

HB 3060 A STAFF MEASURE SUMMARY

Carrier: Sen. Taylor

Senate Committee On Workforce

Action Date: 05/17/17

Action: Do pass the A-Eng bill.

Vote: 5-0-0-0

Yeas: 5 - Gelser, Hansell, Knopp, Monnes Anderson, Taylor

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Requires certain state contracts to include as material term that contractor certifies that contractor has policy and practice to prevent sexual harassment, sexual assault and discrimination against members of protected classes. Prohibits state contracting agency from entering into public contract with anticipated price exceeding \$150,000 with contractor that has not certified in writing that contractor has such policy and practice. Specifies minimum requirements of policy and practice. Allows Department of Administrative Services (DAS) to develop policy template and provide other guidance for contractors in meeting requirements. Becomes operative January 1, 2018. Takes effect 91st day following adjournment *sine die*.

ISSUES DISCUSSED:

- Goal of measure to prevent workplace sexual assault and harassment
- Statistics on workplace sexual assaults in Oregon

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Public Contracting Code includes three chapters: ORS 279A generally applies to all contracts, ORS 279B applies to procurements for goods and services, and ORS 279C applies to contracts for public improvements (*i.e.*, construction projects) and architectural, engineering and related services. Some provisions of the Public Contracting Code apply to all public contracting agencies (*e.g.*, state agencies, counties, cities, special districts and school districts), while others apply to only state contracting agencies.

Provisions of House Bill 3060-A are placed in ORS 279A in the Public Contracting Code, which means they apply to both procurements for goods and services and public improvement contracts. The measure prohibits state public contracting agencies from entering into a contract worth \$150,000 or more unless the contractor certifies in writing that the contractor has a policy and practice to prevent sexual harassment, sexual assault and discrimination against members of protected classes. An exception is made for the following types of contracts: sole-source procurements (279B.075), emergency procurements (279B.080) and special procurements (279B.085).