

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3734

By: Moore

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6 AS INTRODUCED

7 An Act relating to public buildings and public works;  
8 amending 61 O.S. 2011, Section 1, as last amended by  
9 Section 302, Chapter 304, O.S.L. 2012 (61 O.S. Supp.  
10 2019, Section 1), which relates to bonds; directing  
Office of Management and Enterprise Services to  
create a contractor guarantee bond; and providing an  
effective date.

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

14 SECTION 1. AMENDATORY 61 O.S. 2011, Section 1, as last  
15 amended by Section 302, Chapter 304, O.S.L. 2012 (61 O.S. Supp.  
16 2019, Section 1), is amended to read as follows:

17 Section 1. A. Prior to an award of a contract exceeding Fifty  
18 Thousand Dollars (\$50,000.00) for construction or repair of a public  
19 or private building, structure, or improvement on public real  
20 property, the person that receives the award shall:

21 1. Furnish a bond with good and sufficient sureties payable to  
22 the state in a sum not less than the total sum of the contract; or

23 2. Cause an irrevocable letter of credit, containing terms the  
24 Office of Management and Enterprise Services prescribes, to be

1 issued for the benefit of the state by a financial institution  
2 insured by the Federal Deposit Insurance Corporation in a sum not  
3 less than the total sum of the contract.

4 B. The bond or irrevocable letter of credit shall ensure the  
5 proper and prompt completion of the work in accordance with the  
6 contract and shall ensure that the contractor shall pay all  
7 indebtedness the contractor incurs for the contractor's  
8 subcontractors and all suppliers of labor, material, rental of  
9 machinery or equipment, and repair of and parts for equipment the  
10 contract requires the contractor to furnish.

11 C. For a contract not exceeding Fifty Thousand Dollars  
12 (\$50,000.00), in lieu of a bond or irrevocable letter of credit, the  
13 contractor shall submit an affidavit of the payment of all  
14 indebtedness incurred by the contractor, the contractor's  
15 subcontractors, and all suppliers of labor, material, rented  
16 machinery or equipment, and repair of and parts for equipment used  
17 or consumed in the performance of the contract. The execution of  
18 the affidavit with knowledge that any of the contents of the  
19 affidavit are false, upon conviction, shall constitute perjury,  
20 punishable as provided for by law.

21 D. The Office of Management and Enterprise Services shall  
22 create a contractor guarantee bond that provides adequate bond  
23 protection for any construction or repair of a public or private  
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1 building or structure, or improvement on public real property using  
2 federal funds, disaster relief funds or any other public funds.

3 SECTION 2. This act shall become effective November 1, 2020.

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5 57-2-10679 LRB 1/09/20

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