

A-Engrossed
House Bill 2667

Ordered by the House April 1
Including House Amendments dated April 1

Sponsored by Representative FREDERICK; Representatives KENY-GUYER, WITT (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.

Creates Task Force on Procuring Through Small and Local Businesses. Requires task force to study extent to which contracting agencies award public contracts to minority-owned, woman-owned or emerging small businesses, categorize types of public contracts that contracting agencies typically award to minority-owned, woman-owned or emerging small businesses, evaluate extent to which large procurements for goods and services could feasibly be broken into smaller procurements, *study available systems for assessing degree to which transporting goods, labor, construction materials and other items increases release of atmospheric carbon dioxide, methane and ozone, evaluate whether contracting agencies can feasibly base procurement decision on degree to which contractor releases atmospheric carbon dioxide, methane or ozone* and recommend incentives to induce contracting agencies to award public contracts to minority-owned, woman-owned or emerging small businesses.

Sunsets task force on January 1, 2015.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to public procurement; and declaring an emergency.

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

SECTION 1. (1) The Task Force on Procuring Through Small and Local Businesses is established, consisting of nine members appointed as follows:

(a) The President of the Senate shall appoint:

(A) Two members from among members of the Senate.

(B) One member who is a minority individual or a woman, as those terms are defined in ORS 200.005, who owns or operates a small or local business.

(b) The Speaker of the House of Representatives shall appoint:

(A) Two members from among members of the House of Representatives.

(B) One member who is a minority individual or a woman, as those terms are defined in ORS 200.005, who owns or operates a small or local business.

(c) The Governor shall appoint three members as follows:

(A) One member who is a minority individual or a woman, as those terms are defined in ORS 200.005, who owns or operates a small or local business;

(B) An employee of the Oregon Department of Administrative Services; and

(C) An employee of the Department of Transportation.

(2) The task force shall:

(a) Study the extent to which contracting agencies award public contract to minority-owned, woman-owned or emerging small businesses in this state and describe and categorize the types of public contracts that contracting agencies typically award to minority-owned,

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 woman-owned or emerging small businesses in this state;

2 (b) Evaluate the extent to which large procurements for goods and services, including
3 construction services, could feasibly be broken into smaller procurements that would be
4 within the capabilities and expertise of minority-owned, woman-owned and emerging small
5 businesses in this state;

6 (c) Investigate and recommend incentives that can help to induce contracting agencies
7 to award public contracts to minority-owned, woman-owned or emerging small businesses;
8 and

9 (d) Report the results of the study the task force conducts under paragraph (a) of this
10 subsection in a manner that makes comprehensive data about public contracting awards to
11 minority-owned, woman-owned or emerging small businesses in this state visible, under-
12 standable and useable and that illuminates the particular impact that contracting agencies'
13 public contracting practices have on:

14 (A) Minority-owned businesses, woman-owned businesses and emerging small businesses,
15 each as separate categories of businesses; and

16 (B) Specific groups of minority individuals who own small or local businesses, including
17 but not limited to individuals who are:

18 (i) Asian American, as described in ORS 200.005 (4)(c), or Pacific Islander;

19 (ii) Black, as described in ORS 200.005 (4)(a), or African American;

20 (iii) Hispanic, as described in ORS 200.005 (4)(b), or Latino;

21 (iv) Portuguese, as described in ORS 200.005 (4)(d);

22 (v) American Indian or Alaskan Native, as described in ORS 200.005 (4)(e); and

23 (vi) A member of another group that the Advocate for Minority, Women and Emerging
24 Small Business has determined is socially and economically disadvantaged.

25 (3) The task force may:

26 (a) Consult and communicate with any person;

27 (b) Hold hearings and receive testimony and other evidence;

28 (c) Request data and information from contracting agencies; and

29 (d) Take other actions that are consistent with the task force's purpose.

30 (4) A majority of the voting members of the task force constitutes a quorum for the
31 transaction of business.

32 (5) Official action by the task force requires the approval of a majority of the voting
33 members of the task force.

34 (6) The task force shall elect a member of the task force to serve as chairperson.

35 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
36 ment to become immediately effective.

37 (8) The task force shall meet at times and places specified by the call of the chairperson
38 or of a majority of the voting members of the task force.

39 (9) The task force may adopt rules necessary for the operation of the task force.

40 (10) The task force shall submit a report in the manner provided by ORS 192.245, and
41 may include recommendations for legislation, to an interim committee of the Legislative
42 Assembly related to public contracting as appropriate no later than September 1, 2014.

43 (11) The Oregon Department of Administrative Services shall provide staff support to the
44 task force.

45 (12) Members of the task force who are not members of the Legislative Assembly are not

1 entitled to compensation, but may be reimbursed for actual and necessary travel and other
2 expenses the members incur in performing the members' official duties in the manner and
3 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
4 of the task force shall be paid out of funds appropriated to the Oregon Department of Ad-
5 ministrative Services for purposes of the task force.

6 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist
7 the task force in performing the task force's duties and, to the extent permitted by laws
8 relating to confidentiality, to furnish such information and advice as the members of the
9 task force consider necessary to perform the members' duties.

10 SECTION 2. Section 1 of this 2013 Act is repealed on January 1, 2015.

11 SECTION 3. This 2013 Act being necessary for the immediate preservation of the public
12 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
13 on its passage.

14