

A-Engrossed
Senate Bill 1539

Ordered by the Senate February 8
Including Senate Amendments dated February 8

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Joint Interim Committee on Information Management and Technology)

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.

Requires state contracting agencies to provide State Chief Information Officer and Legislative Fiscal Office with certain materials in connection with cost analysis that state contracting agency performs to determine whether to conduct information technology procurement or determination as to procurement's feasibility. **Exempts Secretary of State and State Treasurer from requirement to provide some materials to State Chief Information Officer.**

Requires State Chief Information Officer to adopt rules and develop policies to incorporate materials into State Chief Information Officer's oversight and planning functions related to information technology.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to materials that state contracting agencies must provide in connection with an information
3 technology procurement; creating new provisions; amending ORS 279B.030; and declaring an
4 emergency.

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

6 **SECTION 1.** ORS 279B.030 is amended to read:

7 279B.030. (1) Except as provided in ORS 279B.036, before conducting a procurement for services
8 with an estimated contract price that exceeds \$250,000, a contracting agency shall:

9 (a) Demonstrate, by means of a written cost analysis in accordance with ORS 279B.033, that the
10 contracting agency would incur less cost in conducting the procurement than in performing the
11 services with the contracting agency's own personnel and resources; or

12 (b) Demonstrate, in accordance with ORS 279B.036, that performing the services with the con-
13 tracting agency's own personnel and resources is not feasible.

14 (2) If a local contracting agency authorizes a department, bureau, office or other subdivision of
15 the local contracting agency to conduct a procurement on behalf of another department, bureau,
16 office or subdivision of the local contracting agency, the department, bureau, office or subdivision
17 on whose behalf the procurement is conducted shall comply with the requirement set forth in sub-
18 section (1) of this section.

19 (3) Subsection (1) of this section does not apply to:

20 (a) A local contracting agency or a local contract review board for a city that has a population
21 of not more than 15,000 or a county that has a population of not more than 30,000;

22 (b) A community college that enrolls not more than 1,000 full-time equivalent students, as de-
23 fined in ORS 341.005;

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 (c) A special district, as defined in ORS 198.010, a diking district formed under ORS chapter 551
2 and a soil and water conservation district organized under ORS 568.210 to 568.808;

3 (d) The Port of Portland; or

4 (e) Procurements for client services[, *as defined in OAR 125-246-0110*] **the definition and scope**
5 **of which the Oregon Department of Administrative Services specifies by rule.**

6 (4)(a)(A) **A state contracting agency that conducts a cost analysis in accordance with**
7 **ORS 279B.033 or makes a determination under ORS 279B.036 in connection with a procure-**
8 **ment for services related to information technology, as defined in ORS 291.045, shall provide**
9 **the State Chief Information Officer and the Legislative Fiscal Office with copies of the final**
10 **cost analysis the state contracting agency prepared under ORS 279B.033 or the final deter-**
11 **mination the state contracting agency made under ORS 279B.036.**

12 (B) **The requirement to provide the materials described in subparagraph (A) of this par-**
13 **agraph to the State Chief Information Officer does not apply to the Secretary of State or the**
14 **State Treasurer.**

15 (b) **The Legislative Fiscal Office may provide materials the office receives under para-**
16 **graph (a) of this subsection to a committee of the Legislative Assembly or to the Emergency**
17 **Board in accordance with policies the office develops.**

18 (c) **The State Chief Information Officer shall adopt rules and develop policies for incor-**
19 **porating materials the State Chief Information Officer receives under paragraph (a) of this**
20 **subsection into the oversight functions that the State Chief Information Officer exercises**
21 **under ORS 291.038 and the planning functions that the State Chief Information Officer ex-**
22 **ercises under ORS 184.475 and 184.477.**

23 **SECTION 2.** (1) **The amendments to ORS 279B.030 by section 1 of this 2016 Act become**
24 **operative 91 days after the effective date of this 2016 Act.**

25 (2) **The State Chief Information Officer, the Legislative Fiscal Officer and state con-**
26 **tracting agencies that adopt rules under ORS 279A.065 may adopt rules and take any other**
27 **actions before the operative date specified in subsection (1) of this section that are necessary**
28 **to enable the State Chief Information Officer, the Legislative Fiscal Officer or the state**
29 **contracting agency to exercise, on and after the operative date specified in subsection (1) of**
30 **this section, all of the duties, functions and powers that the amendments to ORS 279B.030**
31 **by section 1 of this 2016 Act confer on the State Chief Information Officer, the Legislative**
32 **Fiscal Officer or the contracting agency.**

33 **SECTION 3.** **This 2016 Act being necessary for the immediate preservation of the public**
34 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**
35 **on its passage.**

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