

Senate Bill 491

Sponsored by Senator MONNES ANDERSON, Representative KOMP; Senators BOQUIST, BURDICK, DEVLIN, EDWARDS, HASS, THOMSEN (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**.

Provides that state contracting agency may not prequalify prospective bidder or proposer for public contract for goods or services, or for public improvement contract, if prospective bidder or proposer employs 40 or more workers and if public contract has estimated contract price that exceeds \$500,000, unless prospective bidder or proposer submits certificate that shows completion of training program for compliance with pay equity provisions of state law.

Directs Oregon Department of Administrative Services to establish training program and specifies elements that program must include. Permits department to conduct training or to enter into interagency agreement or contract to provide training.

Requires all public contracts to provide that contractors must comply with prohibitions against discrimination in wage payments and compensation and that contractors may not prohibit employees from discussing with others employees' rate of wage, salary or other compensation or retaliate against employees who discuss employees' rate of wage, salary or other compensation.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to requirements in public contracting for compliance with pay equity provisions of state
3 law; creating new provisions; amending ORS 279B.120, 279B.125, 279B.235, 279C.430 and
4 279C.520; and declaring an emergency.

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

6 **SECTION 1.** ORS 279B.120 is amended to read:

7 279B.120. (1) A contracting agency may prequalify prospective bidders or proposers to submit
8 bids or proposals for public contracts to provide particular types of goods or services. **Unless the**
9 **Director of the Oregon Department of Administrative Services prescribes otherwise by rule,**
10 **or a local contract review board prescribes otherwise by ordinance or resolution, the con-**
11 **tracting agency shall determine the method and form that prospective bidders or proposers**
12 **must use for, and the information the bidders or proposers must include in, a prequalifica-**
13 **tion application. The contracting agency, at a minimum, must base the contracting agency's**
14 **determination as to whether the prospective bidder or proposer is qualified in accordance**
15 **with subsection (2)(a) of this section and, if the contracting agency is a state contracting**
16 **agency, on the additional requirement set forth in subsection (2)(b) of this section.** [*The*
17 *method of submitting prequalification applications, the information required in order to be prequalified*
18 *and the forms to be used for submitting prequalification information shall be determined by the con-*
19 *tracting agency unless otherwise prescribed by rule adopted by the Director of the Oregon Department*
20 *of Administrative Services or the local contract review board.*]

21 (2)(a) [*The*] **A contracting agency shall**, *in response to the receipt of a prequalification application*
22 *submitted under subsection (1) of this section, notify the* **determine whether a** prospective bidder
23 or proposer **that submitted a complete application under subsection (1) of this section** [*whether*
24 *the prospective bidder or proposer*] is qualified based on the standards of responsibility listed in ORS

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 279B.110 (2)[,] **and** the type and nature of contracts that the prospective bidder or proposer [*is*
 2 *qualified*] **intends** to compete for. **The contracting agency shall notify the prospective bidder**
 3 **or proposer of the contracting agency's determination and, if the prospective bidder or**
 4 **proposer is qualified, of** [*and*] the time period for which the prequalification is valid. If the con-
 5 tracting agency does not prequalify a prospective bidder or proposer [*as to*] **for** any contracts [*cov-*
 6 *ered by the*] **that require** prequalification [*process*], the notice must specify which of the standards
 7 of responsibility listed in ORS 279B.110 (2) the prospective bidder or proposer failed to meet **and**
 8 **the reasons the contracting agency determined that the prospective bidder or proposer failed**
 9 **to meet the standard or standards.** Unless the **contracting agency specifies the reasons** [*are*
 10 *specified*], the **contracting agency must deem the** prospective bidder or proposer [*shall be deemed*
 11 *to have been prequalified in accordance with the application.*] **prequalified to submit bids or pro-**
 12 **posals for the types of goods or services or categories of work that were specified in the**
 13 **application and in accordance with any limitations or other conditions specified in the appli-**
 14 **cation.**

15 (b) A state contracting agency that intends to award a contract for goods or services
 16 with an estimated contract price that exceeds \$500,000 may not prequalify a prospective bid-
 17 der or proposer that employs 40 or more full-time workers unless the prospective bidder or
 18 proposer, in addition to qualifying as provided in paragraph (a) of this subsection, submits
 19 with the prequalification application a certificate from the Oregon Department of Adminis-
 20 trative Services that shows that the prospective bidder or proposer understands the prohi-
 21 bition set forth in ORS 652.220 and in other laws or rules that prohibit discrimination in
 22 compensation or wage payments.

