

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2862

 By: Wallace of the House

5 and

6 **Pemberton** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to competitive bidding; amending 61
11 O.S. 2011, Sections 102, as last amended by Section
12 1, Chapter 186, O.S.L. 2013, 103, as last amended by
13 Section 2, Chapter 405, O.S.L. 2019, 103.5, Section
14 1, Chapter 288, O.S.L. 2014, 104, as last amended by
15 Section 1, Chapter 40, O.S.L. 2017, 107, as amended
16 by Section 313, Chapter 304, O.S.L. 2012, 113, as
17 last amended by Section 3, Chapter 299, O.S.L. 2019,
18 119.1 and 130, as last amended by Section 1, Chapter
19 293, O.S.L. 2016 (61 O.S. Supp. 2020, Sections 102,
20 103, 103.7, 104, 107, 113 and 130), which relate to
21 the Public Competitive Bidding Act of 1974; defining
22 term; modifying certain monetary limits for public
23 construction contracts; establishing monetary limits
24 for construction management trade contracts or
 subcontracts; and providing an effective date.

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

SECTION 1. AMENDATORY 61 O.S. 2011, Section 102, as last
amended by Section 1, Chapter 186, O.S.L. 2013 (61 O.S. Supp. 2020,
Section 102), is amended to read as follows:

1 Section 102. As used in the Public Competitive Bidding Act of
2 1974:

3 1. "Administrator" means the State Construction Administrator
4 of the Construction and Properties Division of the Office of
5 Management and Enterprise Services;

6 2. "Awarding public agency" means the public agency which
7 solicits and receives sealed bids on a particular public
8 construction contract;

9 3. "Bidding documents" means the bid notice, instruction to
10 bidders, plans and specifications, bidding form, bidding
11 instructions, general conditions, special conditions and all other
12 written instruments prepared by or on behalf of an awarding public
13 agency for use by prospective bidders on a public construction
14 contract;

15 4. "Chief administrative officer" means an individual
16 responsible for directing the administration of a public agency.
17 The term does not mean one or all of the individuals that make
18 policy for a public agency;

19 5. "Construction management trade contract or subcontract"
20 means any public construction contract, exceeding Fifty Thousand
21 Dollars (\$50,000.00) in amount, that is awarded as a trade contract
22 in an agency construction management contract or awarded as a
23 subcontract in an at-risk construction management contract;

24

1 6. "Public agency" means the State of Oklahoma, and any county,
2 city, town, school district or other political subdivision of the
3 state, any public trust, any public entity specifically created by
4 the statutes of the State of Oklahoma or as a result of statutory
5 authorization therefor, and any department, agency, board, bureau,
6 commission, committee or authority of any of the foregoing public
7 entities;

8 ~~6.~~ 7. "Public construction contract" or "contract" means any
9 contract, exceeding One Hundred Thousand Dollars (\$100,000.00) in
10 amount, or any construction management trade contracts or
11 subcontracts exceeding Fifty Thousand Dollars (\$50,000.00) in
12 amount, awarded by any public agency for the purpose of making any
13 public improvements or constructing any public building or making
14 repairs to or performing maintenance on the same except where the
15 improvements, construction of any building or repairs to the same
16 are improvements or buildings leased to a person or other legal
17 entity exclusively for private and not for public use and no public
18 tax revenues shall be expended on or for the contract unless the
19 public tax revenues used for the project are authorized by a
20 majority of the voters of the applicable public agency voting at an
21 election held for that purpose and the public tax revenues do not
22 exceed twenty-five percent (25%) of the total project cost. The
23 amount of public tax dollars committed to the project will not
24

1 exceed a fixed amount established by resolution of the governing
2 body prior to or concurrent with approval of the project;

3 ~~7.~~ 8. "Public improvement" means any beneficial or valuable
4 change or addition, betterment, enhancement or amelioration of or
5 upon any real property, or interest therein, belonging to a public
6 agency, intended to enhance its value, beauty or utility or to adapt
7 it to new or further purposes. The term does not include the direct
8 purchase of materials, equipment or supplies by a public agency, or
9 any personal property, including property as defined in paragraphs 1
10 and 4 of subsection B of Section 430.1 of Title 62 of the Oklahoma
11 Statutes;

12 ~~8.~~ 9. "Purchasing cooperative" means an association of public
13 entities working together to provide leverage in achieving best
14 value and/or the best terms in contracts awarded through a
15 competitive bidding process; and

16 ~~9.~~ 10. "Retainage" means the difference between the amount
17 earned by the contractor on a public construction contract, with the
18 work being accepted by the public agency, and the amount paid on
19 said contract by the public agency.

