

HB 2927

Relating to government entities

HB 2927 provides the Port of Portland with legal authority to consider best value standards. The bill gives the Port of Portland explicit authority to establish best value standards and criteria when awarding contracts and leasing space. The standards and criteria may take into account the qualifications, compensation and retention policies of contractors and lessees with respect to the staff and subcontractors operating at the port.

The Capital Construction Subcommittee recommends HB 2927 be amended, and reported out “do pass” as amended.

Joint Committee on Ways and Means

Carrier – House: Rep. Kennemer
Carrier – Senate: Sen. Beyer

Revenue:

Fiscal: Minimal fiscal impact, no statement issued

Action: Do Pass the A-Engrossed Measure as Amended and be Printed B-Engrossed

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Kim To, Legislative Fiscal Office

Meeting Date: June 19, 2013

WHAT THE MEASURE DOES: Provides that in awarding contracts and leasing spaces, the Port of Portland may establish best value standards and criteria, taking into account factors that include: (1) experience, technical capability and past performance; (2) the qualifications, compensation and retention policies of bidding contractors and lessees with respect to the staff and subcontractors operating at the port; and (3) the potential local and regional benefit within the port, the surrounding community, the region and the state.

ISSUES DISCUSSED:

- Fiscal Impact

EFFECT OF COMMITTEE AMENDMENT: Replaces the bill.

BACKGROUND: The Port of Portland has the statutory authority to regulate the use of Port property, but its power is limited to users who serve to promote aviation, commerce, or industry, as opposed to the general welfare. Proponents of the bill believe an attempt to impose best value standards at the airport could be legally challenged on the ground that such an action is beyond the Port's legal authority.

HB 2927 gives the Port of Portland explicit authority to establish best value standards and criteria when awarding contracts and leasing space. The standards and criteria may take into account the qualifications, compensation and retention policies of contractors and lessees with respect to the staff and subcontractors operating at the port.

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2927**

1 On page 1 of the printed A-engrossed bill, line 2, delete “and declaring
2 an emergency.” and insert “creating new provisions; and amending ORS
3 778.015.”.

4 Delete lines 4 through 22 and delete page 2 and insert:

5 **“SECTION 1. ORS 778.015 is amended to read:**

6 “778.015. The object, purpose and occupation of the Port of Portland shall
7 be to promote the maritime, shipping, aviation, commercial and industrial
8 interests of the port as by law specifically authorized. **Subject to section**
9 **3 of this 2013 Act**, the port may acquire, hold, use, dispose of and convey
10 real and personal property, make any and all contracts the making of which
11 is not by this chapter expressly prohibited. It may do any other acts and
12 things which are requisite, necessary or convenient in accomplishing the
13 purpose described or in carrying out the powers granted to it by law. The
14 port may supply surface and air craft with fuel and other supplies at rea-
15 sonable cost as may be for the best interests of the port.

16 **“SECTION 2. Section 3 of this 2013 Act is added to and made a part**
17 **of ORS chapter 778.**

18 **“SECTION 3. In awarding contracts and leasing spaces, the Port of**
19 **Portland may establish best value standards and criteria, taking into**
20 **account factors that include:**

21 **“(1) Experience, technical capability and past performance.**

22 **“(2) The qualifications, compensation and retention policies of bid-**

1 **ding contractors and lessees with respect to the staff and subcontrac-**
2 **tors operating at the port.**

3 **“(3) Potential local and regional benefit within the port, the sur-**
4 **rounding community, the region and the state.”.**

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