

THE HOUSE OF REPRESENTATIVES  
Tuesday, February 24, 2009

Committee Substitute for  
House Bill No. 1759

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1759 - By: ENNS AND  
MCMULLEN of the House.

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; providing an effective date; and declaring an emergency.

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

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

4           Section 1501.  A.  The county purchasing agent:

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

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

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

6           a.       when the purchase does not exceed Ten Thousand Dollars (\$10,000.00).

7                   All purchases made pursuant to this subparagraph shall be by a single  
8 purchase order. Splitting purchase orders which would result in  
9 paying an amount in excess of the limitations specified in this  
10 subparagraph is expressly prohibited. Any person convicted of  
11 violating the provisions of this subparagraph shall be guilty of a  
12 misdemeanor and such person shall forfeit the person's position or  
13 office,

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

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

18           d.       service or maintenance contracts on equipment or machinery which  
19 are entered into at the time of the purchase of the equipment or  
20 machinery,

21           e.       purchases made pursuant to a blanket purchase order as provided for  
22 in Section 310.8 of Title 62 of the Oklahoma Statutes,

- 1 f. when materials for road or bridge improvements do not exceed Three  
2 Dollars (\$3.00) per yard or per ton,
- 3 g. purchases of fuel if the county purchasing agent obtains telephone  
4 quotes from at least three vendors prior to the purchase and the lowest  
5 and best quote is selected. Documentation of these quotes shall be  
6 recorded in the permanent records of the clerk,
- 7 h. purchases of tools, apparatus, machinery or equipment from a state  
8 agency or a political subdivision of the state as provided for in  
9 subsection C of Section 421.1 of this title,
- 10 i. purchases of food for prisoners incarcerated in the county jail;  
11 provided, in counties having a population in excess of one hundred  
12 thousand (100,000) persons, the county purchasing agent shall follow  
13 bidding procedures as provided by law unless the county purchasing  
14 agent obtains telephone quotes pursuant to the whole total of food  
15 items requisitioned prior to the purchase and the lowest and best quote  
16 is selected. Documentation of these quotes shall be recorded in the  
17 permanent records of the county clerk,
- 18 j. when a county solicits bids for the purchase of processed native  
19 materials for road and bridge improvements, the county may accept all  
20 bids received, with the lowest and best bid from those accepted to be  
21 selected at the time of opening of any construction project. The

1 selection of the bid shall be based upon availability, bid price, plus  
2 transportation costs,

3 k. when a vendor has been selected as the lowest and best bidder to  
4 furnish a particular item or items to the county during a specified time  
5 period and in the event the vendor is unable to perform, the  
6 purchasing agent may solicit telephone quotes for the item or items  
7 needed from the list of qualified bidders and provide for the purchase  
8 of the items at the lowest and best quote available,

9 l. when considering the purchase of an item or items from the state bid  
10 list as provided by the Department of Central Services or the General  
11 Services Administration, if the same exact item is available from a  
12 local vendor at or below the price listed on the state bid list or the  
13 General Services Administration list, the item may be obtained from  
14 the vendor,

15 m. any item or items bid by the Department of Central Services which  
16 may be purchased by the county, provided the vendor is willing to  
17 supply the item or items to the county at the bid price,

18 n. when a county obtains proceeds from the sale of its property at a public  
19 auction, that county may use those proceeds to acquire items  
20 previously identified as needed by the county at the same public  
21 auction pursuant to subsection D of Section 1505 of this title,

- 1           o.     when an item or items have been competitively bid by a county, or on  
2                    behalf of a group of contiguous counties, provided:
- 3                    (1)    the notice to bidders shall list each county which may  
4                            participate in the purchase of the item or items being bid,  
5                    (2)    the notice of bid is advertised, as provided by law, in each of the  
6                            counties which may participate in the purchase of the item or  
7                            items,  
8                    (3)    all vendors on the list of qualified bidders of each participating  
9                            county who offer the item or items for sale received notice of the  
10                           bid request, and  
11                   (4)    the vendor awarded the bid is willing and able to provide the  
12                           item or items at the bid price,
- 13           p.     counties may participate in a nationwide purchasing program  
14                    sponsored by the national association representing counties, or
- 15           q.     when the Governor declares an emergency in a county, the district  
16                    attorney of that county shall have the authority to temporarily waive  
17                            competitive bidding procedures for purchases that may expedite a  
18                            response to the emergency situation. This temporary waiver shall be  
19                            in addition to any powers exercised pursuant to Section 683.11 of Title  
20                            63 of the Oklahoma Statutes.

21           The purchases shall be paid by attaching properly itemized invoices, as described in  
22           Section 1505 of this title, to a purchase order which has been prepared by the county

1 purchasing agent and submitting both to the county clerk for filing, encumbering, and  
2 consideration for payment by the board of county commissioners;

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

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

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

1 B. Each department of county government needing repairs to equipment,  
2 machinery or vehicles shall make estimates and requisition a purchase order from the  
3 county purchasing agent for repairs not in excess of ~~Two Thousand Five Hundred Dollars~~  
4 ~~(\$2,500.00)~~ Five Thousand Dollars (\$5,000.00). Repairs in excess of ~~Two Thousand Five~~  
5 ~~Hundred Dollars (\$2,500.00)~~, Five Thousand Dollars (\$5,000.00) shall be submitted on a  
6 blanket purchase order as provided in Section 310.8 of Title 62 of the Oklahoma Statutes.

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

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

1 engineer or below any bid submitted at a public letting and so entered in its journal,  
2 nothing in this title shall prevent the board from causing the same to be built by day  
3 labor, force account, and purchase by the county of materials as provided by law.

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

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

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

16 Section 662. A. The program and funds shall be administered by the Oklahoma  
17 Department of Transportation under a minimum of policies, guidelines and engineering  
18 design standards. Approved projects will be awarded to contractors by the State  
19 Transportation Commission or by other federal or state agencies under their normal  
20 competitive bidding procedures, excluding prequalification of bidders. Force account  
21 road projects may be approved for a county by the Transportation Commission. No force  
22 account county bridge project shall be reimbursed in excess of ~~Two Hundred Thousand~~

1 ~~Dollars (\$200,000.00)~~ Four Hundred Thousand Dollars (\$400,000.00). No county road  
2 project in excess of ~~Two Hundred Thousand Dollars (\$200,000.00)~~ Four Hundred  
3 Thousand Dollars (\$400,000.00), excluding the cost for engineering, right-of-way  
4 acquisition, and utility relocation, in cost shall be done by the force account method.

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

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

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

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

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

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

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

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

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

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

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

5 SECTION 5. It being immediately necessary for the preservation of the public  
6 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
7 this act shall take effect and be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02-23-09 -  
9 DO PASS, As Amended and Coauthored.