

House Bill 3142

Sponsored by Representatives KAHL, SHIELDS; Representatives BARKER, BOONE, BUCKLEY, C EDWARDS, D EDWARDS, GELSER, HOLVEY, KOTEK, RILEY, G SMITH, STIEGLER, Senator ROSENBAUM

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**.

Directs Department of Transportation to establish Contractor and Workforce Diversity Pilot Program to aid in increasing diversity among contractors to which department awards public improvement contracts and among subcontractors and workers employed in connection with public improvement contracts.

Sunsets pilot program on January 2, 2016.

A BILL FOR AN ACT

1
2 Relating to diversity in public contracting.

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

4 **SECTION 1. (1) As used in this section, "diversity" means the presence, among contrac-**
5 **tors, subcontractors or workers that contract or are employed to provide labor, supplies,**
6 **materials or services in connection with a public improvement contract, of economically**
7 **disadvantaged individuals, socially disadvantaged individuals, women or minority individuals,**
8 **as defined in ORS 200.005, in numbers proportional to the presence of the individuals in the**
9 **population of this state.**

10 **(2) The Department of Transportation, using funds appropriated to the department, shall**
11 **establish a Contractor and Workforce Diversity Pilot Program to aid in increasing diversity**
12 **among the contractors to whom the department awards public improvement contracts and**
13 **among the subcontractors and workers employed in connection with public improvement**
14 **contracts into which the department enters.**

15 **(3) The Contractor and Workforce Diversity Pilot Program shall:**

16 **(a) Study past pilot programs in which the department used alternative contracting**
17 **methods available under ORS 279C.335 or other provisions of the Public Contracting Code to**
18 **procure construction supplies, materials or services and compare the extent of diversity**
19 **among contractors, subcontractors and workers that resulted from the alternative con-**
20 **tracting methods with the extent of diversity that resulted from similar procurements that**
21 **used competitive, least-cost bidding.**

22 **(b) Consult with other government agencies that provide public transportation to assess**
23 **the other agencies' success in using alternative contracting methods to improve diversity**
24 **among contractors, subcontractors and workers on public improvement contracts.**

25 **(c) Document the results of the department's study and consultation under paragraphs**
26 **(a) and (b) of this subsection and from the results develop best practice policies to guide the**
27 **department in efforts to improve diversity among contractors, subcontractors and workers**
28 **on public improvement contracts. The department may adopt rules not inconsistent with the**
29 **provisions of ORS chapters 279A, 279B and 279C to implement the best practice policies the**

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 **department develops.**

2 **(d) Specify a percentage of public improvement contracts, public improvement projects**
3 **or funding dedicated to public improvement contracts or public improvement projects for**
4 **which the department will use alternative contracting methods and the best practice policies**
5 **the department develops under paragraph (c) of this subsection to improve diversity among**
6 **contractors awarded the contracts and subcontractors and workers employed on the**
7 **projects. The percentage the department specifies must be at or higher than similar per-**
8 **centages used by other government agencies that provide public transportation.**

9 **SECTION 2. Section 1 of this 2009 Act is repealed on January 2, 2016.**

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