20 SECTION 2. AMENDATORY 61 O.S. 2011, Section 103, as last
21 amended by Section 2, Chapter 405, O.S.L. 2019 (61 O.S. Supp. 2020,
22 Section 103), is amended to read as follows:

23 Section 103. A. Unless otherwise provided by law, all public
24 construction contracts exceeding One Hundred Thousand Dollars

1 (\$100,000.00) or construction management trade contracts or
2 subcontracts exceeding Fifty Thousand Dollars (\$50,000.00) shall be
3 let and awarded to the lowest responsible bidder, by open
4 competitive bidding after solicitation for sealed bids, in
5 accordance with the provisions of the Public Competitive Bidding Act
6 of 1974. No work shall be commenced until a written contract is
7 executed and all required bonds and insurance have been provided by
8 the contractor to the awarding public agency.

9 B. Notwithstanding subsection A of this section, in awarding
10 public construction contracts exceeding One Hundred Thousand Dollars
11 (\$100,000.00) or construction management trade contracts or
12 subcontracts exceeding Fifty Thousand Dollars (\$50,000.00),
13 counties, cities, other local units of government and any public
14 trust with a county or a municipality as its sole beneficiary may
15 provide for a local bid preference of not more than five percent
16 (5%) of the bid price if the awarding public agency determines that
17 there is an economic benefit to the local area or economy.
18 Provided, however, the local bidder or contractor must agree to
19 perform the contract for the same price and terms as the bid
20 proposed by the nonlocal bidder or contractor. Any bid preference
21 granted hereunder must be in accordance with an established policy
22 adopted by the governing body of the awarding public agency to
23 clearly demonstrate the economic benefit to the local area or
24 economy. Provided, further, no local bid preference shall be

1 granted unless the local bidding entity is the second lowest
2 qualified bid on the contract. The bid specifications shall clearly
3 state that the bid is subject to a local bidder preference law. For
4 purposes of this section, "local bid" means the bidding person is
5 authorized to transact business in this state and maintains a bona
6 fide establishment for transacting such business within this state.
7 This provision does not apply to any construction contract for which
8 federal funds are available for expenditure when its provisions may
9 be in conflict with federal law or regulation.

10 C. Except as provided in subsection E of this section, other
11 construction contracts for the purpose of making any public
12 improvements or constructing any public building or making repairs
13 to the same for ~~Fifty Thousand Dollars (\$50,000.00)~~ One Hundred
14 Thousand Dollars (\$100,000.00) or less shall be let and awarded to
15 the lowest responsible bidder by receipt of written bids or awarded
16 on the basis of competitive quotes to the lowest responsible
17 qualified contractor. Work may be commenced in accordance with the
18 purchasing policies of the public agency.

19 D. Except as provided in subsection E of this section, other
20 construction contracts for less than ~~Five Thousand Dollars~~
21 ~~(\$5,000.00)~~ Ten Thousand Dollars (\$10,000.00) may be negotiated with
22 a qualified contractor. Work may be commenced in accordance with
23 the purchasing policies of the public agency.

24

1 E. The provisions of this subsection shall apply to public
2 construction for minor maintenance or minor repair work to public
3 school district property. Other construction contracts for less
4 than Twenty-five Thousand Dollars (\$25,000.00) may be negotiated
5 with a qualified contractor. Construction contracts equal to or
6 greater than ~~Twenty-five Thousand Dollars (\$25,000.00)~~ Fifty
7 Thousand Dollars (\$50,000.00) but less than ~~Fifty Thousand Dollars~~
8 ~~(\$50,000.00)~~ One Hundred Thousand Dollars (\$100,000.00) shall be let
9 and awarded to the lowest responsible bidder by receipt of written
10 bids. No work shall be commenced on any construction contract until
11 a written contract is executed and proof of insurance has been
12 provided by the contractor to the awarding public agency.

13 F. The Construction and Properties Division of the Office of
14 Management and Enterprise Services may award contracts using best
15 value competitive proposals. As used in this subsection, "best
16 value" means an optional contract award system which can evaluate
17 and rank submitted competitive performance proposals to identify the
18 proposal with the greatest value to the state. The Office of
19 Management and Enterprise Services, pursuant to the Administrative
20 Procedures Act, shall promulgate rules necessary to implement the
21 provisions of this subsection.

