

1 ENGROSSED SENATE
2 BILL NO. 1557

By: Leewright of the Senate

3 and

4 West (Josh) of the House

5
6 An Act relating to public buildings and public works;
7 amending 61 O.S. 2011, Section 204, as last amended
8 by Section 10, Chapter 302, O.S.L. 2013 (61 O.S.
9 Supp. 2019, Section 204), which relates to the Public
10 Facilities Act; authorizing licensed architects and
11 engineers employed by certain state agencies to
12 develop and issue solicitations; updating statutory
13 language; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 61 O.S. 2011, Section 204, as last
16 amended by Section 10, Chapter 302, O.S.L. 2013 (61 O.S. Supp. 2019,
17 Section 204), is amended to read as follows:

18 Section 204. A. The Department of Real Estate Services shall:

19 1. Maintain a comprehensive master plan for utilization and
20 construction of state buildings, capital improvements, and
21 utilization of land owned by this state. Requirements of the master
22 planning process shall include:

23 a. reporting by each state agency concerning facility
24 needs,

b. data acquisition of condition and performance
benchmarking of state agency facilities,

- c. analyses and audits of state agency facilities, properties and leaseholds to determine critical and long-range needs,
- d. development of state agency long-range strategic facility plans,
- e. short-range project programming to identify budget requests for facility capital improvements and asset management decisions, and
- f. an annual capital plan for all state agencies submitted to the Legislature for line-item appropriation requests;

2. Review and approve all construction plans and specifications to ensure compliance with good construction practices and space standards, costs of project, proposed construction timetables, and agency need for the project;

3. Inspect prior to acceptance and final payment all completed projects for which the Department issued bid solicitations to ensure compliance with the plans and specifications of the project;

4. Select and hire consultants and construction managers for projects as determined or approved by the Department. The Department shall select, award and execute contracts to consultants and construction managers that provide services to state agencies subject to ~~this act~~ the Public Facilities Act;

1 5. Develop and issue solicitations for award of state agency
2 contracts for construction services. The Department shall have
3 final approval authority for contracts and contract documents.
4 Neither the Department nor any public entity shall, for performance
5 of work that requires that a contractor be licensed by this state,
6 issue a solicitation to, or make a contract with, a contractor not
7 licensed by this state;

8 6. Review inspections performed by consultants and construction
9 managers during construction, perform primary inspections when
10 consultants or construction managers are not used, and final
11 inspections after completion;

12 7. Establish standards and policies as required to standardize
13 facility assessment and benchmarking, facility operations and
14 maintenance, asset preservation, design and energy standards, space
15 utilization, material testing, indexes of efficiency, economy, and
16 effectiveness;

17 8. Monitor indices of facility condition, effectiveness of
18 operations and maintenance programs, deferred maintenance
19 prioritization, effectiveness of planning processes, budgeting for
20 capital needs, application of facility standards as established by
21 the Department, and performance outcomes of construction projects to
22 ensure maximum efficiency in the expenditure of state funds for
23 asset management and preservation of the state's capital real
24 property;

1 9. Coordinate, monitor and report on statewide energy
2 conservation programs delegated to the Office;

3 10. Provide property leasing and brokerage services delegated
4 to the Office;

5 11. Report fraud or waste in any construction project by
6 written notification with documentation for the report to the
7 Attorney General. The Attorney General shall take appropriate
8 action to protect the interest of the state; and

9 12. Prequalify as good and sufficient insurance carriers,
10 bonding companies and surety companies to meet provisions of
11 Sections 1 and 134 of this title. The Director shall promulgate
12 rules to establish criteria to determine whether a carrier or
13 company is good and sufficient. The prequalification requirement
14 and process shall not violate the provisions of Section 135 of this
15 title.

16 B. When a state agency employs a licensed architect or licensed
17 engineer as a full-time employee, ~~said~~ the licensed employee may
18 conduct required facility planning, prepare project plans and
19 specifications, develop and issue solicitations, and monitor
20 construction work as prescribed by the Department. State agencies
21 authorized to employ licensed architects and engineers for the
22 purposes of this section include:

23 1. The Department of Transportation with respect to highways,
24 bridges and dams;

1 2. The Oklahoma State Regents for Higher Education and its
2 constituent institutions;

3 3. The Military Department of the State of Oklahoma;

4 4. The Oklahoma Tourism and Recreation Department; and

5 5. The Department of Human Services.

6 C. Not later than December 31, 2012, with the advice of the
7 State Facilities Director, the Director of the Office of Management
8 and Enterprise Services shall provide a report containing
9 recommendations to the Legislature for the streamlining,
10 integration, and consolidation of state construction, maintenance,
11 and real property management processes to maximize capital assets
12 and achieve cost savings to the state. The report shall identify
13 the necessary planning processes for transitioning from a
14 decentralized capital budgeting process to a centralized annual
15 capital plan appropriation process, to be implemented no later than
16 January 1, 2014.

17 SECTION 2. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

1 Passed the Senate the 4th day of March, 2020.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

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8 _____
9 Presiding Officer of the House
10 of Representatives