

Senate Bill 155

Sponsored by Senator MONNES ANDERSON; Senator BOQUIST (Pre-session filed.)

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**.

Permits contracting agency in procurement for goods or services to give preference to bidder or proposer that is located in distressed area.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to preferences for procurements from businesses located in distressed areas; creating new
3 provisions; amending ORS 279A.128; and declaring an emergency.

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

5 **SECTION 1.** ORS 279A.128 is amended to read:

6 279A.128. (1) As used in this section, "services" means services as defined in ORS 279A.010
7 (1)(kk) and personal services designated under ORS 279A.055.

8 (2)(a) Notwithstanding provisions of law requiring a contracting agency to award a contract to
9 the lowest responsible bidder or best proposer or provider of a quotation, a contracting agency that
10 uses public funds to procure goods or services for a public use under ORS chapter 279B may give
11 preference to:

12 (A) Procuring goods that are fabricated or processed, or services that are performed, entirely
13 within this state if the goods or services cost not more than 10 percent more than goods that are
14 not fabricated or processed, or services that are not performed, entirely within this state[.]; **or**

15 (B) **Procuring goods or services from a bidder or proposer that is located in a distressed**
16 **area, as defined in ORS 285A.010.**

17 (b) If more than one bidder or proposer qualifies for [*the*] a preference described in this sub-
18 section, the contracting agency may give a further preference to a qualifying bidder or proposer that
19 resides in or is headquartered in this state.

20 [*b*] (c) [*The*] **A** contracting agency by order may set a higher percentage than the percentage
21 set forth in paragraph (a) of this subsection if the contracting agency, in a written determination
22 to support the order, finds good cause to set the higher percentage and explains the contracting
23 agency's reasons and evidence for the finding.

24 (3) Notwithstanding ORS 279C.320 (1), subsection (2) of this section does not apply to emergency
25 work, minor alterations, ordinary repairs or maintenance work for public improvements or to other
26 construction contracts described in ORS 279C.320 (1).

27 **SECTION 2.** **The amendments to ORS 279A.128 by section 1 of this 2015 Act apply to**
28 **procurements that a contracting agency first advertises or otherwise solicits or, if the con-**
29 **tracting agency does not advertise or solicit the procurement, to public contracts into which**
30 **the contracting agency enters on or after the operative date specified in section 3 of this 2015**

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 Act.

2 **SECTION 3.** (1) The amendments to ORS 279A.128 by section 1 of this 2015 Act become
3 operative January 1, 2016.

4 (2) The Attorney General, the Director of the Oregon Department of Administrative
5 Services, the Director of Transportation and a contracting agency that adopts rules under
6 ORS 279A.065 may take any action before the operative date specified in subsection (1) of this
7 section that is necessary to enable the Attorney General, the director or the contracting
8 agency, on and after the operative date specified in subsection (1) of this section, to exercise
9 all of the duties, functions and powers conferred on the Attorney General, the director or
10 the contracting agency by the amendments to ORS 279A.128 by section 1 of this 2015 Act.

11 **SECTION 4.** This 2015 Act being necessary for the immediate preservation of the public
12 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
13 on its passage.

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