

BILL SUMMARY
2nd Session of the 58th Legislature

Bill No.:	HB 4080
Version:	SAHB
Request Number:	
Author:	Rep. Wallace
Date:	5/4/2022
Impact:	No anticipated fiscal impact

Research Analysis

HB4080 modifies the rules and procedures regulating the bonding, contracting, construction, maintenance and sale of public buildings and works. Significant changes include:

- Raising the contract amount, from \$50,000 to \$100,000, that requires and awardee to furnish a bond with sureties to the state;
- Requiring that plans and specifications for new public buildings to be submitted to the State Fire Marshal or the authority having jurisdiction before the bidding process;
- Requiring the requisitioning state agency to be responsible for the payment to construction managers or consultants when using them for an on-call minor service;
- Requiring that all drawings made by a construction manager or consultant be delivered to the state as directed by the terms of the contract;
- Allowing notices of public agencies seeking bids for a public construction contract to be given electronically;
- Removing the requirement for contractors to provide letters of credit for contracts of various amounts;
- Allowing for the retainage amount of partial payments be lowered to 2.5 percent from 5 percent once the awarding agency determines that the project is at least 50 percent completed;
- Allowing the Risk Management Administrator of OMES to declare an emergency on behalf of a public agency when an insurable loss has occurred that would lead to more economic loss or additional property damage if not addressed promptly;
- Removing requirement for OMES to create a master plan for the utilization and constriction of state buildings, capital improvements, and utilization of land owned by the State of Oklahoma;
- Allowing OMES to publish notices of land leases and sales of oil/gas mineral leases on an authorized state website and directs all royalties, bonuses, and rental from said leases or sales to be credited to the Maintenance of State Buildings Revolving Fund;
- Eliminating certain parts of the Capitol Building Lands description and modifies the expenditure purpose for the Maintenance of State Buildings Revolving Fund;
- Modifying the requirements for OMES to dispose of real property by adjusting when OMES needs to obtain an appraisal, allowing offer of property through electronic auction, allowing offer of landlock property through indirect sales; and
- Modifying the evaluation requirements for written proposals submitted for the purchase of state-owned property.

The measure also repeals the following sections of law:

[Title 61 Sections 8-10 and 14-15](#), which relate to the bonding, contracting, and construction of public buildings and works;
[Title 61 Sections 51](#), which relates to the purchase of American goods and equipment;
[Title 61 Sections 103.8](#) and [129](#), which relates to the Public Competitive Bidding Act of 1974;
[Title 61 Section 203](#), which relates to the Department of Real Estate Services; and
[Title 61 Sections 315, 321, 329, 330-331](#), which relate to state property.

The senate amendments restore language requiring the notice of bids, proposed public construction contracts and land leases and sales to be published in newspapers. It also clarifies the procedure for opening bids.

Prepared By: Keana Swadley

Fiscal Analysis

In its current form, HB 4080 is not expected to have a direct fiscal impact on agencies' budgets or the state's revenue.

Prepared By: Nathan Shugart

Other Considerations

None.