

SENATE FLOOR VERSION

February 27, 2020

SENATE BILL NO. 1557

By: Leewright of the Senate

and

West (Josh) of the House

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

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

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

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

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

a. reporting by each state agency concerning facility 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

1 and construction managers that provide services to state agencies
2 subject to ~~this act~~ the Public Facilities Act;

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

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

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

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

1 asset management and preservation of the state's capital real
2 property;

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

5 10. Provide property leasing and brokerage services delegated
6 to the Office;

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

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

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

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

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

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

6 4. The Oklahoma Tourism and Recreation Department; and

7 5. The Department of Human Services.

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
24 February 27, 2020 - DO PASS