



ROSENSTEIN, FIST & RINGOLD

RED BANNER UPDATE

Date: July 11, 2022

Re: HB 4080

Signed: May 9, 2022

Effective: November 1, 2022

Topic: **Changes to the Public Competitive Bidding Act of 1974**

Summary: House Bill 4080 (the “Bill”) amends numerous statutory sections within Title 61 of the Oklahoma Statutes, including several sections within the Competitive Bidding Act (the “Act”).

Revisions to the Competitive Bidding Act

Section 104 of the Act now requires a district to post notice to prospective bidders both electronically and by physical publication.

Section 105 will allow for bids to be submitted electronically and for the opening of sealed bids either in person or electronically.

Section 106 no longer contains language requiring the awarding agency to keep bidding documents on file in their main office. The bidding documents must still be made available to the public at least twenty (20) days prior to the date for the opening of bids, but an architect or construction manager could maintain the bidding documents in their office.

Section 110 is amended to clarify the requirements for opening of bids that are submitted electronically. Specifically, it states that “[e]lectronic bids may be opened in a public bid opening in the same way as for paper bids” but that “[a] public bid opening is not required for electronic bids if the awarding public agency electronically publishes the bids on its website at time of bid opening.”

Section 113 of the Act has been amended to no longer allow contractors to provide letters of credit to an awarding public agency. Instead, contractors are



only allowed to furnish a bond, or bonds, complying with the provisions of the Act.

Section 113.1 now contains new language stating that, once an awarding agency determines that a project has reached 50% completion, the retainage amount shall drop from 5 to 2.5% with respect to the remainder of the work. Another bill, Senate Bill 1520, has also been passed and modifies this same section. Its language varies slightly from the Bill, but the effect is essentially the same.

Section 130(F) of the Act now includes instances where “further damage to state property is likely if the situation is not addressed promptly” as falling within its definition of emergency.

For More Information

Please visit the firm’s website to view the signed Bill.

RFR attorneys are reviewing this legislation and will be advising clients as to any recommended changes to existing district policies.