

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 171

By: Fields

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5
6 AS INTRODUCED

7 An Act relating to the Public Competitive Bidding Act
8 of 1974; amending 61 O.S. 2001, Section 123, as last
9 amended by Section 1, Chapter 263, O.S.L. 2007 (61
10 O.S. Supp. 2010, Section 123), which relates to
11 contractor certification; providing that
12 certification is not needed for certain public
13 improvement projects by school districts; providing
14 for defenses and certain causes of action; requiring
15 certain certification for final estimates; providing
16 an effective date; and declaring an emergency.

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

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

21 Section 123. A. All statements or invoices submitted to the
22 awarding public agency for work performed shall contain a
23 certification by the supervising architect or engineer, or other
24 supervisory official if no supervisory architect or engineer is
employed for the project, that work for which payment is claimed has
been performed and that such work conforms to the plans and
specifications for the project. No such statement or invoice shall

1 be paid by the awarding public agency without such certification.
2 The execution of a certificate, as herein provided, shall not
3 constitute a defense or in any other manner affect any cause or
4 causes of action which the awarding public agency might otherwise
5 have against the contractor for nonperformance of a public
6 construction contract.

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

18 C. For public improvement projects of less than One Hundred
19 Fifty Thousand Dollars (\$150,000.00) on a public building owned by a
20 school district which does not involve structural changes to the
21 building, certification as set forth in subsection A of this section
22 shall not be required. Not having certification shall not
23 constitute a defense or in any manner affect any cause or causes of
24 action which the school district might have against the contractor

1 for failure to properly perform in accordance with the project
2 contract, plans, specifications, or special provisions. Final
3 estimates shall contain a sworn certification signed by the
4 contractor that the work performed and the material provided conform
5 to the requirements of the contract, plans, specifications, and
6 special provisions.

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

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

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