22 G. 1. A public agency shall not let or award a public
23 construction contract exceeding One Hundred Thousand Dollars
24 (\$100,000.00) or a construction management trade contract or

1 subcontract exceeding Fifty Thousand Dollars (\$50,000.00) to any
2 contractor affiliated with a purchasing cooperative unless the
3 purchasing cooperative and the contractor have complied with all of
4 the provisions of the Public Competitive Bidding Act of 1974,
5 including but not limited to open competitive bidding after
6 solicitation for sealed bids. A public agency shall not let or
7 award a public construction contract exceeding ~~Five Thousand Dollars~~
8 ~~(\$5,000.00)~~ Ten Thousand Dollars (\$10,000.00) up to ~~Fifty Thousand~~
9 ~~Dollars (\$50,000.00)~~ One Hundred Thousand Dollars (\$100,000.00) to
10 any contractor affiliated with a purchasing cooperative unless the
11 purchasing cooperative and the contractor have complied with all of
12 the provisions of the Public Competitive Bidding Act of 1974,
13 including submission of a written bid upon notice of competitive
14 bidding.

15 2. A purchasing cooperative and its affiliated contractors
16 shall not be allowed to bid on any public construction contract
17 exceeding One Hundred Thousand Dollars (\$100,000.00) or any
18 construction management trade contract or subcontract exceeding
19 Fifty Thousand Dollars (\$50,000.00) unless the purchasing
20 cooperative and its affiliated contractors have complied with all of
21 the provisions of the Public Competitive Bidding Act of 1974,
22 including but not limited to open competitive bidding after
23 solicitation for sealed bids. A purchasing cooperative and its
24 affiliated contractors shall not be allowed to bid on any public

1 construction contract exceeding ~~Two Thousand Five Hundred Dollars~~
2 ~~(\$2,500.00)~~ Five Thousand Dollars (\$5,000.00) unless the purchasing
3 cooperative and its affiliated contractors have complied with all of
4 the provisions of the Public Competitive Bidding Act of 1974,
5 including submission of a written bid upon notice of open
6 competitive bidding.

7 SECTION 3. AMENDATORY 61 O.S. 2011, Section 103.5, is
8 amended to read as follows:

9 Section 103.5 For purposes of the provisions of the Public
10 Competitive Bidding Act of 1974, contracts not exceeding ~~Fifty~~
11 ~~Thousand Dollars (\$50,000.00)~~ One Hundred Thousand Dollars
12 (\$100,000.00) entered into solely for right-of-way clearance by the
13 Transportation Commission and the Oklahoma Transportation Authority
14 for the exclusive purpose of demolition and removal of buildings,
15 foundations, slab floors, stem walls, steps, brush, shrubs,
16 brickbats or stone and all rubbish, scrap iron, fencing, and debris,
17 and the installation of new right-of-way fencing, shall not be
18 considered to be public construction contracts and shall not be
19 required to be open for competitive bidding.

20 SECTION 4. AMENDATORY Section 1, Chapter 288, O.S.L.
21 2014 (61 O.S. Supp. 2020, Section 103.7), is amended to read as
22 follows:

23 Section 103.7 For purposes of the provisions of the Public
24 Competitive Bidding Act of 1974, contracts entered into solely for

1 projects and activities by the Oklahoma Department of Wildlife
2 Conservation relating to fish and wildlife conservation shall be let
3 and awarded using the competitive bidding process as set forth in
4 the Public Competitive Bidding Act of 1974. However, for contracts
5 of ~~Twenty-five Thousand Dollars (\$25,000.00)~~ Fifty Thousand Dollars
6 (\$50,000.00) or less the Department may administer the competitive
7 bidding process and let and award the contract itself rather than
8 the Construction and Properties Division of the Office of Management
9 and Enterprise Services.

