

HOUSE AMENDMENTS TO HOUSE BILL 3000

By COMMITTEE ON GENERAL GOVERNMENT AND CONSUMER PROTECTION

April 26

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and line 3 and insert
2 “279A.128; and declaring an emergency.”.

3 Delete lines 5 through 27 and delete pages 2 through 7 and insert:

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

5 “279A.128. (1) **As used in this section, ‘services’ means services as defined in ORS**
6 **279A.010 (1)(kk) and personal services designated under ORS 279A.055.**

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

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

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

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

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

33 “**SECTION 3.** The amendments to ORS 279A.128 by section 1 of this 2011 Act apply to
34 **contracts that a contracting agency first advertises or otherwise solicits or, if the con-**
35 **tracting agency does not advertise or solicit the contract, to contracts that the contracting**

1 **agency enters into on or after the operative date specified in section 2 of this 2011 Act.**

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

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