

SENATE AMENDMENTS TO SENATE BILL 152

By COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

April 21

1 In line 3 of the printed bill, after "179.040" insert "and 279A.050; and declaring an
2 emergency".

3 In line 19, after "(b)" insert "Subject to ORS 279A.050 (7)," and after "kinds" insert ", including
4 personal services contracts designated under ORS 279A.055,".

5 After line 21, insert:

6 "**SECTION 2.** ORS 279A.050 is amended to read:

7 "279A.050. (1)(a) Except as otherwise provided in the Public Contracting Code, a contracting
8 agency shall exercise all procurement authority in accordance with the provisions of the Public
9 Contracting Code.

10 "(b) When a contracting agency has authority under this section to carry out functions de-
11 scribed in this section, or has authority to make procurements under a provision of law other than
12 the Public Contracting Code, the contracting agency is not required to exercise that authority in
13 accordance with the provisions of the code if, under ORS 279A.025, the code does not apply to the
14 contract or contracting authority.

15 "(2) Except as otherwise provided in the Public Contracting Code, for state agencies the Direc-
16 tor of the Oregon Department of Administrative Services has all the authority to carry out the
17 provisions of the Public Contracting Code.

18 "(3) Except as otherwise provided in the Public Contracting Code, the Director of Transporta-
19 tion has all the authority to:

20 "(a) Procure or supervise the procurement of all services and personal services to construct,
21 acquire, plan, design, maintain and operate passenger terminal facilities and motor vehicle parking
22 facilities in connection with any public transportation system in accordance with ORS 184.689 (5);

23 "(b) Procure or supervise the procurement of all goods, services, public improvements and per-
24 sonal services relating to the operation, maintenance or construction of highways, bridges and other
25 transportation facilities that are subject to the authority of the Department of Transportation; and

26 "(c) Establish standards for, prescribe forms for and conduct the prequalification of prospective
27 bidders on public improvement contracts related to the operation, maintenance or construction of
28 highways, bridges and other transportation facilities that are subject to the authority of the De-
29 partment of Transportation.

30 "(4) Except as otherwise provided in the Public Contracting Code, the Secretary of State has
31 all the authority to procure or supervise the procurement of goods, services and personal services
32 related to programs under the authority of the Secretary of State.

33 "(5) Except as otherwise provided in the Public Contracting Code, the State Treasurer has all
34 the authority to procure or supervise the procurement of goods, services and personal services re-
35 lated to programs under the authority of the State Treasurer.

1 “(6) The state agencies listed in this subsection have all the authority to do the following in
2 accordance with the Public Contracting Code:

3 “(a) The Department of Human Services to procure or supervise the procurement of goods, ser-
4 vices and personal services **under ORS 179.040 for the department’s institutions and the pro-**
5 **urement of goods, services and personal services** for the construction, demolition, exchange,
6 maintenance, operation and equipping of housing:

7 “(A) For persons with chronic mental illness, subject to applicable provisions of ORS 426.504;
8 and

9 “(B) For the purpose of providing care to individuals with mental retardation or other develop-
10 mental disabilities, subject to applicable provisions of ORS 427.335;

11 “(b) The State Department of Fish and Wildlife to procure or supervise the procurement of
12 construction materials, equipment, supplies, services and personal services for public improvements,
13 public works or ordinary construction described in ORS 279C.320 that is subject to the authority
14 of the State Department of Fish and Wildlife;

15 “(c) The State Parks and Recreation Department to procure or supervise the procurement of all
16 goods, services, public improvements and personal services relating to state parks;

17 “(d) The Oregon Department of Aviation to procure or supervise the procurement of con-
18 struction materials, equipment, supplies, services and personal services for public improvements,
19 public works or ordinary construction described in ORS 279C.320 that is subject to the authority
20 of the Oregon Department of Aviation;

21 “(e) The Economic and Community Development Department to procure or supervise the pro-
22 curement of all goods, services, personal services and public improvements related to its foreign
23 trade offices operating outside the state;

24 “(f) The Housing and Community Services Department to procure or supervise the procurement
25 of goods, services and personal services as provided in ORS 279A.025 (2)(o);

26 “(g) The Department of Corrections to procure or supervise the procurement of construction
27 materials, equipment, supplies, services and personal services for public improvements, public works
28 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Depart-
29 ment of Corrections;

30 “(h) The Department of Corrections, subject to any applicable provisions of ORS 279A.120,
31 279A.125, 279A.145 and 283.110 to 283.395, to procure or supervise the procurement of goods, **ser-**
32 **VICES and personal services under ORS 179.040** for its institutions;

33 “(i) The Department of Veterans’ Affairs to procure or supervise the procurement of real estate
34 broker and principal real estate broker services related to programs under the department’s au-
35 thority;

36 “(j) The Oregon Military Department to procure or supervise the procurement of construction
37 materials, equipment, supplies, services and personal services for public improvements, public works
38 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon
39 Military Department;

40 “(k) The Department of Education, subject to any applicable provisions of ORS 329.075, 329.085
41 and 329.485 and the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425), to pro-
42 cure or supervise the procurement of goods, services, personal services and information technology
43 relating to student assessment; and

44 “(L) Any state agency to conduct a procurement when the agency is specifically authorized by
45 any provision of law other than the Public Contracting Code to enter into a contract.

1 “(7) [*Notwithstanding*] **Except as provided in subsection (6)(k) of this section and ORS**
2 279A.140 (1), the Director of the Oregon Department of Administrative Services has exclusive au-
3 thority to procure or supervise the procurement of all state agency information technology contracts
4 and all price agreements [*on behalf of the state agencies identified in subsection (6)(a) to (j) of this*
5 *section*] under which more than one state agency may order goods, services or personal services
6 unless the director delegates this authority. This subsection does not apply to contracts under which
7 the contractor delivers to the state agency information technology products or services incidental
8 to the performance of personal services contracts described in ORS chapter 279C or construction
9 contracts described in ORS chapter 279C. A state agency identified in subsection (3) or (6)(a) to (j)
10 of this section may not establish a price agreement or enter into a contract for goods, services or
11 personal services without the approval of the director if the director has established a price agree-
12 ment for the goods, services or personal services.

13 “**SECTION 3. This 2009 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
15 **on its passage.”.**

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