

# Enrolled House Bill 2212

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Department of Administrative Services)

CHAPTER .....

## AN ACT

Relating to an amount that constitutes a small procurement under the Public Contracting Code; creating new provisions; and amending ORS 279B.065 and 279B.070.

### Be It Enacted by the People of the State of Oregon:

**SECTION 1.** ORS 279B.065 is amended to read:

279B.065. (1) *[Any]* **A contracting agency may award a** procurement of goods or services *[not exceeding \$5,000 may be awarded]* **that does not exceed \$10,000** in any manner *[deemed]* **the contracting agency deems** practical or convenient *[by the contracting agency]*, including by direct selection or award. A contract awarded under this section may be amended to exceed *[\$5,000]* **\$10,000** only in accordance with rules adopted under ORS 279A.065.

(2) **A contracting agency may not artificially divide or fragment a** procurement *[may not be artificially divided or fragmented]* so as to constitute a small procurement under this section.

**SECTION 2.** ORS 279B.070 is amended to read:

279B.070. (1) *[Any]* **A contracting agency may award a** procurement of goods or services *[exceeding \$5,000 but not exceeding]* **that exceeds \$10,000 but does not exceed \$150,000** *[may be awarded]* in accordance with intermediate procurement procedures. A contract awarded under this section may be amended to exceed \$150,000 only in accordance with rules adopted under ORS 279A.065.

(2) **A contracting agency may not artificially divide or fragment a** procurement *[may not be artificially divided or fragmented]* so as to constitute an intermediate procurement under this section.

(3) When conducting an intermediate procurement, a contracting agency shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The contracting agency shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the contracting agency shall make a written record of the effort *[made]* **the contracting agency makes** to obtain the quotes or proposals.

(4) If a *[contract is awarded, the]* contracting agency **awards a contract, the contracting agency** shall award the contract to the offeror whose quote or proposal will best serve the interests of the contracting agency, taking into account price as well as considerations including, but not limited to, experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility under ORS 279B.110.

**SECTION 3. The amendments to ORS 279B.065 and 279B.070 by sections 1 and 2 of this 2013 Act apply to procurements that a contracting agency conducts under the Public Contracting Code on or after the effective date of this 2013 Act.**

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**Passed by House March 13, 2013**

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate April 30, 2013**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

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Kate Brown, Secretary of State