

Senate Bill 1589

Sponsored by Senator SHIELDS; Senator BOQUIST (Presession 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**.

Permits contracting agency to establish price agreement for architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or related services. Provides mandates and guidelines for establishing price agreements.

Becomes operative January 1, 2013.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to price agreements for certain personal services; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of ORS 279C.100 to**
5 **279C.125.**

6 **SECTION 2. (1) As used in this section, "price agreement" means a contract for archi-**
7 **tectural, engineering, photogrammetric mapping, transportation planning or land surveying**
8 **services or related services in which the contracting agency:**

9 (a) **Specifies a general limit, stated either as a dollar amount or otherwise, on the quan-**
10 **tity of architectural, engineering, photogrammetric mapping, transportation planning or land**
11 **surveying services or related services that the contracting agency might require during a**
12 **specific period of time, but does not specify the exact quantity that the contracting agency**
13 **will require; and**

14 (b) **Places a work order under the terms of the contract for each specific quantity of**
15 **architectural, engineering, photogrammetric mapping, transportation planning or land sur-**
16 **veying services or related services the contracting agency requires within the specific period**
17 **of time.**

18 (2)(a) **A contracting agency, subject to ORS 279C.105, may award a contract as a price**
19 **agreement if the contracting agency cannot specify in advance a particular quantity, other**
20 **than a minimum quantity, of architectural, engineering, photogrammetric mapping, trans-**
21 **portation planning or land surveying services or related services that the contracting agency**
22 **requires during a specific period of time.**

23 (b) **A contracting agency may award a contract as a price agreement only if the con-**
24 **tracting agency anticipates a recurring need for a minimum quantity of architectural, engi-**
25 **neering, photogrammetric mapping, transportation planning or land surveying services or**
26 **related services for the term of the price agreement.**

27 (3) **Solicitation materials and the terms and conditions for a price agreement established**
28 **in accordance with this section must:**

29 (a) **Specify the term of the price agreement, which may not exceed four years;**

30 (b) **Specify the minimum quantity of architectural, engineering, photogrammetric map-**

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 ping, transportation planning or land surveying services or related services that the con-
2 tracting agency may require under the price agreement;

3 (c) Include a statement of work, a specification for services or a similar description of
4 the nature, general scope, complexity and purpose of the procurement that will reasonably
5 enable a prospective bidder or proposer to decide whether to submit a bid or proposal;

6 (d) State that the contracting agency will evaluate bids and proposals and establish the
7 price agreement in accordance with the provisions of ORS 279C.100 to 279C.125;

8 (e) Specify guidelines or procedures the contracting agency will follow when the con-
9 tracting agency issues individual work orders;

10 (f) State that the contracting agency may issue an individual work order under the price
11 agreement orally and that the contracting agency will confirm in writing an individual work
12 order the contracting agency issues orally; and

13 (g) Specify whether the contracting agency may establish the price agreement with one
14 consultant or with two or more consultants. If the contracting agency establishes the price
15 agreement with two or more consultants:

16 (A) The solicitation and the contract that establishes the price agreement must describe
17 the criteria and procedures the contracting agency will use to ensure that each consultant
18 with which the contracting agency established the price agreement will be considered for
19 individual work orders.

20 (B) The provisions of ORS 279C.110 (1) apply to the criteria the contracting agency uses
21 to select a consultant for an individual work order for architectural, engineering, pho-
22 togrammetric mapping, transportation planning or land surveying services.

23 (C) The provisions of ORS 279C.120 apply to the criteria the contracting agency uses to
24 select a consultant for an individual work order for related services. The contracting agency
25 may use the consultant's qualifications or pricing information, separately or together, as
26 criteria for selecting a consultant for an individual work order for related services.

27 (D) The provisions of ORS 279C.107 apply to proposals that a proposer submits in re-
28 sponse to a solicitation for an individual work order.

29 (E) Subject to the estimated cost limitation set forth in ORS 279C.110 (8), a contracting
30 agency may issue an individual work order as a direct appointment. Subject to the provisions
31 of ORS 279C.115, a contracting agency may directly appoint a consultant to continue a
32 project.

33 (F) A contracting agency, in selecting a consultant for an individual work order, may
34 consider whether the consultant has received individual work orders under the price agree-
35 ment previously or regularly.

36 (G) The solicitation materials for an individual work order under the price agreement
37 shall include a three-year history of the number of similar work orders and the dollar value
38 of each similar work order the contracting agency issued under the pricing agreement to
39 business enterprises that are certified under ORS 200.055.

40 (4) A price agreement may specify a minimum quantity or a maximum quantity of ar-
41 chitectural, engineering, photogrammetric mapping, transportation planning or land survey-
42 ing services or related services for which a contracting agency may issue an individual work
43 order and may specify a maximum quantity of architectural, engineering, photogrammetric
44 mapping, transportation planning or land surveying services or related services for which the
45 contracting agency may issue an individual work order within a specific period of time.

