

Senate Bill 844

Sponsored by COMMITTEE ON BUSINESS, TRANSPORTATION AND ECONOMIC DEVELOPMENT

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 bidder or proposer for public contract to make certain disclosures concerning minimum number of local workers and workers elsewhere in this state that bidder or proposer and bidder's or proposer's first-tier subcontractors plan to employ to perform work described in invitation to bid or request for proposals. Requires contracting agency to treat bid or proposal from bidder or proposer that fails to make disclosure as nonresponsive.

Becomes operative 91 days after effective date of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to using Oregon workers in connection with public contracts; 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) As used in this section, "locally" means in the county in which the work**
6 **described in an invitation to bid or a request for proposals will be performed or in an adja-**
7 **cent county within this state.**

8 **(2) Within two working hours after the date and time at which a bid or proposal is due**
9 **to a contracting agency for a public contract, the bidder or proposer shall disclose to the**
10 **contracting agency:**

11 **(a) The minimum number of workers who reside locally and workers who reside else-**
12 **where in this state that the bidder or proposer and the bidder's or proposer's first-tier sub-**
13 **contractors plan to employ to perform the work described in the invitation to bid or the**
14 **request for proposals;**

15 **(b) Whether the bidder or proposer is headquartered or owned locally; and**

16 **(c) The sources that the bidder or proposer and the bidder's or proposer's first-tier sub-**
17 **contractors intend to use for equipment, material and supplies and whether the sources are**
18 **headquartered or owned locally.**

19 **(3) A contracting agency shall consider a bid or proposal from a bidder or proposer that**
20 **failed to make the disclosure as provided in subsection (2) of this section to be nonresponsive**
21 **and may not award the public contract to the bidder or proposer. The contracting agency is**
22 **not required to verify the accuracy or completeness of the disclosure.**

23 **(4) The contracting agency shall make the disclosure described in subsection (2) of this**
24 **section available for public inspection after the contracting agency has opened bids or pro-**
25 **posals.**

26 **SECTION 3. Section 2 of this 2011 Act applies to a contract that a contracting agency**
27 **first advertises or otherwise solicits on or after the operative date set forth in section 4 of**
28 **this 2011 Act or, if the contracting agency does not advertise or solicit the contract, to a**

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 contract that the contracting agency enters into on or after the operative date set forth in
2 section 4 of this 2011 Act.

3 **SECTION 4.** (1) Section 2 of this 2011 Act becomes operative on the 91st day following the
4 effective date of this 2011 Act.

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

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