

House Bill 3094

Sponsored by Representatives BARTON, GORSEK, GOMBERG; Representatives FAGAN, FREDERICK, GARRETT, GREENLICK, WILLIAMSON, WITT

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**.

Permits contracting agency that uses public funds to procure goods or services under Public Contracting Code to give preference to bidder or proposer that is headquartered or owned locally, will obtain equipment, material and supplies locally or will employ workers locally. Permits contracting agency to give preference if difference in price between bid or proposal that is eligible for preference and bid or proposal that would not be eligible for preference is not more than five percent.

Becomes operative on January 1, 2014.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to public contracting; and declaring an emergency.

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

3 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 279A.**

4 **SECTION 2. (1) As used in this section, "locally" means in the county in which the work**
5 **described in an invitation to bid or a request for proposals will be performed, or in an adja-**
6 **cent county.**

7
8 **(2) A bidder or proposer that submits a bid or proposal for a public contract shall submit**
9 **with the bid or proposal a personnel deployment disclosure and a supply source disclosure.**
10 **The disclosures must state:**

11 **(a) The number of workers that a bidder or proposer and the bidder's or proposer's**
12 **first-tier subcontractors plan to deploy to perform the work described in the invitation to**
13 **bid or the request for proposals;**

14 **(b) The minimum number of workers that the bidder or proposer and the bidder's or**
15 **proposer's first-tier subcontractors will employ locally and elsewhere within this state;**

16 **(c) Whether the bidder or proposer is headquartered or owned locally;**

17 **(d) The sources that the bidder or proposer and the bidder's or proposer's first-tier sub-**
18 **contractors intend to use for equipment, material and supplies; and**

19 **(e) Whether the sources that the bidder or proposer intends to use for equipment, ma-**
20 **terial and supplies are headquartered or owned locally.**

21 **(3)(a) Notwithstanding provisions of law that require a contracting agency to award a**
22 **contract to the lowest responsible bidder or the person that submits the best proposal or**
23 **provides the best quotation, a contracting agency that uses public funds to procure goods**
24 **or services under the Public Contracting Code may give preference to a bidder or proposer**
25 **that in a personnel deployment disclosure and a supply source disclosure indicates that the**
26 **bidder or proposer is headquartered or owned locally, will obtain equipment, material and**
27 **supplies locally or will employ workers locally.**

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 **(b) The contracting agency may give the preference described in paragraph (a) of this**
2 **subsection to a bidder or proposer that is otherwise responsible, has submitted a responsive**
3 **bid or proposal and meets the qualifications described in paragraph (a) of this subsection if**
4 **the difference in price between the bid or proposal that is eligible for the preference and a**
5 **bid or proposal that would not be eligible for the preference is not more than five percent.**

6 **SECTION 3. Section 2 of this 2013 Act applies to a public contract that a contracting**
7 **agency first advertises or otherwise solicits on or after the operative date specified in section**
8 **4 of this 2013 Act or, if the contracting agency does not advertise or solicit the contract, to**
9 **a contract that the contracting agency enters into on or after the operative date specified**
10 **in section 4 of this 2013 Act.**

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

12 **(2) The Director of the Oregon Department of Administrative Services, the Director of**
13 **Transportation, the Attorney General or a contracting agency that adopts rules under ORS**
14 **279A.065 may take any action before the operative date specified in subsection (1) of this**
15 **section that is necessary to enable the director, the Attorney General or the contracting**
16 **agency to exercise, on and after the operative date specified in subsection (1) of this section,**
17 **all of the duties, functions and powers conferred on the director, the Attorney General or**
18 **the contracting agency by section 2 of this 2013 Act.**

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

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