23 (3)(a) The department shall establish a program for issuing the certificate described in
 24 subsection (2)(b) of this section that includes, but is not limited to, all of these elements:

25 (A) A curriculum for training prospective bidders and proposers in complying with the
 26 prohibition described in this subsection. The curriculum must include hypothetical situ-
 27 ations, case studies and other examples that show conduct that would violate the prohibition
 28 and other conduct that would constitute correct and best practices.

29 (B) Criteria for assessing whether prospective bidders and proposers understand the
 30 prohibition and can successfully apply best practices to a hypothetical situation that involves
 31 discrimination in compensation or wage payments.

32 (C) Standards for successful completion of the curriculum and assessment that will re-
 33 sult in the department awarding the certificate.

34 (b) The department may conduct the training and assessment for the program described
 35 in paragraph (a) of this subsection or may enter into an interagency agreement with the
 36 Bureau of Labor and Industries or a contract with a private entity to conduct the training
 37 and assessment.

38 [(3)] (4) If a contracting agency subsequently discovers that a prospective bidder or proposer
 39 that prequalified under subsections (1) and (2) of this section is no longer qualified, the agency may
 40 revoke the prequalification [*upon*] **after** reasonable notice to the prospective bidder or proposer,
 41 except that a revocation is invalid as to any [*contract*] **procurement** for which **the contracting**
 42 **agency already issued** an advertisement for bids or proposals [*has already been issued*].

43 **SECTION 2.** ORS 279B.125 is amended to read:

44 279B.125. (1) [*When*] **If** a contracting agency permits or requires prequalification of bidders or
 45 proposers, a prospective bidder or proposer [*who wishes*] **that intends** to prequalify shall submit a

1 prequalification application to the contracting agency on a form prescribed under ORS 279B.120 (1).
 2 *[Upon receipt of]* **After receiving** a prequalification application, the contracting agency shall inves-
 3 tigate the prospective bidder or proposer as necessary to determine whether the prospective bidder
 4 or proposer is qualified. *[The determination shall be made in less than 30 days, if practicable,]* If the
 5 prospective bidder or proposer requests an early decision to allow the prospective bidder or
 6 proposer as much time as possible to prepare a bid or proposal for a contract that has been
 7 advertised[.], **the contracting agency shall make the determination in less than 30 days, if**
 8 **practicable.** *[In making its determination, the contracting agency shall consider only the applicable*
 9 *standards of responsibility listed in ORS 279B.110 (2). The contracting agency shall promptly notify*
 10 *the prospective bidder or proposer whether the prospective bidder or proposer is qualified.]* **The con-**
 11 **tracting agency may determine whether the applicant is qualified only on the basis of the**
 12 **applicable standards of responsibility listed in ORS 279B.110 (2) or, if the contracting agency**
 13 **is a state contracting agency, on the basis of the applicable standards of responsibility listed**
 14 **in ORS 279B.110 (2) and the additional requirement set forth in ORS 279B.120 (2)(b).**

15 (2) If *[the]* a contracting agency finds that a prospective bidder or proposer is qualified, **the**
 16 **contracting agency shall notify the prospective bidder or proposer promptly and in** the notice
 17 *[must]* **shall** state the type and nature of contracts *[that the prospective bidder or proposer is qualified*
 18 *to compete]* for **which the prospective bidder or proposer may submit bids or proposals** and the
 19 *[period of]* time **period** for which the prequalification is valid. If the agency finds that the prospec-
 20 tive bidder or proposer is not qualified as to any contracts *[covered by the rule, resolution, ordinance*
 21 *or other regulation, the notice must specify the reasons given under ORS 279B.120 for not prequalifying*
 22 *the prospective bidder or proposer and]* **for which the contracting agency requires prequalifica-**
 23 **tion, the contracting agency shall notify the prospective bidder or proposer of which stan-**
 24 **dards under ORS 279B.110 (2) or 279B.120 (2)(b) the prospective bidder or proposer failed to**
 25 **meet and the reasons why the contracting agency determined that the prospective bidder or**
 26 **proposer failed to meet the standard or standards. The notice must also** inform the prospective
 27 bidder or proposer of the right to a hearing under ORS 279B.425. To be entitled to a hearing under
 28 ORS 279B.425, a prospective bidder or proposer shall, within three business days after *[receipt of]*
 29 **receiving** the notice, notify the contracting agency that the prospective bidder or proposer demands
 30 a hearing under ORS 279B.425.

