

THE HOUSE OF REPRESENTATIVES
Thursday, February 19, 2009

Committee Substitute for
House Bill No. 1777

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1777 - By: JONES of the House.

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

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

1 SECTION 1. AMENDATORY 61 O.S. 2001, Section 202.1, as last amended by
2 Section 28, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2008, Section 202.1), is amended to
3 read as follows:
4 Section 202.1 A. The design-build and at-risk construction management project
5 delivery methods shall not be used without the written approval of the Director of
6 Central Services, or the Director's designee, when those projects are constructed for a
7 state agency or by an act of the Legislature specifying design-build or at-risk
8 construction management for a project. In all instances where the design-build project or
9 at-risk construction management delivery method is authorized, construction
10 administration shall be performed by the State Construction Administrator, the

1 Administrator's designee or designees, or otherwise by contract or contract provision
2 approved by the Director of Central Services for construction administration by another
3 party.

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

10 C. ~~The~~ For projects constructed by a state agency, for projects authorized by an act
11 of the Legislature specifying design-build or at-risk construction management, or for
12 projects constructed by a municipality, county, public trust or other political subdivision,
13 the design-build and at-risk construction management project delivery methods shall not
14 be used ~~for any project~~ unless the project meets the criteria established by the
15 administrative rules promulgated as required by this act. Such methods shall not be
16 used unless there is a need for compressed construction time as required to respond to a
17 natural disaster or other emergency situation affecting public health and safety, or all of
18 the following criteria for designation are met:

- 19 1. The project benefits the public;
- 20 2. There is a need for cost control; and
- 21 3. The need exists for specialized or complex construction methods due to the
22 unique nature of the project.

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

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

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

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

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

20 H. I. As used in the Public Building Construction and Planning Act, public trusts
21 shall not include state beneficiary public trusts.

1 SECTION 2. It being immediately necessary for the preservation of the public
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
3 this act shall take effect and be in full force from and after its passage and approval.
4 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-
5 18-09 - DO PASS, As Amended.