

(Published in The Journal Record December 9, 2020)

ORDINANCE NO. 26,614

AN ORDINANCE RELATING TO BUSINESSES AND GENERAL SCHEDULE OF FEES; AMENDING CHAPTERS 13, 50 AND 60 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, BY AMENDING SECTION 13-401, PREQUALIFICATION REQUIRED, BY REPEALING SECTIONS 13-402 THROUGH 13-417, BY AMENDING SECTION 50-127, LICENSING OF PAVING CONTRACTORS, SECTION 50-136, SIDEWALK CONTRACTOR PREQUALIFICATION REQUIRED, SECTION 50-137, EXAMINATION-SIDEWALK CONTRACTORS, AND 50-140, EXPIRATION AND RENEWAL OF SIDEWALK CONTRACTOR'S PREQUALIFICATION LICENSE, BY REPEALING SECTIONS 50-138, 50-139, 50-141, 50-142 AND SECTIONS 50-151 THROUGH 50-153, BY AMENDING SECTION 60-13-61, PREQUALIFICATION FEE; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Sections 13-401 of Article XII of Chapter 13 of the Oklahoma City Municipal Code, 2020 is hereby amended to read as follows:

CHAPTER 13

BUSINESSES

ARTICLE XII PREQUALIFICATION AND CONTRACTORS' LICENSES

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§ 13-401. - Prequalification required.

- (a) Except as specifically provided in this Code, any person:
- (1) Bidding or performing work on a public construction contract;
 - (2) Engaging in work to provide a public improvement; or
 - (3) Engaging in work on public property, for which a prequalification class ~~or subclass~~ of such work has been established,
- must be prequalified by the Prequalification Review Board for that class ~~or subclass~~ of work, except that Class "D" contractors may be administratively prequalified by the Prequalification Review Board's designee.

(b) The City has established prequalification classes for the work as set forth by the Prequalification Review Board in Sections 13-403 through 13-409. The Prequalification Review Board may establish the qualification and requirements for such classes ~~and any subclasses~~ thereto established by the Prequalification Review Board. In addition, the Prequalification Review Board may revise and establish such other and additional prequalification classes ~~and subclasses~~ of work as it deems in the best interest of the City. Further, the Prequalification Review Board may designate prequalification classes Any adopted reference for prequalification classes and subclasses of work will be placed on file in the City Clerk's Office.

(c) Provided, however, prequalification is not required:

- (1) to bid on certain public construction contracts whenever prequalification is waived by the City in the specifications;
- (2) to work on public property or to contract or provide a public improvement whenever the person performing the work obtains the appropriate prequalification and provides the required insurance and bond as provided in this Code;
- (3) as outlined in the Prequalification Classification Categories as adapted by the Prequalification Review Board; or
- (4) as otherwise expressly provided in this Code.

(d) The Prequalification Review Board is directed and authorized to categorize and determine what types, kinds and nature of work shall be included in each of the classes and subclasses of work set forth in Subsection 13-401(b) above. The Prequalification Review Board shall establish policies and procedures for prequalification, including but not limited to investigation, review and consideration of applicants and applications and the granting, renewing, denying, suspending, limiting, conditioning and revoking prequalification. All policies and procedures established by the Prequalification Review Board shall be in accordance with its establishing resolution, adopted Prequalification, Classification Categories and this Code. The Prequalification Review Board shall establish an application form and such other forms and documents as it deems necessary.

(e) A condition of prequalification shall be the requirement that the applicant or prequalified person have an employee or employees, as determined by the Prequalification Review Board, obtain or possess such licenses and obtain all permits as may be required by this Code.

(f) Prequalification and renewal of any existing prequalification shall be for a period of one year from the determination of the Prequalification Review Board, or administrative approval of applicable Class "D" contractors. Provided however, should any prequalified person during the period of any prequalification seek to modify or amend the prequalification, the period of the amended prequalification shall be the remainder of the existing prequalification period and the period of the existing prequalification shall not be affected or extended by any such modification or amendment granted by the Prequalification Review Board.

SECTION 2. That Sections 13-402 through 13-417 of the Oklahoma City Municipal Code, 2020, are hereby repealed in their entirety.

SECTION 3. That Sections 50-127, 50-136, 50-137, 50-140 of Chapter 50 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

CHAPTER 50
STREETS AND SIDEWALKS
ARTICLE IV. Paving or Sidewalk Contractors

* * *

§ 50-127. - Licensing of paving contractors.

