

ENROLLED HOUSE
BILL NO. 1759

By: Enns, McMullen, Walker and
Sanders of the House

and

Justice of the Senate

An Act relating to roads, bridges and ferries; amending 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), which relates to county purchasing agents; modifying certain purchase order requirements; raising threshold; amending 69 O.S. 2001, Section 633, as last amended by Section 1, Chapter 174, O.S.L. 2005 (69 O.S. Supp. 2008, Section 633), which relates to county bridge construction; increasing certain project thresholds; amending 69 O.S. 2001, Section 662, as amended by Section 3, Chapter 157, O.S.L. 2006 (69 O.S. Supp. 2008, Section 662), which relates to county bridge improvement; increasing certain account reimbursement limits; designating the SSG Chris Hake Memorial Highway; providing for placement of permanent markers; designating the Trooper David Nalley Memorial Highway; providing for placement of permanent markers; providing for codification; providing an effective date; and declaring an emergency.

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

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

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

- a. when the purchase does not exceed Ten Thousand Dollars (\$10,000.00). All purchases made pursuant to this subparagraph shall be by a single purchase order. Splitting purchase orders which would result in paying an amount in excess of the limitations specified in this subparagraph is expressly prohibited. Any person convicted of violating the provisions of this subparagraph shall be guilty of a misdemeanor and such person shall forfeit the person's position or office,
- b. when the total payments of a rental or lease-purchase agreement do not exceed the current bid limit as established in subparagraph a of this paragraph,
- c. when articles and items are covered by single source contracts,
- d. service or maintenance contracts on equipment or machinery which are entered into at the time of the purchase of the equipment or machinery,
- e. purchases made pursuant to a blanket purchase order as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes,
- f. when materials for road or bridge improvements do not exceed Three Dollars (\$3.00) per yard or per ton,
- g. purchases of fuel if the county purchasing agent obtains telephone quotes from at least three vendors prior to the purchase and the lowest and best quote is

selected. Documentation of these quotes shall be recorded in the permanent records of the clerk,

- h. purchases of tools, apparatus, machinery or equipment from a state agency or a political subdivision of the state as provided for in subsection C of Section 421.1 of this title,
- i. purchases of food for prisoners incarcerated in the county jail; provided, in counties having a population in excess of one hundred thousand (100,000) persons, the county purchasing agent shall follow bidding procedures as provided by law unless the county purchasing agent obtains telephone quotes pursuant to the whole total of food items requisitioned prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the county clerk,
- j. when a county solicits bids for the purchase of processed native materials for road and bridge improvements, the county may accept all bids received, with the lowest and best bid from those accepted to be selected at the time of opening of any construction project. The selection of the bid shall be based upon availability, bid price, plus transportation costs,
- k. when a vendor has been selected as the lowest and best bidder to furnish a particular item or items to the county during a specified time period and in the event the vendor is unable to perform, the purchasing agent may solicit telephone quotes for the item or items needed from the list of qualified bidders and provide for the purchase of the items at the lowest and best quote available,
- l. when considering the purchase of an item or items from the state bid list as provided by the Department of Central Services or the General Services Administration, if the same exact item is available from a local vendor at or below the price listed on the state bid list or the General Services Administration list, the item may be obtained from the vendor,

- m. any item or items bid by the Department of Central Services which may be purchased by the county, provided the vendor is willing to supply the item or items to the county at the bid price,
- n. when a county obtains proceeds from the sale of its property at a public auction, that county may use those proceeds to acquire items previously identified as needed by the county at the same public auction pursuant to subsection D of Section 1505 of this title,
- o. when an item or items have been competitively bid by a county, or on behalf of a group of contiguous counties, provided:
 - (1) the notice to bidders shall list each county which may participate in the purchase of the item or items being bid,
 - (2) the notice of bid is advertised, as provided by law, in each of the counties which may participate in the purchase of the item or items,
 - (3) all vendors on the list of qualified bidders of each participating county who offer the item or items for sale received notice of the bid request, and
 - (4) the vendor awarded the bid is willing and able to provide the item or items at the bid price,
- p. counties may participate in a nationwide purchasing program sponsored by the national association representing counties, or
- q. when the Governor declares an emergency in a county, the district attorney of that county shall have the authority to temporarily waive competitive bidding procedures for purchases that may expedite a response to the emergency situation. This temporary waiver shall be in addition to any powers exercised pursuant to Section 683.11 of Title 63 of the Oklahoma Statutes.

