

Senate Bill 201

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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**.

Makes findings concerning use of Oregon workers to perform services contracted for by state agencies. Requires state contracting agencies to award state contracts for services in accordance with procedures that promote investment of state funds in jobs and economy of Oregon and United States. Requires proposer submitting proposal on state contract for services to disclose personnel deployment plan. Provides exceptions. Requires Oregon Department of Administrative Services to adopt rules.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to state contracting for services in Oregon; and declaring an emergency.

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

3 **SECTION 1. Sections 2 to 5 of this 2007 Act are added to and made a part of ORS chapter**
4 **279B.**

5 **SECTION 2. The Legislative Assembly finds and declares that:**

6 **(1) Workers who perform services in Oregon pay income taxes to the state. Employers**
7 **who do business in Oregon pay corporate excise taxes to the state. Workers and employers**
8 **tend to meet their personal and business needs through expenditures in the communities**
9 **where they work, further promoting the economic vitality of Oregon.**

10 **(2) Creation and retention of gainful employment performed in Oregon reduces the bur-**
11 **den on the state to provide unemployment benefits, medical benefits, employment assistance**
12 **and other taxpayer-funded assistance.**

13 **(3) Under ORS 279A.015, meaningful competition for public contracts may be obtained by**
14 **evaluation of performance factors and other aspects of service and product quality, as well**
15 **as pricing, in arriving at the best value to the state. The best value to the state is derived**
16 **not only through effective and efficient contracting practices, but also through the employ-**
17 **ment of Oregon residents and increased economic vitality within the state.**

18 **(4) Oregon citizens and taxpayers expect contracting agencies to operate in an econom-**
19 **ical and sustainable manner that keeps tax dollars in the economic community that gener-**
20 **ated those dollars, thus ensuring that those dollars continue contributing to economic**
21 **activity and job creation. The state should acknowledge the contributions and investments**
22 **that Oregon workers and businesses make to Oregon and the benefits that work performed**
23 **in Oregon confers on the state by requiring contracting agencies to consider these contri-**
24 **butions, investments and benefits when awarding public contracts for services.**

25 **SECTION 3. To the extent permitted by state and federal law, state contracting agencies**
26 **shall solicit and award public contracts for services in accordance with procedures that**
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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 promote the investment of state contract funds in the jobs and economy of Oregon and the
2 United States.

3 **SECTION 4.** (1) In a request for proposals issued under ORS 279B.060 for a public con-
4 tract for services, a state contracting agency shall include:

5 (a) A clause that requires a proposer to disclose in the proposal the personnel deployment
6 plan, described in subsection (2) of this section, that the proposer intends follow in per-
7 forming the contract; and

8 (b) A clause stating that the personnel deployment plan will be a factor used by the
9 agency to evaluate proposals.

10 (2) In the disclosure of a personnel deployment plan, a proposer shall certify:

11 (a) The number of workers the proposer plans to deploy directly and through first-tier
12 subcontractors to perform work directly required by the contract; and

13 (b) The minimum number of workers that the proposer will employ in Oregon.

14 (3) When evaluating proposals under ORS 279B.060 (10), a state contracting agency shall
15 reject a proposal that does not include a personnel deployment plan.

16 (4) Notwithstanding subsections (1) to (3) of this section, a state contracting agency may
17 exempt a request for proposals and the proposals from the requirements of subsections (1)
18 to (3) of this section if the agency determines in writing that:

19 (a) Applying the requirements would conflict with applicable grant conditions or other
20 restrictions imposed by the funding source;

21 (b) The services required by the agency cannot reasonably be performed in Oregon or
22 cannot be performed in Oregon in quantities or within delivery times that are reasonably
23 useful or usable by the agency;

24 (c) Applying the requirements would, according to relevant legal authority, be in conflict
25 with or not permitted under applicable federal law, treaties or regulations;

26 (d) All services to be performed under the contract must, by their nature, physically be
27 performed within Oregon; or

28 (e) The requirements would, because of exceptional circumstances, be in conflict with the
29 needs of the agency.

30 (5) State contracting agencies shall report exemptions allowed under subsection (4) of
31 this section to the Oregon Department of Administrative Services. The department shall
32 maintain a list of exemptions and make the list available to the public.

33 **SECTION 5.** The Oregon Department of Administrative Services shall adopt rules:

34 (1) For evaluating personnel deployment plans as required in proposals for public con-
35 tracts for services that are subject to section 4 (1) of this 2007 Act; and

36 (2) For reporting and listing exemptions allowed under section 4 (4) of this 2007 Act.

37 **SECTION 6.** Sections 2 to 5 of this 2007 Act apply only to public contracts for services
38 advertised, but if not advertised then entered into, on or after January 1, 2008.

39 **SECTION 7.** (1) Sections 2 to 5 of this 2007 Act become operative on January 1, 2008.

40 (2) The Oregon Department of Administrative Services may take any action before the
41 operative date of sections 2 to 5 of this 2007 Act that is necessary to enable the department
42 to exercise, on and after the operative date of sections 2 to 5 of this 2007 Act, all the duties,
43 functions and powers conferred on the department by sections 2 to 5 of this 2007 Act.

44 **SECTION 8.** 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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