

House Bill 3346

Sponsored by Representative HOYLE

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**.

Creates Task Force on Public Contracting with Disadvantaged Business Enterprises and specifies membership of task force. Requires task force to study methods for providing preferences in public contracting for businesses that are certified as disadvantaged business enterprises or minority, women or emerging small businesses.

Sunsets December 31, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to preferences in public contracting for certain disadvantaged businesses; and declaring an
3 emergency.

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

5 **SECTION 1. (1) The Task Force on Public Contracting with Disadvantaged Business En-**
6 **terprises is established, consisting of 11 members appointed as follows:**

7 (a) **The President of the Senate shall appoint two members from among members of the**
8 **Senate.**

9 (b) **The Speaker of the House of Representatives shall appoint two members from among**
10 **members of the House of Representatives.**

11 (c) **The Director of the Oregon Business Development Department shall appoint an em-**
12 **ployee of the Office for Minority, Women and Emerging Small Business.**

13 (d) **The Governor shall appoint:**

14 (A) **The Advocate for Minority, Women and Emerging Small Business.**

15 (B) **Four members from businesses that are certified as disadvantaged, minority, women**
16 **or emerging small businesses under ORS 200.055.**

17 (e) **The Director of the Oregon Department of Administrative Services shall appoint the**
18 **state chief procurement officer.**

19 (2) **The task force shall study methods for providing preferences in public contracting for**
20 **businesses that are certified under ORS 200.055, including:**

21 (a) **Conducting evaluations of bids and proposals that account for a bidder's or proposer's**
22 **certification under ORS 200.055 or a bidder's or proposer's commitment to ensuring partic-**
23 **ipation in state contracts by businesses that are certified under ORS 200.055;**

24 (b) **Mechanisms for enforcing compliance with required evaluation procedures and com-**
25 **pliance with stated commitments with respect to participation; and**

26 (c) **Penalties for failing to comply with required evaluation procedures and stated com-**
27 **mitments with respect to participation.**

28 (3) **The task force may conduct studies, hear testimony from experts and other know-**
29 **ledgeable people, suggest or structure pilot programs, perform research and otherwise take**

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 actions that are necessary for the task force to carry out the task force's purpose under
2 subsection (2) of this section.

3 (4) A majority of the members of the task force constitutes a quorum for the transaction
4 of business.

5 (5) Official action by the task force requires the approval of a majority of the members
6 of the task force.

7 (6) The task force shall elect one of its members to serve as chairperson.

8 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
9 ment to become immediately effective.

10 (8) The task force shall meet at times and places specified by the call of the chairperson
11 or of a majority of the members of the task force.

12 (9) The task force may adopt rules necessary for the operation of the task force.

13 (10) The task force shall submit a report in the manner provided by ORS 192.245, and
14 may include recommendations for legislation, to an interim committee of the Legislative
15 Assembly related to public contracting as appropriate no later than September 15, 2016.

16 (11) The Oregon Business Development Department shall provide staff support to the
17 task force.

18 (12) Members of the task force who are not members of the Legislative Assembly are not
19 entitled to compensation, but may be reimbursed for actual and necessary travel and other
20 expenses incurred by them in the performance of their official duties in the manner and
21 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
22 of the task force shall be paid out of funds appropriated to the Oregon Business Development
23 Department for purposes of the task force.

24 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist
25 the task force in the performance of its duties and, to the extent permitted by laws relating
26 to confidentiality, to furnish such information and advice as the members of the task force
27 consider necessary to perform their duties.

28 **SECTION 2.** Section 1 of this 2015 Act is repealed on December 31, 2016.

29 **SECTION 3.** This 2015 Act being necessary for the immediate preservation of the public
30 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
31 on its passage.

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