

# House Bill 3055

Sponsored by Representative SHIELDS

## 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 **as introduced**.

Permits public contracting agencies to enter into indefinite quantity contracts for architectural, engineering, land surveying and related services.

## A BILL FOR AN ACT

1 Relating to public contracts for indefinite quantities of personal services.

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

3 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 279C.100 to**  
4 **279C.125.**

5 **SECTION 2. (1) As used in this section, "indefinite quantity contract" means a personal**  
6 **services contract:**

7 **(a) For an indefinite quantity, within stated limits, of personal services during a fixed**  
8 **duration;**

9 **(b) In which the contracting agency places orders for individual requirements; and**

10 **(c) In which quantity limits may be stated as dollar values.**

11 **(2) Subject to ORS 279C.105, a contracting agency may use an indefinite quantity contract**  
12 **when the contracting agency cannot predetermine, above a specified minimum, the precise**  
13 **quantities of personal services that the contracting agency may require over the duration**  
14 **of the contract, and when it is inadvisable for the contracting agency to commit itself for**  
15 **more than a minimum quantity.**

16 **(3) A contracting agency may use an indefinite quantity contract only when a recurring**  
17 **need is anticipated.**

18 **(4) An indefinite quantity contract must require the contracting agency to order and the**  
19 **contractor to furnish at least a stated minimum quantity of personal services. In addition,**  
20 **if ordered, the contractor shall furnish any additional quantities, not to exceed the stated**  
21 **maximum. The contracting agency shall establish a reasonable maximum quantity based on**  
22 **market research, trends on recent contracts for similar personal services, surveys of po-**  
23 **tential users or any other rational basis.**

24 **(5) To ensure that an indefinite quantity contract is binding, the minimum quantity must**  
25 **be more than a nominal quantity, but the minimum quantity may not exceed the amount**  
26 **that the contracting agency is reasonably certain to order.**

27 **(6) An indefinite quantity contract may specify maximum or minimum quantities that the**  
28 **contracting agency may order under each task or delivery order, and the maximum quantity**  
29 **that the contracting agency may order within a specific period of time.**

30 **(7) A solicitation and contract for an indefinite quantity of personal services must:**  
31

**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       **(a) Specify the duration of the indefinite quantity contract, including the number of**  
2 **options and the period for which the contracting agency may extend the contract under each**  
3 **option;**

4       **(b) Specify that the duration of the indefinite quantity contract is measured beginning**  
5 **on the date of the first order for personal services under the contract;**

6       **(c) Specify the total minimum and maximum quantity of personal services the contract-**  
7 **ing agency may require under the indefinite quantity contract;**

8       **(d) Include a statement of work, specifications or other description that reasonably de-**  
9 **scribes the general scope, nature, complexity and purpose of the personal services the con-**  
10 **tracting agency may require under the indefinite quantity contract in a manner that enables**  
11 **a prospective offeror to decide whether to submit an offer;**

12       **(e) Specify that the contracting agency will select contractors according to the proce-**  
13 **dures described in ORS 279C.100 to 279C.125;**

14       **(f) State the procedures that the contracting agency may use in issuing orders under the**  
15 **indefinite quantity contract, including the type of ordering media, and, if multiple awards**  
16 **may be made, state the procedures and selection criteria that the contracting agency may**  
17 **use to provide awardees a reasonable opportunity to be considered for each order; and**

18       **(g) Include authorization for placing oral orders under the indefinite quantity contract,**  
19 **if appropriate, provided that oral orders are confirmed in writing.**

20