10 SECTION 5. AMENDATORY 61 O.S. 2011, Section 104, as last
11 amended by Section 1, Chapter 40, O.S.L. 2017 (61 O.S. Supp. 2020,
12 Section 104), is amended to read as follows:

13 Section 104. All proposals to award public construction
14 contracts shall be made equally and uniformly known by the awarding
15 public agency to all prospective bidders and the public in the
16 following manner:

17 1. Notice thereof shall be given by publication in a newspaper
18 of general circulation and published in the county where the work,
19 or the major part of it, is to be done, such notice by publication
20 to be published in two consecutive weekly issues of the newspaper,
21 with the first publication thereof to be at least twenty-one (21)
22 days prior to the date set for opening bids; and

23 2. Notice thereof shall be sent to one in-state trade or
24 construction publication for their use and information whenever the

1 estimated cost of the public construction contract exceeds One
2 Hundred Thousand Dollars (\$100,000.00) or the cost of the
3 construction management trade contract or subcontract exceeds Fifty
4 Thousand Dollars (\$50,000.00); provided, however, this section shall
5 not be construed to require the publication of the notice in such
6 trade or construction publication or the requirement to provide the
7 notice to more than one in-state trade or construction publication
8 or to any out-of-state trade or construction publications.

9 SECTION 6. AMENDATORY 61 O.S. 2011, Section 107, as
10 amended by Section 313, Chapter 304, O.S.L. 2012 (61 O.S. Supp.
11 2020, Section 107), is amended to read as follows:

12 Section 107. A. A bidder on a public construction contract
13 exceeding One Hundred Thousand Dollars (\$100,000.00) or a
14 construction management trade contract or subcontract exceeding
15 Fifty Thousand Dollars (\$50,000.00) shall accompany the bid with:

16 1. A certified check, cashier's check or bid bond equal to five
17 percent (5%) of the bid, which shall be deposited with the awarding
18 public agency as a guaranty; or

19 2. An irrevocable letter of credit containing terms the
20 Construction and Properties Division of the Office of Management and
21 Enterprise Services prescribes, issued by a financial institution
22 insured by the Federal Deposit Insurance Corporation or the Federal
23 Savings and Loan Insurance Corporation for the benefit of the state,
24 on behalf of the awarding public agency, in an amount equal to five

1 percent (5%) of the bid. The awarding public agency shall deposit
2 the irrevocable letter of credit with the Division.

3 B. The cost of republication of the notice to bidders, actual
4 expenses incurred by reason of the bidder's default and the
5 difference between the low bid of the defaulting bidder and the
6 amount of the bid of the bidder to whom the contract is subsequently
7 awarded, but not to exceed the amount of the certified check,
8 cashier's check, bid bond or irrevocable letter of credit may, at
9 the discretion of the awarding public agency, be forfeited to the
10 awarding public agency in the event the apparently successful bidder
11 fails to execute the contract or fails to provide the required bonds
12 or irrevocable letters of credit and insurance to the awarding
13 public agency.

14 C. The public agency shall, upon receipt of notice from the
15 awarding public agency, return a certified or cashier's check, bid
16 bond, or irrevocable letter of credit to the successful bidder on
17 execution and delivery of the contract and required bonds or
18 irrevocable letters of credit and insurance. Checks of unsuccessful
19 bidders shall be returned to them in accordance with the terms of
20 the bid solicitation.

21 D. Nothing contained herein shall be construed so as to prevent
22 the awarding public agency or the courts from exonerating the bidder
23 and other parties to the bid security document from liability upon a
24 timely showing that the bidder committed what the courts have

1 determined under the common law to be an excusable bidding error and
2 for that reason it would not be equitable to enforce the bid
3 security.

4 SECTION 7. AMENDATORY 61 O.S. 2011, Section 113, as last
5 amended by Section 3, Chapter 299, O.S.L. 2019 (61 O.S. Supp. 2020,
6 Section 113), is amended to read as follows:

7 Section 113. A. Except as otherwise provided by law, within
8 the period of time, not to exceed sixty (60) days, specified in the
9 bid notice by the awarding public agency, a contract embodying the
10 terms set forth in the bidding documents shall be executed by the
11 awarding public agency or, where construction management at-risk is
12 the project delivery method, by the construction manager and the
13 successful bidder. No bidder shall obtain any property right in a
14 contract awarded under the provisions of the Public Competitive
15 Bidding Act of 1974 until the contract has been fully executed by
16 both the bidder and the awarding public agency.

