

# House Bill 3039

Sponsored by Representatives BAILEY, KENY-GUYER; Representatives FREDERICK, GREENLICK

## 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**.

Requires contracting agency to give preference to bidder or proposer that releases smaller total amount of atmospheric carbon dioxide, methane and ozone during or as result of manufacturing, transporting and disposing of goods or while providing services that are subject of procurement.

Requires Oregon Department of Administrative Services, in consultation with Department of Transportation and Attorney General, to evaluate and select system that contracting agency may use to estimate or calculate and to compare bidders and proposers on basis of total output of atmospheric carbon dioxide, methane and ozone. Requires Oregon Department of Administrative Services, Department of Transportation and Attorney General to consult and adopt rules.

Becomes operative January 1, 2014.

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. Section 2 of this 2013 Act is added to and made a part of ORS chapter 279A.**

**SECTION 2. (1) Notwithstanding provisions of law that require a contracting agency to award a contract to the responsible bidder or proposer that submits the lowest bid or quotation or the best proposal, and subject to subsection (2) of this section, a contracting agency that uses public funds to procure goods or services for a public use shall give preference to the bidder or proposer that releases a smaller total amount of atmospheric carbon dioxide, methane and ozone during or as a result of manufacturing, transporting and disposing of the goods or while providing the services that are the subject of the procurement.**

**(2) The Oregon Department of Administrative Services, in consultation with the Attorney General and the Department of Transportation, shall evaluate and select a system that a contracting agency may use to estimate or calculate a bidder's or proposer's total output of atmospheric carbon dioxide, methane and ozone during or as a result of manufacturing, transporting and disposing of goods or while providing services that are subject to procurement under the Public Contracting Code. The system must enable the contracting agency to compare bidders and proposers on the basis of the bidders' or proposers' output of the gases identified in this subsection. The Oregon Department of Administrative Services, the Department of Transportation and the Attorney General shall consult and adopt rules under ORS 279A.065 that, subject to subsection (3) of this section, set forth the details of the selected system and procedures for using the system in evaluating a bid or proposal.**

**(3) A contracting agency may not award a contract to a bidder or proposer solely because the bidder or proposer would release a smaller total amount of atmospheric carbon dioxide, methane or ozone during or as a result of manufacturing, transporting and disposing of goods or while providing services that are the subject of a procurement.**

**SECTION 3. Section 2 of this 2013 Act applies to a contract that a contracting agency**

**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 first advertises or otherwise solicits on or after the operative date specified in section 4 of  
2 this 2013 Act or, if the contracting agency does not advertise or otherwise solicit the con-  
3 tract, to a contract that the contracting agency enters into on or after the operative date  
4 specified in section 4 of this 2013 Act.

5 **SECTION 4.** (1) Section 2 of this 2013 Act becomes operative on January 1, 2014.

6 (2) The Director of the Oregon Department of Administrative Services, the Director of  
7 Transportation, the Attorney General or a contracting agency that adopts rules under ORS  
8 279A.065 may take any action that is necessary to enable the director, the Attorney General  
9 or the contracting agency to exercise, on and after the operative date specified in subsection  
10 (1) of this section, all of the duties, functions and powers conferred on the director, the At-  
11 torney General or the contracting agency by section 2 of this 2013 Act.

12 **SECTION 5.** This 2013 Act being necessary for the immediate preservation of the public  
13 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
14 on its passage.

15 \_\_\_\_\_