

House Bill 4144

Sponsored by Representative NOLAN (Pre-session filed.)

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, in determining lowest bid for procurement, to make certain additions and deductions based on health and retirement benefits paid for workers who are residents of this state, based on fuel consumption and carbon generation and based on personal income taxes paid by employing workers who are residents of this state.

Becomes operative January 1, 2013.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to calculations required in determining the lowest bid for certain public contracts; and
3 declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of ORS chapter 279A.**

6 **SECTION 2. (1) To the extent that a contracting agency awards a contract for a pro-**
7 **urement on the basis of the lowest bid for the procurement, the contracting agency shall**
8 **incorporate in the determination of the lowest bid the following calculations:**

9 (a) **A deduction, from the cost of goods manufactured within this state that are included**
10 **as part of the bid for the procurement, of an amount equal to the pro rata portion of the cost**
11 **of the goods that is attributable to health and retirement benefits the bidder pays for work-**
12 **ers who are residents of this state as a direct consequence of performing the work under the**
13 **public contract that results from the procurement. A contracting agency may require, as**
14 **part of a bid, records and data that are necessary to determine the pro rata cost described**
15 **in this paragraph.**

16 (b) **An addition, to the cost of goods manufactured outside this state that are included**
17 **as part of the bid for the procurement, of an imputed amount that reflects the cost of fossil**
18 **fuel consumption and carbon generation involved in delivering the goods to the point of de-**
19 **livery within this state that is necessary to perform the work required for the procurement.**
20 **The imputed cost must increase in proportion to the distance from which the bidder expects**
21 **to ship the goods to the point of delivery within this state.**

22 (2) **If a contracting agency conducts a procurement under ORS 279B.085, the contracting**
23 **agency, in determining the lowest bid for the procurement, shall deduct from the bid amount**
24 **an imputed value that reflects the amount of personal income taxes that workers who are**
25 **residents of this state will pay to this state as a direct consequence of the workers' em-**
26 **ployment in connection with the public contract that results from the procurement.**

27 (3) **The Attorney General shall adopt rules to set the basis for the imputed costs and**
28 **values described in subsections (1) and (2) of this section. In adopting rules under this sub-**
29 **section, the Attorney General shall consult with the Director of the Oregon Department of**

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 **Administrative Services, the Director of Transportation, the Legislative Fiscal Officer, the**
2 **Director of the Department of Revenue, representatives of county and city governments,**
3 **representatives of school boards and other knowledgeable persons.**

4 **SECTION 3. Section 2 of this 2012 Act applies to a public contract that a contracting**
5 **agency first advertises or otherwise solicits on or after the operative date specified in section**
6 **4 of this 2012 Act or, if the contracting agency does not advertise or solicit the public con-**
7 **tract, to a public contract that the contracting agency enters into on or after the operative**
8 **date specified in section 4 of this 2012 Act.**

9 **SECTION 4. (1) Section 2 of this 2012 Act becomes operative January 1, 2013.**

10 **(2) The Attorney General may take any action before the operative date specified in**
11 **subsection (1) of this section that is necessary to enable the Attorney General to exercise,**
12 **on and after the operative date specified in subsection (1) of this section, all of the duties,**
13 **functions and powers conferred on the Attorney General by section 2 of this 2012 Act.**

14 **SECTION 5. This 2012 Act being necessary for the immediate preservation of the public**
15 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
16 **on its passage.**

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