

A-Engrossed
House Bill 3000

Ordered by the House April 26
Including House Amendments dated April 26

Sponsored by Representative CLEM (Pre-session filed.)

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.

[Requires proposal for public contract for services to include personnel deployment disclosure. Specifies contents of personnel deployment disclosure.]

[Requires contracting agency to state in request for proposals that proposer must submit personnel deployment disclosure and that contracting agency will apply preferences in awarding contract in part on basis of information in personnel deployment disclosure.]

[Requires contracting agency to apply certain preferences in awarding contract.]

[Requires contracting agency to reject proposal submitted without personnel deployment disclosure unless contracting agency makes certain findings.]

Authorizes contracting agency, when procuring goods or services for public use, to give preference to goods that are fabricated or processed, or services that are performed, entirely within Oregon if cost of goods or services is not more than specified amount.

Becomes operative January 1, 2012.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to preferences in public contracting; creating new provisions; amending ORS 279A.128; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 279A.128 is amended to read:

6 279A.128. (1) **As used in this section, "services" means services as defined in ORS 279A.010**
7 **(1)(kk) and personal services designated under ORS 279A.055.**

8 **(2)(a)** Notwithstanding provisions of law requiring a contracting agency to award a contract to
9 the lowest responsible bidder or best proposer or provider of a quotation, a contracting agency that
10 uses public funds to procure goods **or services** for a public use **under ORS chapter 279B** may give
11 preference to procuring [*an agricultural product that is*] **goods that are fabricated or processed,**
12 **or services that are** [*produced and transported*] **performed,** entirely within this state if the [*agri-*
13 *cultural product costs*] **goods or services cost** not more than 10 percent more than [*an agricultural*
14 *product that is*] **goods that are not fabricated or processed, or services that are** not [*produced*
15 *and transported*] **performed,** entirely within this state. **If more than one bidder or proposer**
16 **qualifies for the preference described in this subsection, the contracting agency may give a**
17 **further preference to a qualifying bidder or proposer that resides in or is headquartered in**
18 **this state.**

19 **(b)** The contracting agency **by order** may set a higher percentage [*by order*] **than the per-**
20 **centage set forth in paragraph (a) of this subsection** if the contracting agency, in a written de-
21 termination to support the order, finds good cause to set the higher percentage and explains the
22 contracting agency's reasons and evidence for the finding.

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 **(3) Notwithstanding ORS 279C.320 (1), subsection (2) of this section does not apply to**
2 **emergency work, minor alterations, ordinary repairs or maintenance work for public im-**
3 **provements or to other construction contracts described in ORS 279C.320 (1).**

4 **SECTION 2. (1) The amendments to ORS 279A.128 by section 1 of this 2011 Act become**
5 **operative January 1, 2012.**

6 **(2) Before January 1, 2012, the Attorney General, the Oregon Department of Adminis-**
7 **trative Services and a contracting agency that adopts rules under ORS 279A.065 may adopt**
8 **rules that are necessary to enable the Attorney General, the department and the contracting**
9 **agency to exercise, on and after January 1, 2012, all the duties, powers and functions con-**
10 **ferred on the Attorney General, the department and the contracting agency by the amend-**
11 **ments to ORS 279A.128 by section 1 of this 2011 Act.**

12 **SECTION 3. The amendments to ORS 279A.128 by section 1 of this 2011 Act apply to**
13 **contracts that a contracting agency first advertises or otherwise solicits or, if the con-**
14 **tracting agency does not advertise or solicit the contract, to contracts that the contracting**
15 **agency enters into on or after the operative date specified in section 2 of this 2011 Act.**

16 **SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**
17 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
18 **on its passage.**

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