31 (3) If a contracting agency has reasonable cause to believe that *[there has been]* a substantial
 32 change **has occurred** in the conditions *[of]* **under which** a *[prequalified]* prospective bidder or
 33 proposer **prequalified under this section and ORS 279B.120** and that the prospective bidder or
 34 proposer is no longer qualified or is less qualified, the contracting agency may revoke or may revise
 35 and reissue the prequalification after reasonable notice to the prequalified prospective bidder or
 36 proposer. The notice must specify the reasons *[given]* **the contracting agency found** under ORS
 37 279B.120 for *[revocation or revision of]* **revoking or revising** the prequalification of the prospective
 38 bidder or proposer and inform the prospective bidder or proposer of the right to a hearing under
 39 ORS 279B.425. To be entitled to a hearing under ORS 279B.425, a prospective bidder or proposer
 40 shall, within three business days after *[receipt of]* **receiving** the notice, notify the contracting agency
 41 that the prospective bidder or proposer demands a hearing under ORS 279B.425. A revocation or
 42 revision does not apply to any contract for which an advertisement for bids or proposals was issued
 43 before the date **on which the prospective bidder or proposer received** the notice of revocation
 44 or revision *[was received by the prequalified prospective bidder or proposer].*

45 **SECTION 3.** ORS 279B.235 is amended to read:

1 279B.235. (1) Except as provided in subsections (3) to (6) of this section, every public contract
 2 subject to this chapter must *[contain a condition that a person may not be employed]* **provide that:**

3 **(a) A contractor may not employ an employee** for more than 10 hours in any one day, or 40
 4 hours in any one week, except in cases of necessity, emergency or when the public policy absolutely
 5 requires *[it]* **otherwise**, and in such cases, except in cases of contracts for personal services desig-
 6 nated under ORS 279A.055, the *[employee shall be paid]* **contractor shall pay the employee** at least
 7 time and a half pay **for:**

8 *[(a)(A) For]* **(A)(i)** All overtime in excess of eight hours in any one day or 40 hours in any one
 9 week *[when]* **if** the work week is five consecutive days, Monday through Friday; or

10 *[(B) For]* **(ii)** All overtime in excess of 10 hours in any one day or 40 hours in any one week
 11 *[when]* **if** the work week is four consecutive days, Monday through Friday; and

12 *[(b) For]* **(B)** All work *[performed]* **the employee performs** on Saturday and on any legal holiday
 13 specified in ORS 279B.020.

14 **(b) The contractor shall comply with the prohibition set forth in ORS 652.220, that com-**
 15 **pliance is a material element of the contract and that a failure to comply is a breach that**
 16 **entitles the contracting agency to terminate the contract for cause.**

17 **(c) The contractor may not prohibit any of the contractor's employees from discussing**
 18 **the employee's rate of wage, salary, benefits or other compensation with another employee**
 19 **or another person and may not retaliate against an employee who discusses the employee's**
 20 **rate of wage, salary, benefits or other compensation with another employee or another per-**
 21 **son.**

22 (2) *[An employer must]* **A contractor shall** give notice in writing to employees who work on a
 23 public contract, either at the time of hire or before *[commencement of]* work **begins** on the contract,
 24 or by posting a notice in a location frequented by employees, of the number of hours per day and
 25 days per week that the **contractor may require the** employees *[may be required]* to work.

26 (3) *[In the case of contracts]* **A public contract** for personal services, as described in ORS
 27 279A.055, *[the contract shall contain a provision that the]* **must provide that the contractor shall**
 28 **pay the contractor's employees who work under the public contract** *[employee shall be paid]*
 29 at least time and a half for all overtime *[worked]* **the employees work** in excess of 40 hours in any
 30 one week, except for *[individuals]* **employees** under a personal services *[contracts]* **public contract**
 31 who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving over-
 32 time.

33 (4) *[In the case of]* **A public contract** for services at a county fair, or for *[other events authorized*
 34 *by]* **another event that** a county fair board **authorizes**, *[the contract must contain a provision*
 35 *that]* **must provide that the contractor shall pay** employees *[must be paid]* **who work under the**
 36 **public contract** at least time and a half for work in excess of 10 hours in any one day or 40 hours
 37 in any one week. *[An employer shall give notice in writing to]* **A contractor shall notify** employees
 38 who work *[on such a]* **under the public contract**, either at the time of hire or before *[commencement*
 39 *of]* work **begins** on the **public contract**, or by posting a notice in a location frequented by employ-
 40 ees, of the number of hours per day and days per week that **the contractor may require the** em-
 41 ployees *[may be required]* to work.

