

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	8 - 0 - 2
Yeas:	Barton, Cameron, Edwards C., Esquivel, Holvey, Matthews, Witt, Schaufler
Nays:	0
Exc.:	Kennemer, Thatcher
Prepared By:	Theresa Van Winkle, Administrator
Meeting Dates:	3/20

WHAT THE MEASURE DOES: Permits a contracting agency and a person appealing the disqualification or denial, revocation or revision of being prequalified for public contracting work to agree on a time in which the Director of Oregon Department of Administrative Services or the local contract review board must conduct the hearing and decide an appeal.

ISSUES DISCUSSED:

- Why current 30-day timeframe is prohibitive
- Why the 30-day timeframe was established versus other timeframes

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: As part of the selection process to hire a contractor for public improvement projects, contracting agencies can adopt regulations requiring mandatory prequalification. ORS 279C.450 outlines the procedure for prequalification and disqualification decisions made by a contracting agency to be appealed or heard by an independent party. The hearing must be held within 30 days.

Currently, either the Department of Administrative Services or the local contract review board gives notification regarding the time and place of the hearing to both the person requesting the appeal or hearing and the contracting agency responsible for the disqualification or the denial, revocation or revision of a prequalification. The 30-day timeframe may not provide adequate time for preparing for the hearing, particularly if the hearing falls within the peak of the construction season. However, there are no provisions for circumstances for an alternative hearing date to be established, even when requested by the contractor. HB 2731 allows the contractor to request a hearing to be held after 30 days, upon their request, but the date must be agreeable with the contracting agency.