. The subsurface foundation of the bridge shall meet the
2 minimum guidelines established by using approved engineering
3 methods, details of which shall be kept as shop notes;

4 4. The finished bridge shall have a minimum roadway width of
5 twenty-four (24) feet; and

6 5. Materials used in the construction of the bridge shall meet
7 or exceed the specifications for materials as specified in the
8 current edition of the County Bridge Standards or certified in
9 writing by the engineer or supplier.

10 E. Monies from the County Bridge and Road Improvement Fund may
11 be used to establish minimum standards for guardrail applications on
12 low-traffic-volume county roads. The board of directors of the
13 association representing the county commissioners of Oklahoma may
14 request the development of guardrail standards for bridges on low-
15 traffic-volume county roads, as defined in the county road standard
16 manual, the cost of which shall be paid from monies from the County
17 Bridge and Road Improvement Fund.

18 F. Prior to construction of the bridge, a county may request
19 that construction supervision be provided by the Circuit Engineering
20 District of which the county is a member to ensure quality control
21 and quality assurance.

22 SECTION 4. This act shall become effective July 1, 2009.

23 SECTION 5. 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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