

1 ENGROSSED SENATE
2 BILL NO. 204

By: Anderson of the Senate

3 and

4 Osborn of the House
5
6

7 An Act relating to the Public Competitive Bidding Act
8 of 1974; amending 61 O.S. 2001, Section 104, as
9 amended by Section 14, Chapter 294, O.S.L. 2002 (61
10 O.S. Supp. 2010, Section 104), which relates to bid
11 notices; adding procedure for Interlocal Cooperation
12 Agreement; providing an effective date; and declaring
13 an emergency.

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

15 SECTION 1. AMENDATORY 61 O.S. 2001, Section 104, as
16 amended by Section 14, Chapter 294, O.S.L. 2002 (61 O.S. Supp. 2010,
17 Section 104), is amended to read as follows:

18 Section 104. ~~All~~ A. Except as provided in subsection B of this
19 section, all proposals to award public construction contracts shall
20 be made equally and uniformly known by the awarding public agency to
21 all prospective bidders and the public in the following manner:

22 1. Notice thereof shall be given by publication in a newspaper
23 of general circulation and published in the county where the work,
24 or the major part of it, is to be done, such notice by publication
to be published in two consecutive weekly issues of ~~said~~ the

1 newspaper, with the first publication thereof to be at least twenty
2 (20) days prior to the date set for opening bids; and

3 2. Notice thereof shall be sent to trade or construction
4 publications for their use and information whenever the estimated
5 cost of the contract exceeds Fifty Thousand Dollars (\$50,000.00);
6 provided, however, that this section shall not be construed as
7 requiring the publication of ~~said~~ the notice in such trade or
8 construction publication.

9 B. In the event there is an Interlocal Cooperative Agreement
10 which provides for purchasing supplies or services applicable to a
11 public construction project that exceeds Fifty Thousand Dollars
12 (\$50,000.00), a public agency which is a party to that Agreement may
13 award the contract to providers authorized pursuant to contracts
14 available through the Agreement, subject to the following
15 conditions:

16 1. Publication of the notice of proposals for the contract
17 shall be made known equally and uniformly to all prospective bidders
18 and the public and shall:

19 a. be by publication in a newspaper of general
20 circulation and published in the county where the
21 work, or the major part of it, is to be done,

22 b. be published not less than once a week for two
23 consecutive weeks, with the first publication at least
24

1 twenty (20) days prior to the date set for opening
2 bids, and

3 c. contain a statement explaining that the public agency
4 is a participant in an Interlocal Cooperation
5 Agreement, and:

6 (1) the date the Agreement was entered into,

7 (2) the date the Agreement is to terminate,

8 (3) the location where a list of the name and mailing

9 address of the public agency which is a party to

10 the Agreement shall be available upon request,

11 and

12 (4) the name and mailing address of the entity

13 created to operate the joint or cooperative

14 undertaking which is the subject of the

15 Agreement.

16 2. The notice shall be provided to trade or construction
17 publications or both for their use and information. A list of each
18 trade or construction publication and the address of the principle
19 place of business of the publication which was provided with notice
20 pursuant to the provisions of this subparagraph shall become a part
21 of the permanent records of the contracting process. Nothing in
22 this subparagraph shall be construed to require actual publication
23 of the notice in the trade or construction publication.

24 SECTION 2. This act shall become effective July 1, 2011.