No person, firm or corporation, either as principal or agent, shall, in the City, carry on the business of contracting for paving or repairing the streets in any public right-of-way wherein the City presently maintains or will eventually assume maintenance responsibilities without first presenting an approved application for prequalification and paying in advance to the City Treasurer a prequalification license fee and by presenting the receipt for same to the City Clerk of said City, and procuring a prequalification license therefor; except that any person, firm or corporation, either as principal or agent, may carry on the business of paving or repairing driveways, parking setbacks, or other appurtenances without obtaining approval from the Prequalification Board but by having a ~~current sidewalk contractor~~ Paving contractor "D" prequalification license, filing of a sidewalk contractor's bond, and by complying with the remaining provisions of this article. The ADA certification will be effective for three years from the last day of the ADA certification class. The person making and signing the prequalification license application or renewal must have a current ADA certification at time of application and any renewal of the paving contractor's prequalification license and whenever engaging in sidewalk construction work. Additionally, ~~prequalification holder licensee~~ with a current ADA certification must be on site whenever sidewalk forms set, materials are poured or placed, and during City inspections.

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§ 50-136. - Sidewalk contractor prequalification license required.

No person shall engage in business as a sidewalk contractor without a prequalification license issued by the ~~Supervisor of Licenses~~ Prequalification Board. Any applicant for a sidewalk contractor's prequalification license must present proof of passing the sidewalk contractor's prequalification license exam(s), present a current ADA certification, present proper picture identification, file of the required sidewalk contractor's bond and paying to the City Treasurer the sidewalk contractor's prequalification license fee established in Chapter 60, the General Schedule of Fees. Any person not obtaining a prequalification license hereunder within 90 days of passing the field test must re-apply for a new sidewalk contractor's prequalification license, re-take and pass the sidewalk contractor examines, and comply with the remaining provisions of this article. The ADA certification will be effective for three years from the last

day of the ADA certification class. The prequalification holder license must have a current ADA certification at time of application and any renewal of the sidewalk contractor's prequalification license and whenever engaging in sidewalk construction work. Additionally, prequalification holder license with a current ADA certification must be on site whenever sidewalk forms set, materials are poured or placed, and during City inspections.

§ 50-137. - Examination—Sidewalk contractors.

(a) No person shall be issued a prequalification license pursuant to the provisions of this division unless he or she has a current ADA certification from a program approved by the City Engineer and passes an examination administered by the Board of Examiners of Sidewalk Contractors. Examinations will include a written examination and a subsequent field examination. Applicants for examination must bring and present proof of payment of the examination fee, proper picture identification, and a copy of current ADA Certification at the time of the written examination. Such examinations shall be uniform and must be conducted with regard to the practical knowledge of the applicant and his knowledge of the requirements and application of ordinances pertaining to his particular business or trade.

(b) A person taking such an examination shall pay to the City Treasurer the examination fees established in Chapter 60, the General Schedule of Fees.

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§ 50-140. - Expiration and renewal of sidewalk contractor's prequalification license.

(a) A prequalification license issued pursuant to the provisions of this division shall be for one year from issuance of the prequalification license and shall then expire ~~as provided in Section 26-11,~~ unless sooner suspended or revoked.

(b) Any prequalification licensed person may renew a sidewalk contractor's prequalification license prior to expiration of the current prequalification license without examination by presenting a current ADA certification, presenting proper picture identification, filing of the required sidewalk contractor's bond and paying to the City Treasurer the sidewalk contractor's prequalification license-renewal fee established in Chapter 60, the General Schedule of Fees. Renewed prequalification licenses will become effective on the day following the expiration of the prior prequalification license and shall be effective for one year. The ADA certification must be current at the time of renewal.

(c) Any person may renew an expired sidewalk contractor's prequalification license after expiration but within ninety days of the expiration date of the prequalification license without examination by presenting a current ADA certification, presenting proper picture identification, filing of the required sidewalk contractor's bond and paying to the City Treasurer the sidewalk contractor's prequalification license late renewal fee established in Chapter 60, the General Schedule of Fees. Renewed prequalification licenses will become effective on the day following the expiration of the prior prequalification license and shall be effective for one year. The ADA Certificate must be current at the time of the renewal.

(d) Any person not renewing an expired sidewalk contractor's prequalification ~~license~~ within ninety days after the expiration of the current prequalification ~~license~~ must re-apply for a new sidewalk contractor's prequalification ~~license~~, re-take and pass the sidewalk contractor examinations, present a current ADA certification, present proper picture identification, file of the required sidewalk contractor's bond, and pay to the City Treasurer the examination fees and sidewalk contractor's prequalification ~~license~~ fees established in Chapter 60, the General Schedule of Fees.

* * *

SECTION 4. That Sections 50-138, 50-139, 50-141, 50-142, and 50-151 through 50-153 of the Oklahoma City Municipal Code, 2020, are hereby repealed in their entirety.

