

SENATE AMENDMENTS TO SENATE BILL 805

By COMMITTEE ON RULES

July 1

1 On page 1 of the printed bill, delete lines 19 through 26 and insert:

2 “(b)(A) Except as provided in subparagraph (B) of this paragraph, for the purposes of this section
3 a contracting agency proceeded with a procurement if the contracting agency advertised or solicited
4 the procurement in accordance with the provisions of this chapter or otherwise took affirmative
5 steps to seek a contractor to perform services for which the contracting agency would be required
6 to conduct a procurement under this chapter.

7 “(B) A contracting agency did not, for the purposes of this section, proceed with a procurement
8 if:

9 “(i) The contracting agency issued a request for information or a request for a quotation or
10 otherwise sought to obtain needed information in the course of complying with ORS 279B.030,
11 279B.033 or 279B.036; or

12 “(ii) The contracting agency, after advertising or soliciting a procurement, updated a cost anal-
13 ysis or reconsidered a determination in accordance with ORS 279B.030 (1)(c).”.

14 On page 2, delete lines 34 through 37 and insert:

15 “(4) Notwithstanding ORS 279B.145 or any other provision of this chapter or ORS chapter 279A,
16 a court shall review de novo a contracting agency’s determination under ORS 279B.030, 279B.033
17 or 279B.036.”.

18 In line 39, delete “and the con-”.

19 In line 40, delete “tracting agency shall cancel the procurement” and after “may” insert “not”.

20 In line 43, delete “(1)” and insert “(1)(a)” and restore “conducting” and delete “deciding to
21 conduct”.

22 On page 3, line 1, delete “(a)” and insert “(A)”.

23 In line 4, delete “(b)” and insert “(B)” and delete “Demonstrate” and insert “Determine”.

24 After line 5, insert:

25 “(b) To obtain information necessary to conduct the cost analysis described in paragraph (a)(A)
26 of this subsection or to make the determination described in paragraph (a)(B) of this subsection, a
27 contracting agency, before advertising or otherwise soliciting a procurement, shall issue a request
28 for information or a request for a quotation or shall use another reasonably practicable method to
29 obtain needed information.

30 “(c) If after advertising or otherwise soliciting a procurement and before awarding a contract
31 a contracting agency obtains new or additional information from bids or proposals, or from other
32 sources, that would alter or otherwise affect a cost analysis the agency conducted under ORS
33 279B.033 or a determination the contracting agency made under ORS 279B.036, the contracting
34 agency shall update the cost analysis with the new or additional information or, if necessary, re-
35 consider the agency’s determination as to the feasibility of performing with the contracting agency’s

1 own personnel or resources the services that are the subject of the procurement. The contracting
2 agency may proceed with the procurement only after updating the cost analysis or, if appropriate,
3 reconsidering the determination and only if the procurement continues to meet the applicable re-
4 quirement set forth in ORS 279B.033 (2) or 279B.036 (1).”

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