

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1722

By: Kern

AS INTRODUCED

An Act relating to public facilities; amending 61 O.S. 2021, Section 208, as amended by Section 31, Chapter 238, O.S.L. 2022 (61 O.S. Supp. 2025, Section 208), which relates to awarding of contracts; clarifying certain fee; and providing an effective date.

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

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

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

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

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

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

- 6 a. the unexpected higher construction costs resulted from
7 unforeseen economic conditions or otherwise sudden
8 price volatility in the construction industry,
- 9 b. the project was appropriately planned, and cost
10 estimates were developed using standards of care
11 acceptable to the Office, and
- 12 c. further delay caused by redesigning and rebidding the
13 project would jeopardize the using agency's mission or
14 result in the loss of a planned funding source.

15 2. To request consideration for negotiations pursuant to this
16 subsection, the using agency, within ten (10) days of the bid
17 opening date, shall make a written request to the Director of the
18 Office of Management and Enterprise Services to enter into
19 negotiations pursuant to paragraph 1 of this subsection. If
20 approved by the Director, the Office shall consult with the using
21 agency, consultant and low bidder on methods to reduce the project
22 scope or other cost-saving measures.

23 3. If a suitable revised scope and contract amount is agreed
24 upon by the using agency, lowest responsible bidder, and the

1 Director, the Office may award the public construction contract to
2 the lowest responsible bidder.

3 4. The Office shall negotiate a fair and reasonable fee with
4 the project's consultant, if applicable, to make any necessary
5 revisions to the contract documents. The cost of this additional
6 consulting work shall be paid from the agency's available funds.
7 Any fee pursuant to the provisions of this paragraph shall only
8 include construction costs and shall not include any costs related
9 to interior design or furnishings.

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

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

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

- 21 1. The state agency initiates a request with the Director; or
- 22 2. The Director determines a state agency is performing in the
23 bottom ten percent (10%) of all state agencies with respect to
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1 performance measures for facility management established by the
2 Office.

3 G. In addition to the exception from this act hereby provided
4 to the Oklahoma State Regents for Higher Education and its
5 constituent institutions and the Commissioners of the Land Office,
6 the Director may authorize an exemption to the provisions of this
7 act to any other state agency provided that the recipient of the
8 exemption:

9 1. Adopts standards, processes and procedures for planning,
10 budgeting, design, facility management, asset management and asset
11 preservation that are substantially compliant with those as
12 prescribed by the Office;

13 2. Adheres to procurement requirements of Sections 62 through
14 65 of this title and the provisions of this act;

15 3. Reports benchmark, budget and ongoing performance data
16 required by the Office; and

17 4. Participates in annual performance reviews and organized
18 forums for promoting best practices statewide as determined by the
19 Director.

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