SECTION 5. That Section 60-13-61 of Article XII of Title 13 of Chapter 60 of the Oklahoma City Municipal Code, 2020, is hereby amended to read as follows:

CHAPTER 60
GENERAL SCHEDULE OF FEES
TITLE 13. BUSINESSES
ARTICLE XII. PREQUALIFICATION AND CONTRACTOR'S LICENSES

* * *

§ 60-13-61. - Prequalification fee.

(a) Prequalification fee for prequalification classes identified in the Prequalification Classification Categories in Sections 13-402 through 13-416 and any subclasses and revised, other and additional classes and subclasses ~~as~~ established or revised by the Prequalification Review Board:

(1) ~~person with a business address and yard within a 40 mile radius of the office of the City Engineer, 420 West Main Street, Oklahoma City, Oklahoma, fee~~\$360.00

(2) ~~person with a business address and a yard within the State of Oklahoma but a business address or a yard outside the 40 mile radius listed in Subsection 60-13-60(a) above, fee~~\$470.00

(3) ~~person with a business address or yard outside the State of Oklahoma, fee~~\$1,480.00

(1) Person with a business address and yard within a 40 mile radius of the office of the City Engineer, 420 West Main Street, Oklahoma City, Oklahoma, fee \$360.00.

(2) Person with a business address and a yard within the State of Oklahoma but a business address or a yard outside the 40 mile radius listed in Subsection 60-13-60(a) above, fee \$470.00.

(3) Person applying for with a business address or yard outside the State of Oklahoma, fee \$1,480.00.

(4) Paving Class "D" fees:

(a) Prequalification, annual \$ 75.00.

(b) Renewal, before expiration of current license \$75.00.

(c) Renewal, after expiration, but within 90-days of expiration \$150.00.

(d) Written test fee \$ 50.00.

Applicants failing or otherwise required to take a re-test must pay a re-test fee equal to the fee for that test stated above.

(b) Provided, however, the prequalification fee:

~~(1) Paid between effective date of ordinance and June 30, 2019, inclusive, fees shall be assessed and collected at 100 percent of the rate shown in the above Prequalification Fee schedule.~~

~~(2) Paid thereafter (on or after June 30, 2019), prequalification fees will be assessed and collected based upon the prequalification fee rate as will be adjusted on July 1, 2019, and annually on July 1 of each year thereafter, in accordance with the following formula rounded up to the nearest full cent:~~

identified above in subsections (a)(1-3) will be adjusted annually and effective each July 1 for payments received that day or thereafter. The annual fee adjustment schedule will be published by the Public Works Director, or designee and be calculated to the nearest full cent in accordance with the below formula:

$$\text{Fee} = (R) (Y / Z)$$

Where:

R = the current year's applicable prequalification fee rate in the table above published by the Public Works Director or designee.

Y = "Consumer Price Index-U": Consumer Price Index-U- All Items (Seasonally Adjusted) as published for May the last week of June of the most current year.

Z = "June 2018 Consumer Price Index-U": Consumer Price Index-U- All Items (Seasonally Adjusted) as published for May of the previous year-the last week of June of 2018 being +.2% (+.0002).

(3) Public Works Director will present to the Prequalification Review Board at a public meeting an annual report on prequalification fee funds and an annual report on the prequalification fee rate adjustment.

(c) Definitions. As relates to 60-13-61 the following terms and phrases have the meaning below:

(1) A "business address" as the term is used herein shall mean a place of business staffed with competent personnel from which all work for which prequalification is required shall be administrated, managed and coordinated. A post office box shall not be considered a business address.

(2) A "yard" as the term is used herein shall mean the place furthest from the City Engineer's office: where any equipment referenced in the prequalification application is located for from which any off-site work and any off site materials shall be stored, for work for which prequalification is required.

(3) The "business address" and the "yard" must be in existence and use at the time the application is made.

(d) Should an applicant apply to be prequalified in more than one class or subclass on a single application form, then a single fee shall be paid which fee shall be the highest fee of all classes and subclasses on said subject application.

SECTION 6. **EFFECTIVE DATE.** This ordinance shall become effective January 8, 2021.

INTRODUCED AND READ in open meeting of the Council of The City of Oklahoma City, Oklahoma, this 10th day of November, 2020.

PASSED by the Mayor of The City of Oklahoma City, Oklahoma, this _____ day of _____, 2020.

SIGNED by the Mayor of The City of Oklahoma City, Oklahoma, on this 8th day of
December, 2020.

ATTEST: (seal)

Annen Kerry
CITY CLERK



David Holt
MAYOR

REVIEWED for form and legality.

Clayton Keith
Assistant Municipal Counselor