

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 375

By: Frix

AS INTRODUCED

An Act relating to project solicitation; amending 69 O.S. 2021, Sections 708.1 and 708.2, which relate to definitions and solicitation to construction managers; updating statutory references; defining term; requiring certain disclosure related to construction inspectors; subjecting change in the selection of construction inspectors to certain approval; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 2021, Section 708.1, is amended to read as follows:

Section 708.1. As used in Sections 4 708.2 and 5 708.3 of this ~~act~~ title:

1. "Authority" means the Oklahoma Transportation Authority;

2. "Construction inspector" means an individual using engineering skills to determine structural soundness and compliance with specifications, building codes, and other regulations;

3. "Construction manager" means any individual, firm, corporation, association, partnership, copartnership, or any other legal entity possessing the qualifications to provide services of

1 construction management which include, but are not necessarily  
2 limited to, design review, scheduling, cost control, value  
3 engineering, constructability evaluation, preparation, and  
4 coordination of bid packages and construction administration;

5 ~~3.~~ 4. "Department" means the Department of Transportation;

6 ~~4.~~ 5. "Design consultant" means an individual or legal entity  
7 possessing the qualifications to provide licensed architectural,  
8 registered engineering, or registered land surveying services for  
9 the design of a transportation public work improvement project; and

10 ~~5.~~ 6. "Public work improvement" means any highway, bridge,  
11 street, sewer, pavement, waterline, sidewalk, or any other  
12 improvement to a transportation facility which is constructed,  
13 altered, or repaired, under contract with the Department or the  
14 Authority.

15 SECTION 2. AMENDATORY 69 O.S. 2021, Section 708.2, is  
16 amended to read as follows:

17 Section 708.2. A. The Department of Transportation and the  
18 Oklahoma Turnpike Authority shall each compile a list of all persons  
19 and entities interested in and capable of performing construction  
20 management and design consultant services specific to the  
21 transportation industry. The consultant list shall include, but  
22 shall not be limited to, qualified construction managers and design  
23 consultants capable of performing such services as solicited from  
24 the Office of Management and Enterprise Services file on an annual

1 basis. The Department and the Authority shall each determine the  
2 qualifications of the prospective construction managers and design  
3 consultants. The construction managers and design consultants shall  
4 be selected at the discretion of the Department or the Authority.

5 B. The Department or the Authority shall issue a solicitation  
6 to construction managers or design consultants capable of providing  
7 the services desired. The solicitation shall, at a minimum,  
8 contain:

9 1. A description and scope of the ~~projects~~ project;

10 2. An estimated construction cost, anticipated starting date,  
11 and completion date the Department or the Authority desires for the  
12 project;

13 3. A certification of funds available for the construction  
14 manager or design consultant fee, including federal, state, or other  
15 participation;

16 4. Information disclosing whether the project shall utilize a  
17 construction inspector and, if so, whether the construction  
18 inspector shall be an employee of the Department, the Authority, or  
19 an entity that provides construction inspector services, and the  
20 name of such entity;

21 5. The closing date for the construction manager or design  
22 consultant to give notice of interest; and

23 ~~5.~~ 6. Additional data the Department or the Authority requires  
24 from the construction manager or design consultant. The closing  
25

1 date for submission of construction manager or design consultant  
2 notice of interest for consideration shall be within thirty (30)  
3 days of the date the notice is issued by the Department or the  
4 Authority.

5 C. The Department or the Authority shall review the  
6 qualifications of the entities on the consultant list and shall  
7 select no less than three and no more than five consultants per  
8 contract for further consideration. The review shall include  
9 consideration of the following information:

- 10 1. Professional qualifications for the type of work  
11 contemplated;
- 12 2. Capacity for completing the project in the specified time  
13 period;
- 14 3. Past performance on projects of a similar nature; and
- 15 4. Percentage of work to be performed by residents of Oklahoma.

16 D. The Department and the Authority shall each establish a  
17 committee which will evaluate the construction managers or design  
18 consultants selected for consideration and rank the construction  
19 managers or design consultants in order of preference.

20 E. The Department or the Authority shall enter into  
21 negotiations with the first-choice consultant. If the Department or  
22 Authority and the first-choice consultant cannot reach an agreement,  
23 their negotiations shall be terminated and negotiations with the  
24 second-choice consultant shall commence. If the Department or the  
25

1 Authority and the second-choice consultant cannot reach an  
2 agreement, their negotiations shall be terminated and negotiations  
3 with the third-choice consultant shall commence. If the Department  
4 or the Authority and the third-choice consultant cannot reach an  
5 agreement, then all negotiations shall be terminated. Should the  
6 Department or the Authority be unable to negotiate a satisfactory  
7 contract with any of the three selected consultants, the Department  
8 or the Authority shall reevaluate the proposed work and send out a  
9 new notice.

10 F. As provided for in the Transportation Commission rules or by  
11 Authority resolutions, the Department or the Authority shall perform  
12 a written evaluation of the services provided by the consultant.  
13 This evaluation shall become a part of the Department's and the  
14 Authority's consultant file. Failure of the consultant to perform  
15 the prescribed work in a timely and accurate manner shall be grounds  
16 for exclusion from the list of qualified construction managers or  
17 design consultants until such time as the consultant can reasonably  
18 document and demonstrate performance improvement to the satisfaction  
19 of the Department or the Authority.

20 G. As provided for in the Transportation Commission rules or by  
21 Authority resolutions, the Department or the Authority may enter  
22 into demand services contracts for consultant services to provide a  
23 specific project work type or activity for unspecified projects or  
24 facilities on an as-needed basis. When soliciting and securing such  
25

1 services, the Department and the Authority shall utilize the  
2 procedure as set forth in this section.

3 H. Any change in the selection of the construction inspector of  
4 a project that would be contrary to the information disclosed in the  
5 solicitation for such project is subject to the approval of the  
6 Transportation Commission or the Oklahoma Turnpike Authority.

7 SECTION 3. This act shall become effective November 1, 2025.

8  
9 60-1-217 MSBB 1/14/2025 3:50:42 PM