

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 54th Legislature (2013)

4 HOUSE BILL 1394

                                  By: Smalley, Murphey and Turner

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7                                   AS INTRODUCED

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9                   An Act relating to public contracts; creating the  
10                   Modernization of Public Contracting and Ethics Act of  
11                   2013; prohibiting certain contracts with certain  
12                   persons; prohibiting public agencies from requiring  
13                   certain components of a public construction contract;  
14                   requiring approval from the State Construction  
15                   Administrator of the Construction and Properties  
16                   Division of Oklahoma Management and Enterprise  
17                   Services; requiring requests for exemptions be posted  
18                   on certain website; providing for codification;  
19                   providing for noncodification; and providing an  
20                   effective date.

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1 It shall be unlawful for any executive, legislative, ministerial  
2 or judicial officer to award, approve a claim, appropriate funds to  
3 or vote to enter into a contract between a governmental agency and  
4 any business entity in which the ineligible person has a significant  
5 pecuniary interest.

6 SECTION 3. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 131.1 of Title 61, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. Subject to the exception in subsection B of this section, no  
10 public agency shall require the provision of materials from a single  
11 or sole source as a component of a public construction contract.  
12 Bid specifications shall not require proprietary goods and shall be  
13 written to allow for acceptable equivalent products.

14 B. All public agencies shall receive approval from the State  
15 Construction Administrator of the Construction and Properties  
16 Division of the Oklahoma Management and Enterprise Services prior to  
17 requiring the use of specific materials from sole- or single-source  
18 suppliers. The Administrator shall only approve requests for  
19 requiring sole-source materials when necessary to accompany  
20 preexisting construction or meet warranty requirements that were in  
21 place prior to the bidding of the public construction contract.

22 C. All requests for exemptions to seek material from sole-  
23 source suppliers shall be posted through the data.ok.gov  
24 transparency portal. Postings required by this subsection shall

1 include descriptions of the public construction project, reason for  
2 the request and reason for approval or denial.

3 SECTION 4. This act shall become effective November 1, 2013.  
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5 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated  
6 02/14/2013 - DO PASS, As Coauthored.  
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