

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1777

By: Jones

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5
6 AS INTRODUCED

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

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

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

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

1 affecting public health and safety, or all of the following criteria
2 for designation are met:

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

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

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

20 F. The provisions of subsections C and D of this section shall
21 not apply to projects constructed by school districts, technology
22 center school districts or higher education institutions within The
23 Oklahoma State System of Higher Education.

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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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