

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3087

By: Sanders

4  
5  
6 AS INTRODUCED

7 An Act relating to public buildings and public works;  
8 amending 61 O.S. 2011, Section 130, as amended by  
9 Section 317, Chapter 304, O.S.L. 2012 (61 O.S. Supp.  
10 2013, Section 130), which relates to public  
11 competitive bidding; increasing contract amount  
12 threshold for the Oklahoma Turnpike Authority under  
13 which certain bid and notice procedures are not  
14 required for certain emergency declarations; and  
15 providing an effective date.

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

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

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

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

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

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

6        B. The governing body of a public agency may, upon approval of  
7 two-thirds (2/3) majority of all of the members of the governing  
8 body, delegate to the chief administrative officer of a public  
9 agency the authority to declare an emergency whereby the provisions  
10 of the Public Competitive Bidding Act of 1974 with reference to  
11 notice and bids shall not apply to contracts less than Thirty-five  
12 Thousand Dollars (\$35,000.00) in amount; provided, such authority of  
13 the Department of Transportation and the Oklahoma Turnpike Authority  
14 shall not extend to any contract exceeding ~~Five Hundred Thousand~~  
15 ~~Dollars (\$500,000.00)~~ Seven Hundred Fifty Thousand Dollars  
16 (\$750,000.00) in amount.

17        C. Upon approval of a two-thirds (2/3) majority vote, the  
18 Oklahoma Conservation Commission may delegate to the Executive  
19 Director the authority to declare an emergency and set a monetary  
20 limit for the declaration. The provisions of this subsection may  
21 only be used for the purpose of responding to an emergency involving  
22 the reclamation of abandoned coal mines or the repair of damaged  
23 upstream floodwater retarding structures.

24

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

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

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

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

24

1 submitted to the Governor, the President Pro Tempore of the Senate  
2 and the Speaker of the House of Representatives.

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

5 54-2-8659 JM 12/11/13  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24