

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3251

By: Jordan

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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 the Public
Competitive Bidding Act of 1974; modifying notice and
11 bids for contract in an emergency; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 61 O.S. 2011, Section 130, as
15 amended by Section 317, Chapter 304, O.S.L. 2012 (61 O.S. Supp.
16 2013, Section 130), is amended to read as follows:

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

20 1. The governing body of a public agency declares by a two-
21 thirds (2/3) majority vote of all of the members of the governing
22 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~~ one-half (1/2) the amount
13 authorized for the Department of Transportation and the Oklahoma
14 Turnpike Authority; provided, such authority of the Department of
15 Transportation and the Oklahoma Turnpike Authority shall not extend
16 to any contract exceeding Five Hundred Thousand Dollars
17 (\$500,000.00) in amount.

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

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
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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.
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