

HOUSE AMENDMENTS TO HOUSE BILL 2776

By COMMITTEE ON CONSUMER PROTECTION

April 30

1 On page 1 of the printed bill, line 3, after “ORS” insert “279C.830 and”.

2 In line 6, delete “or (8)” and insert “, (8) or (9)”.

3 In line 21, after “(7)” insert “or (8)”.

4 On page 2, line 3, delete “five” and insert “four”.

5 In line 13, delete “five” and insert “four”.

6 After line 16, insert:

7 “(8) A contractor or subcontractor may elect not to file a public works bond as required under
8 subsection (1) of this section for any public works project for which the contract price does not
9 exceed \$100,000.”.

10 In line 17, delete “(8)” and insert “(9)”.

11 In line 21, delete “(9)” and insert “(10)”.

12 In line 25, delete “(10)” and insert “(11)”.

13 Delete lines 27 and 28 and insert:

14 “**SECTION 2.** ORS 279C.830 is amended to read:

15 “279C.830. (1)(a) The specifications for every contract for public works shall contain a provision
16 stating the existing state prevailing rate of wage and, if applicable, the federal prevailing rate of
17 wage required under the Davis-Bacon Act (40 U.S.C. 276a) that may be paid to workers in each trade
18 or occupation required for the public works employed in the performance of the contract either by
19 the contractor or subcontractor or other person doing or contracting to do the whole or any part
20 of the work contemplated by the contract.

21 “(b) If a public agency is required under paragraph (a) of this subsection to include the state
22 and federal prevailing rates of wage in the specifications, the public agency also shall include in the
23 specifications information showing which prevailing rate of wage is higher for workers in each trade
24 or occupation in each locality, as determined by the Commissioner of the Bureau of Labor and In-
25 dustries under ORS 279C.815 (2)(b).

26 “(c) Every contract and subcontract shall contain a provision that the workers shall be paid not
27 less than the specified minimum hourly rate of wage in accordance with ORS 279C.838.

28 “(2) The specifications for every contract for public works between a public agency and a con-
29 tractor shall contain a provision stating that a fee is required to be paid to the Commissioner of the
30 Bureau of Labor and Industries as provided in ORS 279C.825 (1). The contract shall contain a pro-
31 vision that the fee shall be paid to the commissioner under the administrative rule of the commis-
32 sioner.

33 “(3) The specifications for every contract for public works shall contain a provision stating that
34 the contractor and every subcontractor must have a public works bond filed with the Construction
35 Contractors Board before starting work on the project, unless exempt under ORS 279C.836 (7), [or]

1 (8) **or** (9). Every contract awarded by a contracting agency shall contain a provision requiring the
2 contractor:

3 “(a) To have a public works bond filed with the Construction Contractors Board before starting
4 work on the project, unless exempt under ORS 279C.836 (7), [*or*] (8) **or** (9).

5 “(b) To include in every subcontract a provision requiring the subcontractor to have a public
6 works bond filed with the Construction Contractors Board before starting work on the project, un-
7 less exempt under ORS 279C.836 (7), [*or*] (8) **or** (9).

8 **“SECTION 3. The amendments to ORS 279C.830 and 279C.836 by sections 1 and 2 of this**
9 **2007 Act apply to business enterprises certified before, on or after the effective date of this**
10 **2007 Act and to contracts for projects first advertised, or if not advertised then entered into,**
11 **on or after the effective date of this 2007 Act.”.**

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