

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1212

By: Hicks of the Senate

and

Strom of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to contracts for public buildings and
11 public works; defining terms; establishing state
12 entity contract requirements for certain goods or
13 equipment; requiring certain attestation; allowing
14 for certain exemption; providing for certain public
15 notice and comment; punishing certain violation;
16 clarifying application of certain requirements;
17 providing for codification; and providing an
18 effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 53 of Title 61, unless there is
22 created a duplication in numbering, reads as follows:

23 A. As used in this section:

24 1. "Manufactured or produced in the United States" means a
product that has all manufacturing processes occurring in the United
States. All components of the product must be of United States

1 origin. A component is considered to be a product of United States
2 origin if all of its manufacturing processes occur in the United
3 States, regardless of the origin of its subcomponents; and

4 2. "Public building or public work" means any structure,
5 building, highway, waterway, street, bridge, transit system,
6 airport, or other betterment, work, or improvement, whether of a
7 permanent or temporary nature and whether for governmental or
8 proprietary use. The term includes but is not limited to any
9 railway, street railway, subway, elevated and passenger and rail
10 rolling stock, self-propelled cars, gallery cars, locomotives,
11 passenger buses, wires, poles and equipment for electrification of a
12 transit system, rails, tracks, roadbeds, guideways, elevated
13 structures, buildings, schools, hospitals, stations, terminals,
14 docks, shelters, and repairs to any such public building or public
15 work.

16 B. Any agency or entity of this state, or any person making
17 purchases on behalf of such agency or entity, shall require any
18 contract for the construction, reconstruction, alteration, repair,
19 improvement, or maintenance of a public building or public work with
20 an estimated contract price exceeding One Hundred Thousand Dollars
21 (\$100,000.00), to state that all materials to be used in the
22 completion of such contract shall be manufactured or produced in the
23 United States. All solicitation documents for such contracts shall
24 clearly state such requirement. Any bid or proposal that does not

1 affirmatively attest that the bidder read and understood such
2 requirement shall not be considered by the agency or entity, or
3 person making purchases on behalf of such agency or entity.

4 C. An agency or entity of this state may submit a written
5 appeal to the State Purchasing Director to exempt a contract from
6 the requirements of subsection B of this section. The appeal shall
7 include information demonstrating that:

8 1. Such requirements are inconsistent with the public interest;

9 2. A particular material to be used in the completion of the
10 contract is not produced or manufactured in the United States in
11 sufficient and reasonably available quantities and with satisfactory
12 quality; or

13 3. Using materials produced or manufactured in the United
14 States shall increase the cost of construction, reconstruction,
15 alteration, repair, improvement, or maintenance of a public building
16 or public work by more than twenty-five percent (25%).

17 The State Purchasing Director shall give public notice of the
18 appeal upon its receipt in a manner that the State Purchasing
19 Director determines shall give adequate notice to the public and to
20 individuals, firms, or corporations that intend to submit or have
21 submitted bids or proposals for such contracts for public buildings
22 or public works. The State Purchasing Director shall allow seven
23 (7) calendar days for public comment on the appeal. If after the
24 public comment period the State Purchasing Director authorizes the

1 exemption of a contract from the requirements of subsection B of
2 this section, he or she shall provide public notice of the
3 authorization in the same method used to provide public notice of
4 the appeal.

5 D. A state agency or entity shall notify the State Purchasing
6 Director if it suspects an individual, firm, or corporation is
7 intentionally violating the requirements of subsection B of this
8 section. If the State Purchasing Director determines after a review
9 of the contract and the actions of the individual, firm, or
10 corporation that an intentional violation has taken place, the
11 individual, firm, or corporation shall be ineligible to, and shall
12 not, bid on a state contract for a period of five (5) years. Such
13 individual, firm, or corporation shall have the right to appeal the
14 decision of the State Purchasing Director to a court of competent
15 jurisdiction.

16 E. The provisions of this section shall not apply if a
17 reciprocal trade agreement or treaty has been negotiated by this
18 state or by the United States on behalf of or including this state
19 with a foreign nation or government for nondiscriminatory
20 governmental procurement practices or policies with such foreign
21 nation or government.

22 SECTION 2. This act shall become effective November 1, 2024.

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