

1 ENGROSSED HOUSE
2 BILL NO. 2926

By: Frix, Osborn (Leslie),
Kerbs and Bush of the House

3 and

4 Pemberton of the Senate

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6
7 An Act relating to public buildings and public works;
8 amending 61 O.S. 2011, Section 103, as last amended
9 by Section 2, Chapter 186, O.S.L. 2013 (61 O.S. Supp.
10 2017, Section 103), which relates to the Public
11 Competitive Bidding Act of 1974; authorizing certain
12 entities with option to match lowest bid; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 61 O.S. 2011, Section 103, as last
16 amended by Section 2, Chapter 186, O.S.L. 2013 (61 O.S. Supp. 2017,
17 Section 103), is amended to read as follows:

18 Section 103. A. Unless otherwise provided by law, all public
19 construction contracts exceeding Fifty Thousand Dollars (\$50,000.00)
20 shall be let and awarded to the lowest responsible bidder, by open
21 competitive bidding after solicitation for sealed bids, in
22 accordance with the provisions of the Public Competitive Bidding Act
23 of 1974. No work shall be commenced until a written contract is
24 executed and all required bonds and insurance have been provided by
the contractor to the awarding public agency.

1 B. Notwithstanding subsection A of this section, in awarding
2 public construction contracts exceeding Fifty Thousand Dollars
3 (\$50,000.00), the awarding public agency may provide a qualified
4 contractor residing and doing business within the State of Oklahoma
5 an option to match the lowest bid. Any such bid specification shall
6 clearly state that the bid is subject to a local bidder preference
7 law.

8 C. Except as provided in subsection ~~D~~ E of this section, other
9 construction contracts for the purpose of making any public
10 improvements or constructing any public building or making repairs
11 to the same for Fifty Thousand Dollars (\$50,000.00) or less shall be
12 let and awarded to the lowest responsible bidder by receipt of
13 written bids or awarded on the basis of competitive quotes to the
14 lowest responsible qualified contractor. Work may be commenced in
15 accordance with the purchasing policies of the public agency.

16 ~~C.~~ D. Except as provided in subsection ~~D~~ E of this section,
17 other construction contracts for less than Five Thousand Dollars
18 (\$5,000.00) may be negotiated with a qualified contractor. Work may
19 be commenced in accordance with the purchasing policies of the
20 public agency.

21 ~~D.~~ E. The provisions of this subsection shall apply to public
22 construction for minor maintenance or minor repair work to public
23 school district property. Other construction contracts for less
24 than Twenty-five Thousand Dollars (\$25,000.00) may be negotiated

1 with a qualified contractor. Construction contracts equal to or
2 greater than Twenty-five Thousand Dollars (\$25,000.00) but less than
3 Fifty Thousand Dollars (\$50,000.00) shall be let and awarded to the
4 lowest responsible bidder by receipt of written bids. No work shall
5 be commenced on any construction contract until a written contract
6 is executed and proof of insurance has been provided by the
7 contractor to the awarding public agency.

8 ~~F.~~ F. The Construction and Properties Division of the Office of
9 Management and Enterprise Services may award contracts using best
10 value competitive proposals. As used in this subsection, "best
11 value" means an optional contract award system which can evaluate
12 and rank submitted competitive performance proposals to identify the
13 proposal with the greatest value to the state. The Office of
14 Management and Enterprise Services, pursuant to the Administrative
15 Procedures Act, shall promulgate rules necessary to implement the
16 provisions of this subsection.

17 ~~F.~~ G. 1. A public agency shall not let or award a public
18 construction contract exceeding Fifty Thousand Dollars (\$50,000.00)
19 to any contractor affiliated with a purchasing cooperative unless
20 the purchasing cooperative and the contractor have complied with all
21 of the provisions of the Competitive Bidding Act of 1974, including
22 but not limited to open competitive bidding after solicitation for
23 sealed bids. A public agency shall not let or award a public
24 construction contract exceeding Five Thousand Dollars (\$5,000.00) up

1 to Fifty Thousand Dollars (\$50,000.00) to any contractor affiliated
2 with a purchasing cooperative unless the purchasing cooperative and
3 the contractor have complied with all of the provisions of the
4 Public Competitive Bidding Act of 1974, including submission of a
5 written bid upon notice of competitive bidding.

6 2. A purchasing cooperative and its affiliated contractors
7 shall not be allowed to bid on any public construction contract
8 exceeding Fifty Thousand Dollars (\$50,000.00) unless the purchasing
9 cooperative and its affiliated contractors have complied with all of
10 the provisions of the Public Competitive Bidding Act of 1974,
11 including but not limited to open competitive bidding after
12 solicitation for sealed bids. A purchasing cooperative and its
13 affiliated contractors shall not be allowed to bid on any public
14 construction contract exceeding Two Thousand Five Hundred Dollars
15 (\$2,500.00) unless the purchasing cooperative and its affiliated
16 contractors have complied with all of the provisions of the Public
17 Competitive Bidding Act of 1974, including submission of a written
18 bid upon notice of open competitive bidding.

19 SECTION 2. This act shall become effective November 1, 2018.
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1 Passed the House of Representatives the 15th day of February,
2 2018.

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4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2018.

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8 Presiding Officer of the Senate