

HOUSE AMENDMENTS TO HOUSE BILL 2140

By COMMITTEE ON BUSINESS AND LABOR

May 9

- 1 On page 1 of the printed bill, line 3, after “279B.050,” insert “279B.080.”
- 2 On page 3, line 26, delete “a contract for”.
- 3 On page 7, line 2, delete “A federally recognized” and insert “An American” and after “tribe”
- 4 insert “or an agency of an American Indian tribe”.
- 5 Delete lines 4 through 6 and insert:
- 6 “(H) An intergovernmental entity formed between or among:
- 7 “(i) Governmental bodies of this or another state;
- 8 “(ii) The federal government;
- 9 “(iii) An American Indian tribe or an agency of an American Indian tribe;
- 10 “(iv) A nation other than the United States; or
- 11 “(v) A governmental body in a nation other than the United States.
- 12 “(b) Agreements authorized by ORS chapter 190 or by a statute, charter provision, ordinance
- 13 or other authority for establishing agreements between or among governmental bodies or agencies
- 14 or tribal governing bodies or agencies;”.
- 15 In line 7, delete “(b)” and insert “(c)”.
- 16 In lines 8 and 9, delete the boldfaced material.
- 17 In line 10, delete “(c)” and insert “(d)”.
- 18 In line 11, delete “(d)” and insert “(e)”.
- 19 In line 14, delete “(e)” and insert “(f)”.
- 20 In line 15, delete “(f)” and insert “(g)”.
- 21 In line 17, delete “(g)” and insert “(h)”.
- 22 In line 18, delete “(h)” and insert “(i)”.
- 23 In line 19, delete “(i)” and insert “(j)”.
- 24 In line 21, delete “(j)” and insert “(k)”.
- 25 In line 23, delete “(k)” and insert “(L)”.
- 26 In line 25, delete “(L)” and insert “(m)”.
- 27 In line 27, delete “(m)” and insert “(n)”.
- 28 In line 29, delete “(n)” and insert “(o)”.
- 29 In line 32, delete “(o)” and insert “(p)”.
- 30 In line 40, delete “(p)” and insert “(q)”.
- 31 On page 8, line 7, delete “(q)” and insert “(r)”.
- 32 In line 9, delete “(r)” and insert “(s)”.
- 33 On page 9, delete lines 14 and 15 and insert:
- 34 “(6) The state agencies listed in this subsection have all the authority to do the following in
- 35 accordance with the Public Contracting Code:”.

1 Delete lines 22 through 24 and insert:

2 “(b) The State Department of Fish and Wildlife to procure or supervise the procurement of
3 construction materials, equipment, supplies, services and personal services for public improvements,
4 public works or ordinary construction described in ORS 279C.320 that is subject to the authority
5 of the State Department of Fish and Wildlife;”.

6 Delete lines 27 through 29 and insert:

7 “(d) The Oregon Department of Aviation to procure or supervise the procurement of con-
8 struction materials, equipment, supplies, services and personal services for public improvements,
9 public works or ordinary construction described in ORS 279C.320 that is subject to the authority
10 of the Oregon Department of Aviation;”.

11 In line 36, restore “, services and personal services” and delete “and services” and delete “(n)”
12 and insert “(o)”.

13 Delete lines 37 and 38 and insert:

14 “(g) The Department of Corrections to procure or supervise the procurement of construction
15 materials, equipment, supplies, services and personal services for public improvements, public works
16 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Depart-
17 ment of Corrections;”.

18 In line 44, delete “and”.

19 After line 44, insert:

20 “(j) The Oregon Military Department to procure or supervise the procurement of construction
21 materials, equipment, supplies, services and personal services for public improvements, public works
22 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon
23 Military Department; and”

24 In line 45, restore “(k)” and delete “(j)” and delete “make procurements” and insert “conduct a
25 procurement”.

26 On page 10, after line 1, insert:

27 “(7) Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon Department
28 of Administrative Services has exclusive authority to procure or supervise the procurement of all
29 state agency information technology contracts and all price agreements on behalf of the state
30 agencies identified in subsection (6)(a) to (j) of this section under which more than one state agency
31 may order goods, services or personal services unless the director delegates this authority. This
32 subsection does not apply to contracts under which the contractor delivers to the state agency in-
33 formation technology products or services incidental to the performance of personal services con-
34 tracts described in ORS chapter 279C or construction contracts described in ORS chapter 279C. A
35 state agency identified in subsection (3) or (6)(a) to (j) of this section may not establish a price
36 agreement or enter into a contract for goods, services or personal services without the approval of
37 the director if the director has established a price agreement for the goods, services or personal
38 services.”.

39 In line 4, delete the second “contracting agency” and insert “governmental body in this state
40 or in another jurisdiction”.

41 In line 5, after “for” insert “the”.

42 In line 7, delete “by or” and delete “one or”.

43 In line 8, delete “contracting agencies” and insert “than one governmental body”.

44 In line 10, after “formed” insert “among only governmental bodies” and after “190” delete the
45 rest of the line and insert “or by a statute, charter provision, ordinance or other authority for es-

1 tablishing agreements between or among governmental bodies or agencies or tribal governing bodies
2 or agencies.”.

3 In line 11, delete “contracting agencies” and insert “governmental bodies”.

4 In line 16, delete “agencies” and insert “governmental bodies”.

5 In line 18, delete “contracting agencies” and insert “governmental bodies” and delete
6 “agencies” and insert “bodies”.

7 In line 24, delete the second “contracting agency” and insert “governmental body”.

8 On page 11, after line 34, insert:

9 “**SECTION 6a.** ORS 279B.080 is amended to read:

10 “279B.080. (1) The head of a contracting agency, or a person designated under ORS 279A.075,
11 may make or authorize others to make emergency procurements of goods or services in an emer-
12 gency. The contracting agency shall document the nature of the emergency and describe the method
13 used for the selection of the particular contractor.

14 “(2) **For an emergency procurement of construction services that are not public im-**
15 **provements, the contracting agency shall ensure competition for a contract for the emer-**
16 **gency work that is reasonable and appropriate under the emergency circumstances. In**
17 **conducting the procurement, the contracting agency shall set a solicitation time period that**
18 **the contracting agency determines to be reasonable under the emergency circumstances and**
19 **may issue written or oral requests for offers or make direct appointments without competi-**
20 **tion in cases of extreme necessity.”.**

21 On page 18, line 13, restore “will” and delete “is reasonably” and insert “likely”.

22 In line 14, delete “expected to” and after the second “agency” insert “based upon the justifica-
23 tion and information described in ORS 279C.330”.

24 On page 20, line 15, restore “will” and delete “is reasonably” and insert “likely”.

25 In line 16, delete “expected to” and after the second “agency” insert “based upon the justifica-
26 tion and information described in ORS 279C.330”.

27 On page 22, line 22, restore “will” and delete “is reasonably” and insert “likely”.

28 In line 23, delete “expected to” and after the second “agency” insert “based upon the justifica-
29 tion and information described in ORS 279C.330”.