

House Bill 3420

Sponsored by Representative J SMITH; Representatives CLEM, ESQUIVEL, NATHANSON, STIEGLER

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**.

Requires contracting agency to evaluate bids or proposals for software procurements using certain criteria.

A BILL FOR AN ACT

1 Relating to public contracts for software procurement.

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

3 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 279A.**

4 **SECTION 2. (1) A contracting agency that procures software, or that procures goods or**
5 **services that include software as a component of the goods or services, shall evaluate a bid**
6 **or proposal to provide the software according to the specifications set forth in solicitation**
7 **documents and using the following criteria:**

8 (a) **The total cost of ownership for the software;**

9 (b) **Whether procuring the software will contribute to job creation and use or retain state**
10 **funds in this state;**

11 (c) **Whether procuring the software will enable the contracting agency to avoid depend-**
12 **ence on a single vendor or supplier; and**

13 (d) **Whether the software is interoperable or able to exchange data with other software**
14 **that the contracting agency or other state agencies use.**

15 (2) **Subsection (1) of this section applies to procurements in which the contracting agency**
16 **solicits bids or proposals to supply existing software, modify existing software or create**
17 **custom software. The contracting agency shall evaluate bids or proposals for supplying both**
18 **commercial and noncommercial software.**

19 (3) **The contracting agency in a notice of intent to award under ORS 279B.135 shall state**
20 **the reasons the contracting agency chose the software and the vendor or supplier and how**
21 **the contracting agency's choice reflects the criteria set forth in subsection (1) of this sec-**
22 **tion.**

23 **SECTION 3. Section 2 of this 2009 Act applies to procurements that a contracting agency**
24 **advertises or otherwise solicits or, if the contracting agency does not advertise or solicit the**
25 **procurement, to contracts that the contracting agency awards on or after the effective date**
26 **of this 2009 Act.**

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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.