

SENATE AMENDMENTS TO SENATE BILL 772

By COMMITTEE ON BUSINESS, TRANSPORTATION AND ECONOMIC DEVELOPMENT

May 4

1 On page 1 of the printed bill, delete lines 5 through 17 and insert:

2 “**SECTION 2.** (1)(a) Except as provided in paragraph (b) or (c) of this subsection, a contracting
3 agency that awards a public contract subject to this chapter, in addition to and not in lieu of the
4 charges specified in ORS 297.230, shall pay a fee equivalent to one-tenth of one percent of the con-
5 tract price for the public contract from funds appropriated for the public contract to the office of
6 the Secretary of State at the time the contracting agency executes the public contract. The Secre-
7 tary of State shall pay the moneys received under this subsection to the State Treasurer for deposit
8 in the Public Contracting Audit Account created under section 4 of this 2011 Act.

9 “(b) A contracting agency that uses funds for a public contract that are subject to provisions
10 under the Oregon Constitution or under state or federal law that restrict the use of the funds may
11 not pay the fee described in paragraph (a) of this subsection except in accordance with the restric-
12 tive provisions.

13 “(c) If in accordance with paragraph (b) of this subsection a contracting agency does not pay a
14 fee under paragraph (a) of this subsection, the Secretary of State in an interagency agreement or
15 an intergovernmental agreement under ORS chapter 190 may require a contracting agency to pay
16 the costs for auditing a specific public contract. A contracting agency that is a party to an intera-
17 gency or intergovernmental agreement described in this paragraph is not subject to the provisions
18 of paragraph (a) of this subsection with respect to the public contract that is the subject of the
19 interagency or intergovernmental agreement.

20 “(2)(a) The secretary shall use the moneys available in the account to conduct or enter into
21 contracts to conduct financial, compliance and performance audits of public contracts that con-
22 tracting agencies award under the provisions of this chapter. The secretary shall choose the subject
23 of and conduct each audit according to standards adopted under ORS 297.070 and without advance
24 notice to the contracting agency or other parties to the public contract. A person that the secretary
25 assigns or enters into a contract with to conduct the audit must have substantial familiarity with
26 and experience in public improvement contracting and auditing.”.

27 In line 23, delete “fund” and insert “account”.

28 In line 26, delete “fund” and insert “account”.

29 On page 2, after line 14, insert:

30 “(5) An appropriate committee of the Legislative Assembly may review the audit reports de-
31 scribed in subsection (4) of this section and may establish and convene a work group composed of
32 representatives from contracting agencies, contractors, the office of the Secretary of State and other
33 interested persons to review the audit reports and make recommendations to the Legislative As-
34 sembly concerning the content of the audit reports and public contracting practices and
35 procedures.”.

- 1 In line 16, delete "Fund" and insert "Account".
- 2 In line 17, delete the second "Fund" and insert "Account".
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