

**PROPOSED AMENDMENTS TO  
SENATE BILL 805**

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  
3 purposes of this section a contracting agency proceeded with a procurement  
4 if the contracting agency advertised or solicited the procurement in accord-  
5 ance with the provisions of this chapter or otherwise took affirmative steps  
6 to seek a contractor to perform services for which the contracting agency  
7 would be required to conduct a procurement under this chapter.

8 “(B) A contracting agency did not, for the purposes of this section, pro-  
9 ceed with a procurement if:

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

13 “(ii) The contracting agency, after advertising or soliciting a procure-  
14 ment, updated a cost analysis or reconsidered a determination in accordance  
15 with ORS 279B.030 (1)(c).”

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

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

20 In line 39, delete “and the con-”.

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

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

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

4 In line 4, delete “(b)” and insert “(B)” and delete “Demonstrate” and in-  
5 sert “Determine”.

6 After line 5, insert:

7 “(b) To obtain information necessary to conduct the cost analysis de-  
8 scribed in paragraph (a)(A) of this subsection or to make the determination  
9 described in paragraph (a)(B) of this subsection, a contracting agency, before  
10 advertising or otherwise soliciting a procurement, shall issue a request for  
11 information or a request for a quotation or shall use another reasonably  
12 practicable method to obtain needed information.

13 “(c) If after advertising or otherwise soliciting a procurement and before  
14 awarding a contract a contracting agency obtains new or additional infor-  
15 mation from bids or proposals, or from other sources, that would alter or  
16 otherwise affect a cost analysis the agency conducted under ORS 279B.033  
17 or a determination the contracting agency made under ORS 279B.036, the  
18 contracting agency shall update the cost analysis with the new or additional  
19 information or, if necessary, reconsider the agency’s determination as to the  
20 feasibility of performing with the contracting agency’s own personnel or re-  
21 sources the services that are the subject of the procurement. The contracting  
22 agency may proceed with the procurement only after updating the cost  
23 analysis or, if appropriate, reconsidering the determination and only if the  
24 procurement continues to meet the applicable requirement set forth in ORS  
25 279B.033 (2) or 279B.036 (1).”.

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