

1 STATE OF OKLAHOMA

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

3 SENATE BILL 204

By: Anderson

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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 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 participating public agencies to provide  
13 notice to bidders and the public; providing an  
14 effective date; and declaring an emergency.

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

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

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

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

1 to be published in two consecutive weekly issues of said newspaper,  
2 with the first publication thereof to be at least twenty (20) days  
3 prior to the date set for opening bids; and

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

10 B. 1. Whenever the estimated cost of a public construction  
11 contract exceeds Fifty Thousand Dollars (\$50,000.00) and is to be  
12 entered into by a public agency which is a party to an agreement  
13 pursuant to the provisions of the Interlocal Cooperation Act, notice  
14 of proposals for the contract shall be made known equally and  
15 uniformly to all prospective bidders and the public as provided in  
16 this subsection.

17 2. The notice shall be by publication in a newspaper of general  
18 circulation and published in the county where the work, or the major  
19 part of it, is to be done, and shall:

20 a. be published not less than once a week for two  
21 consecutive weeks, with the first publication at least  
22 twenty (20) days prior to the date set for opening  
23 bids,

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1           b. be provided to trade or construction publications or  
2           both for their use and information. A list of each  
3           trade or construction publication and the address of  
4           the principle place of business of the publication  
5           which was provided with notice pursuant to the  
6           provisions of this subparagraph shall become a part of  
7           the permanent records of the contracting process.  
8           Nothing in this subparagraph shall be construed to  
9           require actual publication of the notice in the trade  
10           or construction publication, and

11           c. contain a statement explaining that the public agency  
12           is a participant in an Interlocal Cooperation  
13           Agreement, and:

- 14           (1) the date the Agreement was entered into,  
15           (2) the date the Agreement is to terminate,  
16           (3) the location where a list of the name and mailing  
17           address of public agency which is a party to the  
18           Agreement shall be available upon request, and  
19           (4) the name and mailing address of the entity  
20           created to operate the joint or cooperative  
21           undertaking which is the subject of the  
22           Agreement.

23           SECTION 2. This act shall become effective July 1, 2011.  
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1       SECTION 3. 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.

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