17 B. Except as otherwise provided by law, within the period of
18 time specified in subsection A of this section, the following shall
19 be provided by the contractor to the awarding public agency for
20 public construction contracts exceeding One Hundred Thousand Dollars
21 (\$100,000.00) or construction management trade contracts or
22 subcontracts exceeding Fifty Thousand Dollars (\$50,000.00):

23 1. A bond or irrevocable letter of credit complying with the
24 provisions of Section 1 of this title;

1 2. A bond in a sum equal to the contract price, with adequate
2 surety, or an irrevocable letter of credit containing terms
3 prescribed by the Construction and Properties Division of the Office
4 of Management and Enterprise Services issued by a financial
5 institution insured by the Federal Deposit Insurance Corporation or
6 the Federal Savings and Loan Insurance Corporation for the benefit
7 of the state, on behalf of the awarding public agency, in a sum
8 equal to the contract price, to ensure the proper and prompt
9 completion of the work in accordance with the provisions of the
10 contract and bidding documents;

11 3. A bond in a sum equal to the contract price or an
12 irrevocable letter of credit containing terms as prescribed by the
13 Division issued by a financial institution insured by the Federal
14 Deposit Insurance Corporation or the Federal Savings and Loan
15 Insurance Corporation for the benefit of the state, on behalf of the
16 awarding public agency, in a sum equal to the contract price, to
17 protect the awarding public agency against defective workmanship and
18 materials for a period of one (1) year after acceptance of the
19 project, except when the awarding public agency is the Department of
20 Transportation or the Oklahoma Turnpike Authority, in such case the
21 period shall be for one (1) year after project completion; and

22 4. Public liability and workers' compensation insurance during
23 construction in reasonable amounts. A public agency may require the
24 contractor to name the public agency and its architects or

1 engineers, or both, as an additional assured under the public
2 liability insurance, which requirement, if made, shall be
3 specifically set forth in the bidding documents.

4 C. A single irrevocable letter of credit may be used to satisfy
5 paragraphs 1, 2 and 3 of subsection B of this section, provided such
6 single irrevocable letter of credit meets all applicable
7 requirements of subsection B of this section.

8 If the contractor needs additional time in which to obtain the
9 bond required pursuant to subsection B of this section, the
10 contractor may request and the awarding agency may allow the
11 contractor an additional sixty (60) days in which to obtain the
12 bond.

13 D. 1. After the award of a contract, but prior to its
14 execution, an awarding public agency, upon discovery of an
15 administrative error in the award process that would void an
16 otherwise valid award, may suspend the time of execution of the
17 contract. The agency may rescind the award and readvertise for
18 bids, or may direct correction of the error and award the contract
19 to the lowest responsible bidder, whichever shall be in the best
20 interests of the state.

21 2. If the awarding public agency has a governing body, the
22 agency shall, at the next regularly scheduled public business
23 meeting of the governing body of the agency, upon the record,
24 present to the governing body that an error has been made in the

1 award process and shall state the nature of the error. The
2 governing body, upon presentation of the facts of the error, may
3 rescind the award and readvertise for bids, or may direct correction
4 of the error and award the contract to the lowest responsible
5 bidder, whichever shall be in the best interests of the state.

6 E. No public agency shall require for any public construction
7 project, nor shall any general contractor submit a project bid based
8 on acquiring or participating in, any wrap-up, wrap-around, or
9 controlled insurance program. For the purposes of this subsection,
10 "wrap-up, wrap-around, or controlled insurance program" means any
11 insurance program that has the effect of disabling or rendering
12 inapplicable any workers' compensation, commercial general
13 liability, builders' risk, completed operations, or excess liability
14 insurance coverage carried by a subcontractor that is engaged or to
15 be engaged on a public construction project unless this is a cost
16 savings to the public or the need exists for a specialized or
17 complex insurance program and shall not apply to contracts less than
18 Seventy-five Million Dollars (\$75,000,000.00).

19 F. This act shall not apply to the public construction projects
20 of constitutional agencies which had authorized a wrap-up, wrap-
21 around, or controlled insurance program on or before April 11, 2000.

22 SECTION 8. AMENDATORY 61 O.S. 2011, Section 119.1, is
23 amended to read as follows:

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1 Section 119.1 A. If no timely bid is received after bid
2 notices have been published on any proposed public construction
3 contract which does not exceed One Hundred Thousand Dollars
4 (\$100,000.00) or on any proposed construction management trade
5 contract or subcontract which does not exceed Fifty Thousand Dollars
6 (\$50,000.00) :

7 1. The governing body of a county, city, town or school
8 district may direct its employees or agents to negotiate the
9 contract with a prospective contractor; or

10 2. The state agency, as defined in Section 202 of this title,
11 shall request the State Construction Administrator of the
12 Construction and Properties Division to negotiate a contract on its
13 behalf.

