

**STAFF MEASURE SUMMARY****House Committee On Consumer Protection and Government Effectiveness****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 04/16/15**Action:** Without Recommendation As To Passage And Be Referred To Rules.**Meeting Dates:** 03/24, 04/16**Vote:**

Yeas: 5 - Fagan, Holvey, McLain, Rayfield, Stark

Nays: 2 - Buehler, Nearman

**Prepared By:** Wendy Simons, Committee Administrator

---

**WHAT THE MEASURE DOES:**

Requires contracting agency to publish certain information about public contracts on Oregon transparency website. Requires contractor to provide information to contracting agency, and for contracting agency to treat information as public record subject to disclosure under state public record laws. Requires meetings between contractor and contracting agency head to comply with public meeting law. Prohibits contracting agency from awarding contract before determining agency has necessary personnel and expertise to administer contract. Requires inclusion of certain provisions in public contracts. Requires bidder to submit affidavit demonstrating compliance with applicable laws. Becomes operative January 1, 2016. Declares emergency, effective upon passage.

**ISSUES DISCUSSED:**

- What information is currently available about public contracts and the ease of searching for specific information
- Examples of troubled public contracts
- Contract provisions that would be prohibited by proposed measure, including guaranteed profits and occupancy rates and automatic renewals and cost increases
- Cost and effort for local governments and special districts to provide information required under proposed measure
- Effect of requiring contractors to disclose business information currently considered confidential

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

The Legislative Assembly directed the Department of Administrative Services (DAS) to create the Oregon transparency website in 2009 using existing agency resources. Additional information has been added to the website since its inception, in some cases via links to information maintained on other systems and websites. One employee within the State Chief Information Office maintains the transparency website, in addition to the employee's other regular duties.

House Bill 3035 (2013) directed DAS to develop a plan to include additional contracting information on the transparency website. DAS issued a report in February 2015 responding to specific requests for data in House Bill 3035, including: contract expenditures made by state agencies; the texts of contracts; information about contract terms and vendors that is searchable by category; findings related to whether individual procurements would

achieve cost savings and would be feasible; and contracting and subcontracting by community colleges and school districts. According to the report, some of the data requested is not currently collected, e.g., payments made on a contract by contract basis, while the full text of contracts is sometimes already uploaded into the Oregon Procurement Information System (ORPIN) but not easily extractable nor searchable. DAS is planning to work with stakeholders to develop a reporting template and process for submitting information about community college and school district contracts to the transparency website.