

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1777
Page _____ Section _____ Lines _____
Of the printed Bill
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: Tad Jones

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. 1777

By: Jones

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to public buildings and public works;
9 amending 61 O.S. 2001, Section 202.1, as last amended
10 by Section 28, Chapter 271, O.S.L. 2006 (61 O.S.
11 Supp. 2008, Section 202.1), which relates to design-
12 build and at-risk construction management project
13 delivery methods; limiting certain prohibitions for
14 the design-build and at-risk construction management
15 project delivery methods to certain projects;
16 exempting projects by school districts and technology
17 center school districts from certain prohibitions;
18 and declaring an emergency.

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

20 SECTION 1. AMENDATORY 61 O.S. 2001, Section 202.1, as
21 last amended by Section 28, Chapter 271, O.S.L. 2006 (61 O.S. Supp.
22 2008, Section 202.1), is amended to read as follows:

23 Section 202.1 A. The design-build and at-risk construction
24 management project delivery methods shall not be used without the
written approval of the Director of Central Services, or the
Director's designee, when those projects are constructed for a state
agency or by an act of the Legislature specifying design-build or

1 at-risk construction management for a project. In all instances
2 where the design-build project or at-risk construction management
3 delivery method is authorized, construction administration shall be
4 performed by the State Construction Administrator, the
5 Administrator's designee or designees, or otherwise by contract or
6 contract provision approved by the Director of Central Services for
7 construction administration by another party.

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

16 C. ~~The~~ For projects constructed by a state agency, for projects
17 authorized by an act of the Legislature specifying design-build or
18 at-risk construction management, or for projects constructed by a
19 municipality, county, public trust or other political subdivision,
20 the design-build and at-risk construction management project
21 delivery methods shall not be used ~~for any project~~ unless the
22 project meets the criteria established by the administrative rules
23 promulgated as required by this act. Such methods shall not be used
24 unless there is a need for compressed construction time as required

1 to respond to a natural disaster or other emergency situation
2 affecting public health and safety, or all of the following criteria
3 for designation are met:

- 4 1. The project benefits the public;
- 5 2. There is a need for cost control; and
- 6 3. The need exists for specialized or complex construction
7 methods due to the unique nature of the project.

8 D. The For projects constructed by a state agency, for projects
9 authorized by an act of the Legislature specifying design-build or
10 at-risk construction management, or for projects constructed by a
11 municipality, county, public trust or other political subdivision,
12 the use of design-build and at-risk construction management project
13 delivery methods shall not interfere or inhibit the opportunity for
14 subcontractors to openly and freely compete for subcontracts
15 pursuant to the Public Competitive Bidding Act of 1974.

16 E. The provisions of subsections A and B of this section shall
17 not apply to projects by contract pursuant to an interagency
18 agreement under Section 581 of Title 74 of the Oklahoma Statutes or
19 to projects a state agency performs solely with the staff of the
20 agency.

21 F. The provisions of subsections C and D of this section shall
22 not apply to projects constructed by school districts or technology
23 center school districts.

24

1 G. The State Construction Administrator shall file an annual
2 report to the legislature summarizing cost information for each
3 construction management project completed the preceding year.

4 ~~G.~~ H. The Department of Central Services shall, pursuant to the
5 Administrative Procedures Act, promulgate rules to effect
6 procedures, processes and design-build/at-risk construction
7 management fee guidelines necessary to the fulfillment of its
8 responsibilities under this section.

9 ~~H.~~ I. As used in the Public Building Construction and Planning
10 Act, public trusts shall not include state beneficiary public
11 trusts.

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

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