

House Bill 3079

Sponsored by Representative HUNT

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 give preference to bidder or proposer that releases smaller total amount of atmospheric carbon dioxide, methane and ozone during or as result of manufacturing, transporting and disposing of goods or while providing services that are subject of procurement.

Requires Oregon Department of Administrative Services, in consultation with Attorney General and Department of Transportation, to evaluate and select system that contracting agency may use to estimate or calculate and to compare bidders and proposers on the basis of total output of atmospheric carbon dioxide, methane and ozone. Requires Oregon Department of Administrative Services and Attorney General to adopt model rules.

Becomes operative January 1, 2012.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public procurement; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 279A.**

5 **SECTION 2. (1) Notwithstanding provisions of law that require a contracting agency to**
6 **award a contract to the lowest responsible bidder or best proposer or provider of a quotation,**
7 **and subject to subsection (2) of this section, a contracting agency that uses public funds to**
8 **procure goods or services for a public use shall give preference to the bidder or proposer that**
9 **releases a smaller total amount of atmospheric carbon dioxide, methane and ozone during**
10 **or as a result of manufacturing, transporting and disposing of the goods or while providing**
11 **the services that are the subject of the procurement.**

12 **(2) The Oregon Department of Administrative Services, in consultation with the Attorney**
13 **General and the Department of Transportation, shall evaluate and select a system that a**
14 **contracting agency may use to estimate or calculate bidders' or proposers' total output of**
15 **atmospheric carbon dioxide, methane and ozone during or as a result of manufacturing,**
16 **transporting and disposing of goods or while providing services that are subject to procure-**
17 **ment under the Public Contracting Code. The system must enable the contracting agency to**
18 **compare bidders and proposers on the basis of the bidders' or proposers' output of the gases**
19 **identified in this subsection. The Oregon Department of Administrative Services and the**
20 **Attorney General shall adopt model rules under ORS 279A.065 that, subject to subsection (3)**
21 **of this section, set forth the details of the selected system and procedures for using the**
22 **system in evaluating a bid or proposal.**

23 **(3) A contracting agency may not award a contract to a bidder or proposer solely because**
24 **the bidder or proposer would release a smaller total amount of atmospheric carbon dioxide,**
25 **methane and ozone during or as a result of manufacturing, transporting and disposing of**
26 **goods or while providing services that are the subject of a procurement.**

27 **SECTION 3. Section 2 of this 2011 Act applies to a contract that a contracting agency**

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 first advertises or otherwise solicits on or after the operative date set forth in section 4 of
2 this 2011 Act or, if the contracting agency does not advertise or solicit the contract, to a
3 contract that the contracting agency enters into on or after the operative date set forth in
4 section 4 of this 2011 Act.

5 **SECTION 4.** (1) Section 2 of this 2011 Act becomes operative on January 1, 2012.

6 (2) The Director of the Oregon Department of Administrative Services, the Attorney
7 General or a contracting agency that adopts rules under ORS 279A.065 may take any action
8 before the operative date specified in subsection (1) of this section that is necessary to enable
9 the director, the Attorney General or the contracting agency to exercise, on and after the
10 operative date specified in subsection (1) of this section, all of the duties, functions and
11 powers conferred on the director, the Attorney General or the contracting agency by section
12 2 of this 2011 Act.

13 **SECTION 5.** This 2011 Act being necessary for the immediate preservation of the public
14 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
15 on its passage.
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