

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 7 - 0 - 1

Yeas: Cameron, Matthews, Sheehan, Smith J., Weidner, Holvey, Whisnant

Nays: 0

Exc.: Clem

Prepared By: Jan Nordlund, Administrator

Meeting Dates: 2/22, 2/23

WHAT THE MEASURE DOES: Prohibits state contracting agency from accepting bid or proposal from contractor if contractor assisted or advised contracting agency in developing solicitation document or materials related to contract for goods and services. Permits contracting agency to apply for exception. Requires Department of Administrative Services to report to Legislative Assembly information about special procurements for goods and services. Requires contracting agencies subject to Department authority to maintain records to enable providing needed information to Department. Allows bidder or proposer to submit personnel deployment disclosure with bid or proposal for contract for goods and services. Allows preference be given to bidder or proposer based on personnel deployment disclosure under certain circumstances. Becomes operative January 1, 2013. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Complaints that public contracting is not transparent enough
- Appearance of advantage as opposed to actual advantage if bidder assisted in preparing solicitation documents
- Ability of Department to exempt contracting agencies from prohibition on accepting certain bids or proposals
- Discretionary disclosure of personnel deployment
- Competitive bidding on professional service contracts
- Whether bidder would be notified that they cannot bid if they assisted in preparing solicitation documents
- Assistance Department provides to contracting agencies in preparing contract documents
- Concern local contracting agencies will eventually be subject to measure's provisions

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: According to the SEIU report "Moving Oregon Forward 2012: An Update," state contracts have expanded by about 10 percent per year since 2007. *The Oregonian* reported in November 2011 that the state has \$9.7 billion in active contracts with more than 4,000 vendors and that at least \$3.3 billion goes to out-of-state vendors.

The state has been criticized for not having comprehensive, searchable information about contracts. The Oregon Procurement Information Network (ORPIN) system reports information on contracts made by agencies under Department authority, and is accessible to the public through the Oregon Transparency website. The contract values reported are estimates, and the accuracy has been questioned.

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This summary has not been adopted or officially endorsed by action of the committee.