

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 3251

By: Jordan of the House

and

Schulz of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to public buildings and public works;
11 amending 61 O.S. 2011, Section 130, as amended by
12 Section 317, Chapter 304, O.S.L. 2012 (61 O.S. Supp.
13 2013, Section 130), which relates to the Public
14 Competitive Bidding Act of 1974; modifying notice and
15 bids for contract in an emergency; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 61 O.S. 2011, Section 130, as
19 amended by Section 317, Chapter 304, O.S.L. 2012 (61 O.S. Supp.
20 2013, Section 130), is amended to read as follows:

21 Section 130. A. The provisions of the Public Competitive
22 Bidding Act of 1974 with reference to notice and bids shall not
23 apply to an emergency if:
24

1 1. The governing body of a public agency declares by a two-
2 thirds (2/3) majority vote of all of the members of the governing
3 body that an emergency exists;

4 2. The Transportation Commission and the Oklahoma Tourism and
5 Recreation Commission, by majority vote of all the members of each
6 Commission, declare that an emergency exists; or

7 3. The chief administrative officer of a public agency without
8 a governing body declares that an emergency exists.

9 B. The governing body of a public agency may, upon approval of
10 two-thirds (2/3) majority of all of the members of the governing
11 body, delegate to the chief administrative officer of a public
12 agency the authority to declare an emergency whereby the provisions
13 of the Public Competitive Bidding Act of 1974 with reference to
14 notice and bids shall not apply to contracts less than ~~Thirty-five~~
15 ~~Thousand Dollars (\$35,000.00)~~ Seventy-five Thousand Dollars
16 (\$75,000.00) in amount; provided, such authority of the Department
17 of Transportation and the Oklahoma Turnpike Authority shall not
18 extend to any contract exceeding Five Hundred Thousand Dollars
19 (\$500,000.00) in amount.

20 C. Upon approval of a two-thirds (2/3) majority vote, the
21 Oklahoma Conservation Commission may delegate to the Executive
22 Director the authority to declare an emergency and set a monetary
23 limit for the declaration. The provisions of this subsection may
24 only be used for the purpose of responding to an emergency involving

1 the reclamation of abandoned coal mines or the repair of damaged
2 upstream floodwater retarding structures.

3 D. An emergency declared by the Board of Corrections pursuant
4 to subsection C of Section 65 of this title shall exempt the
5 Department of Corrections from the limits which would otherwise be
6 imposed pursuant to subsection B of this section for the contracting
7 and construction of new or expanded correctional facilities.

8 E. The chief administrative officer of a public agency with a
9 governing body shall notify the governing body within ten (10) days
10 of the declaration of an emergency if the governing body did not
11 approve the emergency. The notification shall contain a statement
12 of the reasons for the action, and shall be recorded in the official
13 minutes of the governing body.

14 F. Emergency as used in this section shall be limited to
15 conditions resulting from a sudden unexpected happening or
16 unforeseen occurrence or condition whereby the public health or
17 safety is endangered.

18 G. The chief administrative officer of a public agency shall
19 report an emergency within ten (10) days of the emergency
20 declaration and include the official minutes of the governing body
21 of the public agency, if applicable, to the State Construction
22 Administrator of the Construction and Properties Division of the
23 Office of Management and Enterprise Services who shall compile an
24 annual report detailing all emergencies declared pursuant to this

1 section during the previous calendar year. The report shall be
2 submitted to the Governor, the President Pro Tempore of the Senate
3 and the Speaker of the House of Representatives.

4 SECTION 2. This act shall become effective November 1, 2014.

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