

A-Engrossed
House Bill 2264

Ordered by the House April 19
Including House Amendments dated April 19

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Superintendent of Public Instruction Susan Castillo for Department of Education)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Exempts State Board of Education, Department of Education and Superintendent of Public Instruction from Public Contracting Code.]

Provides that Department of Education, subject to specified state laws and federal No Child Left Behind Act, is subject to Public Contracting Code in course of procurement or supervision of procurement of goods, services, personal services and information technology relating to student assessment.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public contracting by education entities; creating new provisions; amending ORS
3 279A.050; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 279A.050 is amended to read:

6 279A.050. (1) Except as otherwise provided in the Public Contracting Code, a contracting agency
7 shall exercise all rights, powers and authority in accordance with the provisions of the Public
8 Contracting Code.

9 (2) Except as otherwise provided in the Public Contracting Code, for state agencies the Director
10 of the Oregon Department of Administrative Services has all of the rights, powers and authority
11 necessary to carry out the provisions of the Public Contracting Code.

12 (3) Except as otherwise provided in the Public Contracting Code, the Director of Transportation
13 has all of the rights, powers and authority to:

14 (a) Procure or supervise the procurement of all services and personal services to construct, ac-
15 quire, plan, design, maintain and operate passenger terminal facilities and motor vehicle parking
16 facilities in connection with any public transportation system in accordance with ORS 184.689 (5);

17 (b) Procure or supervise the procurement of all goods, services, public improvements and per-
18 sonal services relating to the operation, maintenance or construction of highways, bridges and other
19 transportation facilities that are subject to the authority of the Department of Transportation; and

20 (c) Establish standards for, prescribe forms for and conduct the prequalification of prospective
21 bidders on public improvement contracts related to the operation, maintenance or construction of
22 highways, bridges and other transportation facilities that are subject to the authority of the De-
23 partment of Transportation.

24 (4) Except as otherwise provided in the Public Contracting Code, the Secretary of State has all
25 of the rights, powers and authority to procure or supervise the procurement of goods, services and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 personal services related to programs under the direct authority of the Secretary of State.

2 (5) Except as otherwise provided in the Public Contracting Code, the State Treasurer has all
3 of the rights, powers and authority to procure or supervise the procurement of goods, services and
4 personal services related to programs under the authority of the State Treasurer.

5 (6) The following specific limited authorities are subject to the provisions of the Public Con-
6 tracting Code:

7 (a) The Department of Human Services to procure or supervise the procurement of goods, ser-
8 vices and personal services for the construction, demolition, exchange, maintenance, operation and
9 equipping of housing:

10 (A) For the chronically mentally ill, subject to applicable provisions of ORS 426.504; and

11 (B) For the purpose of providing care to individuals with mental retardation or other develop-
12 mental disabilities, subject to applicable provisions of ORS 427.335;

13 (b) The State Department of Fish and Wildlife to procure or supervise the procurement of all
14 goods, services, public improvements and personal services relating to dams, fishways, ponds and
15 related fish and game propagation facilities;

16 (c) The State Parks and Recreation Department to procure or supervise the procurement of all
17 goods, services, public improvements and personal services relating to state parks;

18 (d) The Oregon Department of Aviation to procure or supervise the procurement of all goods,
19 services, public improvements and personal services related to airports owned or operated by the
20 state;

21 (e) The Economic and Community Development Department to procure or supervise the pro-
22 curement of all goods, services, personal services and public improvements related to its foreign
23 trade offices operating outside the state;

24 (f) The Attorney General to enter into contracts as necessary to exercise the authority granted
25 in ORS chapter 180;

26 (g) The Housing and Community Services Department to procure or supervise the procurement
27 of goods, services and personal services;

28 (h) The Department of Corrections to procure or supervise the procurement of goods, services
29 and personal services for the construction of all new buildings or additions for its institutions;

30 (i) The Department of Corrections, subject to any applicable provisions of ORS 279A.120,
31 279A.125, 279A.145 and 283.110 to 283.395, to procure or supervise the procurement of goods for its
32 institutions;

33 (j) The Department of Veterans' Affairs to procure or supervise the procurement of real estate
34 broker and principal real estate broker services related to programs under the department's au-
35 thority; *[and]*

36 **(k) The Department of Education, subject to any applicable provisions of ORS 329.075,**
37 **329.085 and 329.485 and the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat.**
38 **1425), to procure or supervise the procurement of goods, services, personal services and in-**
39 **formation technology relating to student assessment; and**

40 *[(k)]* (L) Any state agency to make procurements when the agency is specifically authorized by
41 any provision of law other than the Public Contracting Code to enter into a contract.

42 **SECTION 2. The amendments to ORS 279A.050 by section 1 of this 2007 Act apply to**
43 **contracts entered into on or after the effective date of this 2007 Act.**

44 **SECTION 3. This 2007 Act being necessary for the immediate preservation of the public**
45 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**

1 **on its passage.**

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