14 B. The amount of a public construction contract which may be
15 awarded by the governing body pursuant to this section shall not
16 exceed One Hundred Thousand Dollars (\$100,000.00), nor shall the
17 amount of a construction management trade contract or subcontract
18 awarded by the governing body pursuant to this section exceed Fifty
19 Thousand Dollars (\$50,000.00), and the work to be performed shall be
20 as specified in the initial bidding documents. The contract shall
21 be executed within six (6) months after the date initially set for
22 opening of bids. The contract and contract procedure shall conform
23 to all other applicable provisions of the Public Competitive Bidding
24 Act of 1974.

1 SECTION 9. AMENDATORY 61 O.S. 2011, Section 130, as last
2 amended by Section 1, Chapter 293, O.S.L. 2016 (61 O.S. Supp. 2020,
3 Section 130), is amended to read as follows:

4 Section 130. A. The provisions of the Public Competitive
5 Bidding Act of 1974 with reference to notice and bids shall not
6 apply to an emergency if:

7 1. The governing body of a public agency declares by a two-
8 thirds (2/3) majority vote of all of the members of the governing
9 body that an emergency exists;

10 2. The Transportation Commission and the Oklahoma Tourism and
11 Recreation Commission, by majority vote of all the members of each
12 Commission, declare that an emergency exists; or

13 3. The chief administrative officer of a public agency without
14 a governing body declares that an emergency exists.

15 B. The governing body of a public agency may, upon approval of
16 two-thirds (2/3) majority of all of the members of the governing
17 body, delegate to the chief administrative officer of a public
18 agency the authority to declare an emergency whereby the provisions
19 of the Public Competitive Bidding Act of 1974 with reference to
20 notice and bids shall not apply to contracts less than ~~Seventy-five~~
21 ~~Thousand Dollars (\$75,000.00)~~ One Hundred Fifty Thousand Dollars
22 (\$150,000.00) in amount; provided, such authority of the Department
23 of Transportation and the Oklahoma Turnpike Authority shall not
24 extend to any contract exceeding Seven Hundred Fifty Thousand

1 Dollars (\$750,000.00) in amount and such authority of the Department
2 of Corrections shall not extend to any contract exceeding Two
3 Hundred Fifty Thousand Dollars (\$250,000.00) in amount for
4 situations in which the emergency impacts the conditions of
5 confinement, health and safety of correctional officers and inmates
6 in the custody of the Department of Corrections.

7 C. Upon approval of a two-thirds (2/3) majority vote, the
8 Oklahoma Conservation Commission may delegate to the Executive
9 Director the authority to declare an emergency and set a monetary
10 limit for the declaration. The provisions of this subsection may
11 only be used for the purpose of responding to an emergency involving
12 the reclamation of abandoned coal mines or the repair of damaged
13 upstream floodwater retarding structures.

14 D. An emergency declared by the Board of Corrections pursuant
15 to subsection C of Section 65 of this title shall exempt the
16 Department of Corrections from the limits which would otherwise be
17 imposed pursuant to subsection B of this section for the contracting
18 and construction of new or expanded correctional facilities.

19 E. The chief administrative officer of a public agency with a
20 governing body shall notify the governing body within ten (10) days
21 of the declaration of an emergency if the governing body did not
22 approve the emergency. The notification shall contain a statement
23 of the reasons for the action, and shall be recorded in the official
24 minutes of the governing body.

1 F. Emergency as used in this section shall be limited to
2 conditions resulting from a sudden unexpected happening or
3 unforeseen occurrence or condition whereby the public health or
4 safety is endangered.

5 G. The chief administrative officer of a public agency shall
6 report an emergency within ten (10) days of the emergency
7 declaration and include the official minutes of the governing body
8 of the public agency, if applicable, to the State Construction
9 Administrator of the Construction and Properties Division of the
10 Office of Management and Enterprise Services who shall compile an
11 annual report detailing all emergencies declared pursuant to this
12 section during the previous calendar year. The report shall be
13 submitted to the Governor, the President Pro Tempore of the Senate,
14 and the Speaker of the House of Representatives.

15 SECTION 10. This act shall become effective November 1, 2021.

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17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
18 02/10/2021 - DO PASS, As Coauthored.

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