

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1316
Page 30 Section 17 Lines 11 1/2
Of the printed Bill
Of the Engrossed Bill

By inserting a new section 18 to read as follows:

[See Attachment]

And by renumbering the subsequent section.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Richard

Morrisette
Adopted: _____

Reading Clerk

"SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 306.3 of Title 69, unless there is created a duplication in numbering, reads as follows:

Section 306.3 A. As used in this section:

1. "Construction" means the process of planning, acquiring, designing, building, equipping, altering, repairing, improving, maintaining, or demolishing any roads, highways, bridges, railroads, or tunnels or appurtenance thereto including facilities, utilities, or other improvements to any real property;

2. "Construction administration" means a series of actions required to ensure the full, timely, and proper performance of all phases of a construction project by all contractors, suppliers, and other persons having responsibility for project work and any guarantees or warranties pertaining thereto;

3. "Construction management" means a project delivery method based on an agreement whereby the Department acquires from a construction entity a series of services that include, but are not necessarily limited to, design review, scheduling, cost control, value engineering, constructability evaluation, preparation and coordination of bid packages, and construction administration; "construction management" includes:

a. "agency construction management" whereby the construction entity provides services to the Department without taking on financial risks for the execution of the actual construction, and

b. "at-risk construction management" whereby the construction entity, after providing agency services during the preconstruction period, takes on the financial obligation to carry out construction under a specified cost agreement;

4. "Department" means the Department of Transportation;

5. "Design-build" means a project delivery method whereby the Department acquires both design and construction services in the same contract from a single legal entity, referred to as the design-builder, without the bid component of the traditional design-bid-build process; and

6. "Director" means the Director of the Department of Transportation.

B. The Department of Transportation may use design-build and construction management project delivery methods with the written approval of the Director of the Department, or the designee of the Director. In all instances where the design-build project method is authorized, construction administration shall be performed by the Department, the designee or designees of the Director, or otherwise by contract or contract provision approved by the Director for construction administration by another party.

C. The design-build and construction management project delivery methods shall not be used for any project unless the project meets the criteria established by the administrative rules promulgated as required by this section and the following criteria are met:

1. The project benefits the public; and

2. There is a need for cost control.

D. The use of design-build and construction management project delivery methods shall not interfere or inhibit the opportunity for

subcontractors to openly and freely compete for subcontracts pursuant to the Public Competitive Bidding Act of 1974.

E. The provisions of subsections B and C of this section shall not apply to projects by contract pursuant to an interagency agreement under Section 581 of Title 74 of the Oklahoma Statutes or to projects a state agency performs solely with the staff of the agency.

F. The Department shall, pursuant to the Administrative Procedures Act, promulgate any rules to effect procedures, processes and design-build and construction management fee guidelines necessary to the fulfillment of its responsibilities under this section."