

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 3391

 By: Goodwin

7 AS INTRODUCED

8 An Act relating to roads and bridges; amending 69
9 O.S. 2011, Section 1101, which relates to the
10 Oklahoma Highway Code of 1968; providing for the
11 suspension of certain contracts for time certain to
 ensure corrective action; providing for cancellation
 of contract; defining term; and providing an
 effective date.

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

15 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1101, is
16 amended to read as follows:

17 Section 1101. A. All contracts for construction work upon the
18 state highway system shall be let and awarded pursuant to the
19 provisions of the Public Competitive Bidding Act of 1974. If the
20 project advertised pursuant to the provisions of the Public
21 Competitive Bidding Act of 1974 is for the construction of more than
22 eight (8) miles of road, and is not a surface treatment only
23 project, said advertisement shall provide for bids on sections of
24 the road no longer than eight (8) miles, as well as bids on the

1 project as a whole. If the project advertised pursuant to the
2 provisions of the Public Competitive Bidding Act of 1974 is a
3 surface treatment only project of more than twenty (20) miles of
4 road, the advertisement shall provide for bids on sections of the
5 road no longer than twenty (20) miles, as well as bids on the
6 project as a whole.

7 B. The Department may extend a contract no more than twenty-
8 five percent (25%) of the length and extent of the original project.
9 The price for the extension work shall not be greater than the
10 contract unit basis.

11 C. Procedures and contracts for construction work upon the
12 state highway system and integral related work contracts requiring
13 Disadvantaged Business Enterprise participation that do not conform
14 with the federal Disadvantaged Business Enterprise requirements,
15 inclusive of good-faith efforts, shall be delayed or suspended up to
16 sixty (60) days by the Attorney General to allow for corrective and
17 conforming action. Without corrective or conforming action, the
18 contract shall be cancelled. For purposes of this subsection,
19 "Disadvantaged Business Enterprise" means a for-profit small
20 business concern:

21 1. That is at least fifty-one percent (51%) owned by one or
22 more individuals who are both socially and economically
23 disadvantaged or, in the case of a corporation, in which fifty-one
24

1 percent (51%) of the stock is owned by one or more such individuals;
2 and

3 2. Whose management and daily business operations are
4 controlled by one or more of the socially and economically
5 disadvantaged individuals who own it.

6 SECTION 2. This act shall become effective November 1, 2018.

7
8 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/26/2018 -
9 DO PASS.