

EHB 1759

1 THE STATE SENATE
2 Tuesday, March 31, 2009

3 ENGROSSED

4 House Bill No. 1759

5 As Amended

6 ENGROSSED HOUSE BILL NO. 1759 - By: Enns, McMullen, Walker and
7 Sanders of the House and Justice of the Senate.

8 [roads, bridges and ferries - county purchasing agents -
9 county bridge construction - county bridge improvement -
10 effective date -

11 emergency]

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

13 SECTION 1. AMENDATORY 19 O.S. 2001, Section 1501, as
14 last amended by Section 4, Chapter 132, O.S.L. 2007 (19 O.S. Supp.
15 2008, Section 1501), is amended to read as follows:

16 Section 1501. A. The county purchasing agent:

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

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

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

4 a. when the purchase does not exceed Ten Thousand Dollars
5 (\$10,000.00). All purchases made pursuant to this
6 subparagraph shall be by a single purchase order.

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

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

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

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

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

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

1 improvements, the county may accept all bids received,
2 with the lowest and best bid from those accepted to be
3 selected at the time of opening of any construction
4 project. The selection of the bid shall be based upon
5 availability, bid price, plus transportation costs,
6 k. when a vendor has been selected as the lowest and best
7 bidder to furnish a particular item or items to the
8 county during a specified time period and in the event
9 the vendor is unable to perform, the purchasing agent
10 may solicit telephone quotes for the item or items
11 needed from the list of qualified bidders and provide
12 for the purchase of the items at the lowest and best
13 quote available,
14 l. when considering the purchase of an item or items from
15 the state bid list as provided by the Department of
16 Central Services or the General Services
17 Administration, if the same exact item is available
18 from a local vendor at or below the price listed on
19 the state bid list or the General Services
20 Administration list, the item may be obtained from the
21 vendor,
22 m. any item or items bid by the Department of Central
23 Services which may be purchased by the county,

1 provided the vendor is willing to supply the item or
2 items to the county at the bid price,
3 n. when a county obtains proceeds from the sale of its
4 property at a public auction, that county may use
5 those proceeds to acquire items previously identified
6 as needed by the county at the same public auction
7 pursuant to subsection D of Section 1505 of this
8 title,
9 o. when an item or items have been competitively bid by a
10 county, or on behalf of a group of contiguous
11 counties, provided:
12 (1) the notice to bidders shall list each county
13 which may participate in the purchase of the item
14 or items being bid,
15 (2) the notice of bid is advertised, as provided by
16 law, in each of the counties which may
17 participate in the purchase of the item or items,
18 (3) all vendors on the list of qualified bidders of
19 each participating county who offer the item or
20 items for sale received notice of the bid
21 request, and
22 (4) the vendor awarded the bid is willing and able to
23 provide the item or items at the bid price,

- 1 p. counties may participate in a nationwide purchasing
2 program sponsored by the national association
3 representing counties, or
- 4 q. when the Governor declares an emergency in a county,
5 the district attorney of that county shall have the
6 authority to temporarily waive competitive bidding
7 procedures for purchases that may expedite a response
8 to the emergency situation. This temporary waiver
9 shall be in addition to any powers exercised pursuant
10 to Section 683.11 of Title 63 of the Oklahoma
11 Statutes.

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

17 4. Shall not furnish any supplies, materials, equipment, or
18 other articles, except upon receipt of a requisition signed by a
19 county officer. Written requisitions will not be required for
20 blanket purchase orders as provided for in Section 310.8 of Title 62
21 of the Oklahoma Statutes. Each county officer may designate not
22 more than two employees who also shall be authorized to sign
23 requisitions in the absence of the county officer. A written

1 designation of the employees shall be filed with the county clerk
2 and shall be entered in the minutes of the board of county
3 commissioners;

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

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

20 B. Each department of county government needing repairs to
21 equipment, machinery or vehicles shall make estimates and
22 requisition a purchase order from the county purchasing agent for
23 repairs not in excess of ~~Two Thousand Five Hundred Dollars~~

1 ~~(\$2,500.00)~~ Five Thousand Dollars (\$5,000.00). Repairs in excess of
2 ~~Two Thousand Five Hundred Dollars (\$2,500.00),~~ Five Thousand Dollars
3 (\$5,000.00) shall be submitted on a blanket purchase order as
4 provided in Section 310.8 of Title 62 of the Oklahoma Statutes.

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

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

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

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

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

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

21 Section 662. A. The program and funds shall be administered by
22 the Oklahoma Department of Transportation under a minimum of
23 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.

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;

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.

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-25-09 - DO
6 PASS, As Amended and Coauthored.