

1 ENGROSSED SENATE
2 BILL NO. 171

By: Fields of the Senate
and
Casey of the House

3
4
5
6 [Public Competitive Bidding Act of 1974 - contractor
7 certification]
8
9

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

11 SECTION 1. AMENDATORY 61 O.S. 2001, Section 123, as last
12 amended by Section 1, Chapter 263, O.S.L. 2007 (61 O.S. Supp. 2010,
13 Section 123), is amended to read as follows:

14 Section 123. A. All statements or invoices submitted to the
15 awarding public agency for work performed shall contain a
16 certification by the supervising architect or engineer, or other
17 supervisory official if no supervisory architect or engineer is
18 employed for the project, that work for which payment is claimed has
19 been performed and that such work conforms to the plans and
20 specifications for the project. No such statement or invoice shall
21 be paid by the awarding public agency without such certification.
22 The execution of a certificate, as herein provided, shall not
23 constitute a defense or in any other manner affect any cause or
24 causes of action which the awarding public agency might otherwise

1 have against the contractor for nonperformance of a public
2 construction contract.

3 B. If project progressive payments are based on the public
4 agency's estimated quantities of materials provided and work
5 performed, certifications are not required. Payment of progressive
6 estimates shall not constitute a defense or in any manner affect any
7 cause or causes of action which the awarding public agency might
8 have against the contractor for failure to properly perform in
9 accordance with the project contract, plans, specifications, or
10 special provisions. Final estimates shall contain a sworn
11 certification signed by the contractor that the work performed and
12 the material provided conform to the requirements of the contract,
13 plans, specifications, and special provisions.

14 C. For public improvement projects totaling less than One
15 Hundred Fifty Thousand Dollars (\$150,000.00) within a twelve-month
16 period on a public building owned by a school district, there shall
17 be no certification required from an architect or engineer, as set
18 forth in subsection A of this section, except when there are
19 structural or life safety changes, including but not limited to
20 egress issues, involved in the project(s). The determination as to
21 whether or not there will be structural or life safety changes
22 involved in the proposed project(s) shall be made by licensed design
23 professionals whose expertise is in the type(s) of project(s)
24 involved. Not having certification shall not constitute a defense

1 or in any manner affect any cause or causes of action which the
2 school district might have against the contractor for failure to
3 properly perform in accordance with the project contract, plans,
4 specifications, or special provisions. Final estimates shall
5 contain a sworn certification signed by the contractor and
6 superintendent or designated administrator that the work performed
7 and the material provided conform to the requirements of the
8 contract, plans, specifications, and special provisions.

9 Passed the Senate the 16th day of March, 2011.

10
11 _____
12 Presiding Officer of the Senate

13 Passed the House of Representatives the ____ day of _____,
14 2011.

15
16 _____
17 Presiding Officer of the House
18 of Representatives
19
20
21
22
23
24