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

4. Shall not furnish any supplies, materials, equipment, or other articles, except upon receipt of a requisition signed by a county officer. Written requisitions will not be required for blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes. Each county officer may designate not more than two employees who also shall be authorized to sign requisitions in the absence of the county officer. A written designation of the employees shall be filed with the county clerk and shall be entered in the minutes of the board of county commissioners;

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

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

B. Each department of county government needing repairs to equipment, machinery or vehicles shall make estimates and requisition a purchase order from the county purchasing agent for repairs not in excess of ~~Two Thousand Five Hundred Dollars (\$2,500.00)~~ Five Thousand Dollars (\$5,000.00). Repairs in excess of ~~Two Thousand Five Hundred Dollars (\$2,500.00)~~, Five Thousand Dollars (\$5,000.00) shall be submitted on a blanket purchase order as provided in Section 310.8 of Title 62 of the Oklahoma Statutes.

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

Section 633. A. When any culvert or bridge is to be constructed at an estimated cost of ~~Seventy five Thousand Dollars (\$75,000.00)~~ One Hundred Fifty Thousand Dollars (\$150,000.00) or more, or any culvert or bridge reconstruction is to be accomplished at an estimated cost of ~~Seventy five Thousand Dollars (\$75,000.00)~~ One Hundred Fifty Thousand Dollars (\$150,000.00) or more, or grade-and-drainage project is to be developed, or reconstruction, replacement or major repairs are to be accomplished by the board of county commissioners acting alone or in cooperation with the state or federal government, at an estimated cost of ~~One Hundred Fifty Thousand Dollars (\$150,000.00)~~ Three Hundred Thousand Dollars (\$300,000.00) or more, in either event, engineering plans and specifications shall be prepared by the county engineer to insure sound engineering practices. The project shall be advertised for bids pursuant to Section 1101 of this title, and the contract shall be let only after notice at a public letting. If the construction work can be completed for a cost below or equal to the estimate of the engineer or below any bid submitted at a public letting and so entered in its journal, nothing in this title shall prevent the board from causing the same to be built by day labor, force account, and purchase by the county of materials as provided by law.

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

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

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

Section 662. A. The program and funds shall be administered by the ~~Oklahoma~~ Department of Transportation under a minimum of policies, guidelines and engineering design standards. Approved projects will be awarded to contractors by the ~~State~~ Transportation Commission or by other federal or state agencies under their normal competitive bidding procedures, excluding prequalification of bidders. Force account road projects may be approved for a county by the Transportation Commission. No force account county bridge project shall be reimbursed in excess of ~~Two Hundred Thousand Dollars (\$200,000.00)~~ Four Hundred Thousand Dollars (\$400,000.00). No county road project in excess of ~~Two Hundred Thousand Dollars (\$200,000.00)~~ Four Hundred Thousand Dollars (\$400,000.00), excluding the cost for engineering, right-of-way acquisition, and utility relocation, in cost shall be done by the force account method.

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

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

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

1. The bridge has been built according to the current edition of the County Bridge Standards manual or from field notes drawn by a registered professional engineer that provide the basic structural

requirements to achieve a load rating of H. twenty (20) tons or greater. Field notes may be handwritten specifications or sketches which have been stamped or signed;

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

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

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

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

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

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.45 of Title 69, unless there is created a duplication in numbering, reads as follows:

The portion of U.S. Highway 81 from the Enid, Oklahoma, city limits extending north to the junction with U.S. Highway 64 shall be designated as the "SSG Chris Hake Memorial Highway". The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing that name.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.46 of Title 69, unless there is created a duplication in numbering, reads as follows:

The portion of State Highway 6 from the junction of State Highway 6 and U.S. Highway 283 extending west to the junction of State Highway 6 and State Highway 152 shall be designated as the "Trooper David Nalley Memorial Highway". The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing that name.

SECTION 6. This act shall become effective July 1, 2009.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 13th day of May, 2009.

Presiding Officer of the House of
Representatives

Passed the Senate the 14th day of May, 2009.

Presiding Officer of the Senate