

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2440

6 By: Pfeiffer

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to the environment and natural
10 resources; amending 61 O.S. 2021, Section 208, as
11 amended by Section 31, Chapter 238, O.S.L. 2022 (61
12 O.S. Supp. 2025, Section 208), which relates to
13 approval, negotiation, and award of contracts; making
14 certain exemption for the Oklahoma Water Resources
15 Board; and providing an effective date.

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

18 SECTION 1. AMENDATORY 61 O.S. 2021, Section 208, as
19 amended by Section 31, Chapter 238, O.S.L. 2022 (61 O.S. Supp. 2025,
20 Section 208), is amended to read as follows:

21 Section 208. A. The Office of Management and Enterprise
22 Services shall select and award contracts to construction managers
23 and design consultants pursuant to the provisions of Section 62 of
24 this title.

1 B. The negotiation of construction manager and consultant
2 contracts and fees shall be performed by the Office.

3 C. The Office shall award and administer construction contracts
4 for state agencies pursuant to the provisions of the Public
5 Competitive Bidding Act of 1974.

6 D. 1. When all bids for a public construction contract exceed
7 the programmed estimate and available funding, the Office may enter
8 into negotiations with the lowest responsible bidder for the purpose
9 of modifying the project scope and reducing the construction cost,
10 provided that:

11 a. the unexpected higher construction costs resulted from
12 unforeseen economic conditions or otherwise sudden
13 price volatility in the construction industry,

14 b. the project was appropriately planned, and cost
15 estimates were developed using standards of care
16 acceptable to the Office, and

17 c. further delay caused by redesigning and rebidding the
18 project would jeopardize the using agency's mission or
19 result in the loss of a planned funding source.

20 2. To request consideration for negotiations pursuant to this
21 subsection, the using agency, within ten (10) days of the bid
22 opening date, shall make a written request to the Director of the
23 Office of Management and Enterprise Services to enter into
24 negotiations pursuant to paragraph 1 of this subsection. If

1 approved by the Director, the Office shall consult with the using
2 agency, consultant and low bidder on methods to reduce the project
3 scope or other cost-saving measures.

4 3. If a suitable revised scope and contract amount is agreed
5 upon by the using agency, lowest responsible bidder, and the
6 Director, the Office may award the public construction contract to
7 the lowest responsible bidder.

8 4. The Office shall negotiate a fair and reasonable fee with
9 the project's consultant, if applicable, to make any necessary
10 revisions to the contract documents. The cost of this additional
11 consulting work shall be paid from the agency's available funds.

12 5. Approval and final award of the contract for the
13 construction negotiated pursuant to this subsection shall occur no
14 later than one hundred twenty (120) days from the opening bid.

15 E. The Office is authorized to issue solicitations and award
16 statewide contracts for managed construction service delivery in
17 order to provide efficient and cost-effective procurement solutions
18 for public agencies. Statewide contracts may be either mandatory or
19 nonmandatory as determined by the Director.

20 F. The Office is authorized to provide facility management and
21 operations and maintenance services for any state agency on a cost-
22 recovery basis for any facility operated by a state agency when:

23 1. The state agency initiates a request with the Director; or
24

1 2. The Director determines a state agency is performing in the
2 bottom ten percent (10%) of all state agencies with respect to
3 performance measures for facility management established by the
4 Office.

5 G. The Oklahoma Water Resources Board shall be exempt from the
6 provisions of this section when hiring engineers and consultants to
7 implement programs within the agency's statutory authority and that
8 do not involve construction of public facilities. In addition to
9 the exception from this act hereby provided to the Oklahoma State
10 Regents for Higher Education and its constituent institutions and
11 the Commissioners of the Land Office, the Director may authorize an
12 exemption to the provisions of this act to any other state agency
13 provided that the recipient of the exemption:

14 1. Adopts standards, processes and procedures for planning,
15 budgeting, design, facility management, asset management and asset
16 preservation that are substantially compliant with those as
17 prescribed by the Office;

18 2. Adheres to procurement requirements of Sections 62 through
19 65 of this title and the provisions of this act;

20 3. Reports benchmark, budget and ongoing performance data
21 required by the Office; and

22 4. Participates in annual performance reviews and organized
23 forums for promoting best practices statewide as determined by the
24 Director.

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SECTION 2. This act shall become effective November 1, 2026.

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