

House Bill 3578

Sponsored by Representative J SMITH

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**.

Establishes Task Force on Oversight of Large Public Improvement Projects and specifies membership. Requires task force to study extent to which State of Oregon provides adequate oversight over how contracting agencies procure construction services for large public improvements and to recommend solutions to identified problems. Requires task force to report to Legislative Assembly.

Sunsets task force on date of convening of 2013 regular session of Legislative Assembly.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

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

4 **SECTION 1. (1) The Task Force on Oversight of Large Public Improvement Projects is**
5 **established, consisting of nine members appointed as follows:**

6 (a) **The President of the Senate shall appoint two members from among members of the**
7 **Senate.**

8 (b) **The Speaker of the House of Representatives shall appoint two members from among**
9 **members of the House of Representatives.**

10 (c) **The Governor shall appoint:**

11 (A) **The state Chief Procurement Officer;**

12 (B) **A representative from a contractor or an industry association that has undertaken**
13 **a large public improvement project under a public contract with the State of Oregon; and**

14 (C) **A representative of a public interest group that has as the group's mission the im-**
15 **provement of government accountability and transparency.**

16 (d) **The Director of Transportation shall appoint an employee of the Department of**
17 **Transportation who is in charge of procuring construction services for large public im-**
18 **provements.**

19 (e) **The Secretary of State shall appoint the Director of the Division of Audits in the of-**
20 **fice of the Secretary of State.**

21 (2) **The task force shall:**

22 (a) **Study the extent to which the State of Oregon:**

23 (A) **Provides adequate oversight over how contracting agencies procure construction**
24 **services for large public improvements;**

25 (B) **Monitors how contracting agencies administer public improvement contracts;**

26 (C) **Ensures that contracting agencies spend public funds so as to obtain the highest**
27 **quality goods and services at the lowest possible cost to the public; and**

28 (D) **Protects against fraud, waste, bid rigging, contract padding or overcharging, failure**
29 **to deliver services or other failures to perform in accordance with contract terms;**

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 **(b) Identify problems in existing processes, procedures, policies or implementations that**
2 **cause or contribute to inadequate oversight and a lack of accountability; and**

3 **(c) Recommend changes, including rulemaking or legislation, that are necessary to cor-**
4 **rect the problems identified in paragraph (b) of this subsection.**

5 **(3) The task force may take testimony, conduct surveys, perform investigations and take**
6 **other actions necessary to perform the responsibilities identified in subsection (2) of this**
7 **section.**

8 **(4) A majority of the voting members of the task force constitutes a quorum for the**
9 **transaction of business.**

10 **(5) Official action by the task force requires the approval of a majority of the voting**
11 **members of the task force.**

12 **(6) The task force shall elect one of the members of the task force to serve as chair-**
13 **person.**

14 **(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-**
15 **ment to become immediately effective.**

16 **(8) The task force shall meet at times and places specified by the call of the chairperson**
17 **or of a majority of the voting members of the task force.**

18 **(9) The task force may adopt rules necessary for the operation of the task force.**

19 **(10) The task force shall submit a report, and may include recommendations for legis-**
20 **lation, to an interim committee of the Legislative Assembly related to public contracting as**
21 **appropriate no later than October 1, 2012.**

22 **(11) The Oregon Department of Administrative Services shall provide staff support to the**
23 **task force.**

24 **(12) Members of the task force who are not members of the Legislative Assembly are not**
25 **entitled to compensation, but may be reimbursed for actual and necessary travel and other**
26 **expenses incurred by them in the performance of their official duties in the manner and**
27 **amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions**
28 **of the task force shall be paid out of funds appropriated to the Oregon Department of Ad-**
29 **ministrative Services for purposes of the task force.**

30 **(13) All agencies of state government, as defined in ORS 174.111, are directed to assist**
31 **the task force in the performance of its duties and, to the extent permitted by laws relating**
32 **to confidentiality, to furnish such information and advice as the members of the task force**
33 **consider necessary to perform their duties.**

34 **SECTION 2. Section 1 of this 2011 Act is repealed on the date of the convening of the 2013**
35 **regular session of the Legislative Assembly as specified in ORS 171.010.**

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

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