

HB 3203 C STAFF MEASURE SUMMARY**Carrier:** Rep. Smith Warner**Joint Committee On Ways and Means****Action Date:** 07/03/17**Action:** Do pass with amendments to the B-Eng bill. (Printed C-Eng.)**House Vote****Yeas:** 8 - Gomberg, Holvey, Huffman, McLane, Nathanson, Rayfield, Smith Warner, Williamson**Exc:** 3 - Smith G, Stark, Whisnant**Senate Vote****Yeas:** 11 - Devlin, Frederick, Girod, Hansell, Johnson, Manning Jr, Monroe, Roblan, Steiner
Hayward, Thomsen, Winters**Nays:** 1 - DeBoer**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Gregory Jolivette, Budget Analyst**WHAT THE MEASURE DOES:**

Requires contracting agency, prior to adoption of budget or commencing public improvement project, to file list of every public improvement planned during budget period with Bureau of Labor and Industries (BOLI). Requires agency to specify intent to use private contractor or agency equipment and personnel. Directs agency to file cost analysis demonstrating conformity with policy to construct at least-cost, at least 180 days prior to beginning projects with estimated value of construction work in excess of \$200,000. Specifies elements of cost analysis. Requires agency to prepare detailed plans as specified when using agency equipment and personnel on project exceeding \$200,000. Provides exemptions. Includes resurfacing roadways at depth of two inches or more, estimated in excess of \$175,000, as public improvement and excludes maintenance patching, chip seals or other maintenance treatments estimated between \$175,000 and \$750,000 with conditions. Increases dollar thresholds that trigger filing requirements every two-years from July 1, 2019 to July 1, 2025. Authorizes BOLI to investigate contractor or trade association complaints that least-cost policy has been violated. Prescribes investigatory authority and timeline for resolution. Authorizes BOLI to require violating agency to enter into negotiated agreement with complainant as to remedy. Provides remedy for failed negotiations and breach. Allows civil penalty if contested case hearing results in preponderance of evidence showing violation.

ISSUES DISCUSSED:

- Merits of the bill

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Current law requires public contracting agencies to provide a list to the Bureau of Labor and Industries of all public improvement projects that the agency plans to fund in the upcoming budget period. For projects on the list that the agency intends to perform with its own staff, and equipment and that exceed \$125,000 in estimated costs, the agency must show that its decision conforms with Oregon's policy that every effort shall be made to construct public improvements at the least cost to the contracting agency. For projects that will be performed in-house, the contracting agency must prepare plans and specifications and the estimated unit cost of each classification of work.