

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)

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**.

Raises amount used to classify public procurement as small procurement under Public Contracting Code from maximum of \$5,000 to maximum of \$10,000.

A BILL FOR AN ACT

1
2 Relating to an amount that constitutes a small procurement under the Public Contracting Code;
3 creating new provisions; and amending ORS 279B.065 and 279B.070.

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

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

6 279B.065. (1) *[Any]* **A contracting agency may award** a procurement of goods or services *[not*
7 *exceeding \$5,000 may be awarded]* **that does not exceed \$10,000** in any manner *[deemed]* **the con-**
8 **tracting agency deems** practical or convenient *[by the contracting agency]*, including by direct se-
9 lection or award. A contract awarded under this section may be amended to exceed *[\$5,000]* **\$10,000**
10 only in accordance with rules adopted under ORS 279A.065.

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

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

14 279B.070. (1) *[Any]* **A contracting agency may award** a procurement of goods or services *[ex-*
15 *ceeding \$5,000 but not exceeding]* **that exceeds \$10,000 but does not exceed \$150,000** *[may be*
16 *awarded]* in accordance with intermediate procurement procedures. A contract awarded under this
17 section may be amended to exceed \$150,000 only in accordance with rules adopted under ORS
18 279A.065.

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

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

28 (4) If a *[contract is awarded, the]* contracting agency **awards a contract, the contracting**
29 **agency** shall award the contract to the offeror whose quote or proposal will best serve the interests
30 of the contracting agency, taking into account price as well as considerations including, but not
31 limited to, experience, expertise, product functionality, suitability for a particular purpose and con-

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 tractor responsibility under ORS 279B.110.

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

5