42 (5)(a) Except as provided in subsection (4) of this section, a *[contracts]* **public contract** for ser-
 43 vices must *[contain a provision that requires that persons employed under the contracts shall receive]*
 44 **provide that the contractor shall pay employees** at least time and a half pay for work
 45 *[performed]* **the employees perform under the public contract** on the legal holidays specified in

1 a collective bargaining agreement or in ORS 279B.020 (1)(b)(B) to (G) and for all time *[worked]* **the**
 2 **employee works** in excess of 10 hours in any one day or in excess of 40 hours in any one week,
 3 whichever is greater.

4 (b) *[An employer shall give notice in writing to]* **A contractor shall notify in writing** employees
 5 who work on a **public** contract for services, either at the time of hire or before *[commencement of]*
 6 work **begins** on the **public** contract, or by posting a notice in a location frequented by employees,
 7 of the number of hours per day and days per week that the **contractor may require the** employees
 8 *[may be required]* to work.

9 (6) This section does not apply to public contracts:

10 (a) With financial institutions as defined in ORS 706.008.

11 (b) Made pursuant to the authority of the State Forester or the State Board of Forestry under
 12 ORS 477.406 for labor performed in the prevention or suppression of fire.

13 (c) For goods or personal property.

14 **SECTION 4.** ORS 279C.430 is amended to read:

15 279C.430. (1) A contracting agency may adopt a rule, resolution, ordinance or other regulation
 16 *[requiring]* **to require** mandatory prequalification *[for all persons desiring to bid for public improve-*
 17 *ment contracts that are to be let by the agency]* **before a prospective bidder or proposer may**
 18 **submit a bid or proposal for a public improvement contract.** The rule, resolution, ordinance or
 19 other regulation *[authorized by this section]* must include the time for submitting prequalification
 20 applications and a general description of the type and nature of the contracts that *[may be let]* **re-**
 21 **quire prequalification.** *[The prequalification application must be in writing on a standard form pre-*
 22 *scribed under the authority of ORS 279A.050.]*

23 (2)(a) *[When]* **If** a contracting agency *[permits or]* requires prequalification *[of bidders]* **under**
 24 **subsection (1) of this section,** a *[person who wishes to prequalify]* **prospective bidder or proposer**
 25 **that intends to prequalify** shall submit a prequalification application to the contracting agency
 26 *[on a standard form prescribed under subsection (1) of this section]* **using a method and form that**
 27 **the contracting agency prescribes and with the information the contracting agency**
 28 **specifies.** Within 30 days after *[receipt of]* **receiving** a prequalification application, the contracting
 29 agency shall investigate the applicant as necessary to determine if the applicant is qualified. *[The*
 30 *determination shall be made in less than 30 days, if practicable,]* If the applicant requests an early
 31 decision to allow the applicant as much time as possible to prepare a bid on a contract that has
 32 been advertised, **the contracting agency shall make the determination in less than 30 days, if**
 33 **practicable.** *[In making its determination, the contracting agency shall consider only the applicable*
 34 *standards of responsibility listed in ORS 279C.375 (3)(b). The agency shall promptly notify the appli-*
 35 *cant whether or not the applicant is qualified.]* **The contracting agency may determine whether**
 36 **the applicant is qualified only on the basis of the applicable standards of responsibility listed**
 37 **in ORS 279C.375 (3)(b) or, if the contracting agency is a state contracting agency, on the**
 38 **applicable standards of responsibility listed in ORS 279C.375 (3)(b) and the additional re-**
 39 **quirement set forth in paragraph (b) of this subsection.**

40 (b) **A state contracting agency that intends to award a public improvement contract with**
 41 **an estimated contract price that exceeds \$500,000 may not prequalify a prospective bidder or**
 42 **proposer that employs 40 or more full-time workers unless the prospective bidder or**
 43 **proposer, in addition to qualifying as provided in paragraph (a) of this subsection, submits**
 44 **with the prequalification application a certificate from the Oregon Department of Adminis-**
 45 **trative Services that shows that the prospective bidder or proposer understands the prohi-**

