

# Senate Bill 477

Sponsored by Senator ROSENBAUM

## 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 Oregon Department of Administrative Services to report to Legislative Assembly information related to state contracting agency use of personnel deployment disclosures.  
Becomes operative 91 days after effective date of Act.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to public contracting; creating new provisions; amending section 6, chapter 53, Oregon  
3 Laws 2012; and declaring an emergency.

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

5 **SECTION 1.** Section 6, chapter 53, Oregon Laws 2012, is amended to read:

6 **Sec. 6.** (1) A bidder or proposer that submits a bid or proposal for a public contract may submit  
7 with the bid or proposal a personnel deployment disclosure. A personnel deployment disclosure that  
8 a bidder or proposer submits under this section must state:

9 (a) The number of workers that the bidder or proposer and the bidder or proposer's subcon-  
10 tractors plan to deploy to perform the work described in the invitation to bid or the request for  
11 proposals;

12 (b) The number of workers that the bidder or proposer and the bidder's or proposer's first-tier  
13 subcontractors will employ within this state; and

14 (c) The number of jobs in each of the categories described in paragraphs (a) and (b) of this  
15 subsection that would be a newly created job.

16 (2) A state contracting agency that receives a personnel deployment disclosure from a bidder  
17 or proposer under subsection (1) of this section may consider the personnel deployment disclosure  
18 in evaluating a bid or proposal if the contracting agency states in the solicitation documents for a  
19 procurement that the state contracting agency will consider a personnel deployment disclosure. The  
20 state contracting agency may give a preference to a bid or proposal that states that the bidder or  
21 proposer will employ more workers within this state than a competing bid or proposal if the bids  
22 or proposals otherwise suit the state contracting agency's specifications for the procurement equally  
23 well.

24 **(3) The Oregon Department of Administrative Services, before the beginning of each**  
25 **even-numbered year regular legislative session, shall provide to an appropriate interim**  
26 **committee of the Legislative Assembly that considers matters related to public contracting**  
27 **a report that summarizes how state contracting agencies that are subject to the authority**  
28 **of the Director of the Oregon Department of Administrative Services under ORS 279A.050 (2)**  
29 **and (7) use the personnel deployment disclosures described in subsection (1) of this section.**  
30 **The report must include:**

**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 (a) The total number of procurements and a description of each procurement in which a  
 2 state contracting agency stated in the solicitation for the procurement that the state con-  
 3 tracting agency would consider a personnel deployment disclosure;

4 (b) For each procurement identified in paragraph (a) of this subsection, the number of  
 5 bidders or proposers that submitted a personnel deployment disclosure with a bid or pro-  
 6 posal;

7 (c) The number of procurements in which a state contracting agency awarded a public  
 8 contract on the basis of a preference the state contracting agency gave to a bidder or  
 9 proposer that included a personnel deployment disclosure with a bid or proposal;

10 (d) For each procurement in which a state contracting agency did not consider a per-  
 11 sonnel deployment disclosure, a summary of the reasons that the state contracting agency  
 12 did not consider a personnel deployment disclosure; and

13 (e) A summary of the reasons why a state contracting agency did not give a preference  
 14 in awarding a public contract for each procurement in which a bidder or proposer submitted  
 15 a personnel deployment disclosure with the bid or proposal that indicated that the bidder or  
 16 proposer would employ more workers within this state than would competing bidders or  
 17 proposers and the bid or proposal otherwise suited the state contracting agency's specifica-  
 18 tions for the procurement equally well.

19 (4) A state contracting agency subject to the authority of the director under ORS  
 20 279A.050 (2) and (7) shall maintain records that enable the state contracting agency to cal-  
 21 culate or otherwise determine and provide to the director the information described in sub-  
 22 section (3) of this section.

23 [(3)] (5) The director [*of the Oregon Department of Administrative Services*], the Attorney General  
 24 and a state contracting agency that adopts rules under ORS 279A.065 may adopt rules to prescribe  
 25 the form and contents of a personnel deployment disclosure and otherwise to implement the pro-  
 26 visions of this section.

27 [(4)] (6) This section does not apply to the Secretary of State or the State Treasurer.

28 **SECTION 2.** The amendments to section 6, chapter 53, Oregon Laws 2012, by section 1  
 29 of this 2013 Act apply to a procurement that a state contracting agency first advertises or  
 30 solicits on or after January 1, 2013.

31 **SECTION 3.** (1) The amendments to section 6, chapter 53, Oregon Laws 2012, by section  
 32 1 of this 2013 Act become operative 91 days after the effective date of this 2013 Act.

33 (2) The Director of the Oregon Department of Administrative Services, the Attorney  
 34 General or a state contracting agency that adopts rules under ORS 279A.065 may take any  
 35 action before the operative date specified in subsection (1) of this section that is necessary  
 36 to enable the director, the Attorney General or the state contracting agency to exercise, on  
 37 and after the operative date specified in subsection (1) of this section, all of the duties,  
 38 functions and powers conferred on the director, the Attorney General or the state con-  
 39 tracting agency by the amendments to section 6, chapter 53, Oregon Laws 2012, by section  
 40 1 of this 2013 Act.

41 **SECTION 4.** This 2013 Act being necessary for the immediate preservation of the public  
 42 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
 43 on its passage.