1 **bition set forth in ORS 652.220 and in other laws or rules that prohibit discrimination in**
 2 **compensation or wage payments.**

3 **(3)(a) The department shall establish a program for issuing the certificate described in**
 4 **subsection (2)(b) of this section that includes, but is not limited to, all of these elements:**

5 **(A) A curriculum for training prospective bidders and proposers in complying with the**
 6 **prohibition described in this subsection. The curriculum must include hypothetical situ-**
 7 **ations, case studies and other examples that show conduct that would violate the prohibition**
 8 **and other conduct that would constitute correct and best practices.**

9 **(B) Criteria for assessing whether prospective bidders and proposers understand the**
 10 **prohibition and can successfully apply best practices to a hypothetical situation that involves**
 11 **discrimination in compensation or wage payments.**

12 **(C) Standards for successful completion of the curriculum and assessment that will re-**
 13 **sult in the department awarding the certificate.**

14 **(b) The department may conduct the training and assessment for the program described**
 15 **in paragraph (a) of this subsection or may enter into an interagency agreement with the**
 16 **Bureau of Labor and Industries or a contract with a private entity to conduct the training**
 17 **and assessment.**

18 **[(3)] (4) If [the] a contracting agency finds that [the] an applicant is qualified, the contracting**
 19 **agency shall notify the applicant promptly and in the notice [must] shall state the nature and**
 20 **type of contracts [that the person is qualified to bid on] for which the applicant may submit bids**
 21 **or proposals and the period of time for which the qualification is valid [under the contracting**
 22 **agency's rule, resolution, ordinance or other regulation]. If the contracting agency finds the applicant**
 23 **is not qualified as to any contracts [covered by the rule, resolution, ordinance or other regulation, the**
 24 **notice must specify the reasons found under ORS 279C.375 (3)(b) for not prequalifying the applicant**
 25 **and] for which the contracting agency requires prequalification, the contracting agency shall**
 26 **notify the applicant of which standards under ORS 279C.375 (3)(b) or subsection (2)(b) of this**
 27 **section the applicant failed to meet and the reasons why the contracting agency determined**
 28 **that the applicant failed to meet the standard or standards. The notice must also inform the**
 29 **applicant of the right to a hearing under ORS 279C.445 and 279C.450.**

30 **[(4)] (5) If a contracting agency has reasonable cause to believe that [there has been] a sub-**
 31 **stantial change has occurred in the conditions under which a person prequalified under this**
 32 **section [of a prequalified person and that the person] and that the person is no longer qualified or**
 33 **is less qualified, the contracting agency may revoke or may revise and reissue the prequalification**
 34 **after reasonable notice to the prequalified person. The notice [shall] must state the reasons the**
 35 **contracting agency found under ORS 279C.375 (3)(b) for [revocation or revision of the] revoking**
 36 **or revising the person's prequalification [of the person] and inform the person of the right to a**
 37 **hearing under ORS 279C.445 and 279C.450. A revocation or revision does not apply to any public**
 38 **improvement contract for which publication of an advertisement, in accordance with ORS 279C.360,**
 39 **[commenced] began before the date on which the prequalified person received the notice of re-**
 40 **vocation or revision [was received by the prequalified person].**

41 **SECTION 5. ORS 279C.520 is amended to read:**

42 **279C.520. (1) Every public contract subject to this chapter must [contain a condition] provide**
 43 **that:**

44 **(a) A contractor may not employ an employee [person may not be employed] for more than**
 45 **10 hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency or**

1 when the public policy absolutely requires *[it]* **otherwise**, and in such cases, except in cases of
 2 contracts for personal services as defined in ORS 279C.100, the **contractor shall pay the** employee
 3 *[shall be paid]* at least time and a half pay **for**:

4 *[(a)(A) For]* **(A)(i)** All overtime in excess of eight hours in any one day or 40 hours in any one
 5 week *[when]* **if** the work week is five consecutive days, Monday through Friday; or

6 *[(B) For]* **(ii)** All overtime in excess of 10 hours in any one day or 40 hours in any one week
 7 *[when]* **if** the work week is four consecutive days, Monday through Friday; and

8 *[(b) For]* **(B)** All work *[performed]* **the employee performs** on Saturday and on any legal holiday
 9 specified in ORS 279C.540.

10 **(b) The contractor shall comply with the prohibition set forth in ORS 652.220, that com-**
 11 **pliance is a material element of the contract and that a failure to comply is a breach that**
 12 **entitles the contracting agency to terminate the contract for cause.**

13 **(c) The contractor may not prohibit any of the contractor's employees from discussing**
 14 **the employee's rate of wage, salary, benefits or other compensation with another employee**
 15 **or another person and may not retaliate against an employee who discusses the employee's**
 16 **rate of wage, salary, benefits or other compensation with another employee or another per-**
 17 **son.**

18 (2) *[An employer must]* **A contractor shall** give notice in writing to employees who work on a
 19 public contract, either at the time of hire or before *[commencement of]* work **begins** on the contract,
 20 or by posting a notice in a location frequented by employees, of the number of hours per day and
 21 days per week that the **contractor may require the** employees *[may be required]* to work.

22 (3) *[In the case of contracts]* **A public contract** for personal services, as defined in ORS
 23 279C.100, *[the contract shall contain a provision that the employee shall be paid]* **must provide that**
 24 **the contractor shall pay the contractor's employees who work under the public contract** at
 25 least time and a half for all overtime *[worked]* **the employees work** in excess of 40 hours in any
 26 one week, except for *[individuals]* **employees** under a personal services *[contracts]* **public contract**
 27 who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving over-
 28 time.

29 (4) *[In the case of]* **A public** contract for services at a county fair, or for *[other events authorized*
 30 *by]* **another event that** a county fair board **authorizes**, *[the contract must contain a provision*
 31 *that]* **must provide that the contractor shall pay** employees *[must be paid]* **who work under the**
 32 **public contract** at least time and a half for work in excess of 10 hours in any one day or 40 hours
 33 in any one week. *[An employer shall give notice in writing to]* **A contractor shall notify** employees
 34 who work *[on such a]* **under the public** contract, either at the time of hire or before *[commencement*
 35 *of]* work **begins** on the **public** contract, or by posting a notice in a location frequented by employ-
 36 ees, of the number of hours per day and days per week that **the contractor may require the** em-
 37 ployees *[may be required]* to work.

38 (5)(a) Except as provided in subsection (4) of this section, *[contracts]* **a public contract** for ser-
 39 vices must *[contain a provision that requires that persons employed under the contracts shall receive]*
 40 **provide that the contractor shall pay employees** at least time and a half pay for work
 41 *[performed]* **the employees perform under the public contract** on the legal holidays specified in
 42 a collective bargaining agreement or in ORS 279C.540 (1)(b)(B) to (G) and for all time *[worked]* **the**
 43 **employees work** in excess of 10 hours in any one day or in excess of 40 hours in any one week,
 44 whichever is greater.

45 (b) *[An employer shall give notice in writing to]* **A contractor shall notify in writing** employees

1 who work on a **public** contract for services, either at the time of hire or before [*commencement of*]
 2 work **begins** on the **public** contract, or by posting a notice in a location frequented by employees,
 3 of the number of hours per day and days per week that the **contractor may require the** employees
 4 [*may be required*] to work.

5 **SECTION 6.** The amendments to ORS 279B.120, 279B.125, 279B.235, 279C.430 and 279C.520
 6 by sections 1 to 5 of this 2015 Act apply to procurements that a contracting agency adver-
 7 tised or otherwise solicited or, if the contracting agency did not advertise or solicit the pro-
 8 curement, to contracts into which the contracting agency entered on or after the operative
 9 date specified in section 7 of this 2015 Act.

10 **SECTION 7.** (1) The amendments to ORS 279B.120, 279B.125, 279B.235, 279C.430 and
 11 279C.520 by sections 1 to 5 of this 2015 Act become operative January 1, 2016.

12 (2) The Director of the Oregon Department of Administrative Services, the Director of
 13 Transportation, the Attorney General or a contracting agency that adopts rules under ORS
 14 279A.065 may take any action before the operative date specified in subsection (1) of this
 15 section that is necessary to enable the director, the Attorney General or the contracting
 16 agency to exercise, on and after the operative date specified in subsection (1) of this section,
 17 all of the duties, functions and powers conferred on the director, the Attorney General or
 18 the contracting agency by the amendments to ORS 279B.120, 279B.125, 279B.235, 279C.430 and
 19 279C.520 by sections 1 to 5 of this 2015 Act.

20 **SECTION 8.** This 2015 Act being necessary for the immediate preservation of the public
 21 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
 22 on its passage.

23 _____