

House Bill 3203

Sponsored by Representative CLEM (at the request of Northwest Utility Contractors Association, Oregon Building Trades Council, Oregon Pavement Association, Associated General Contractors, Oregon Concrete and Asphalt Producers Association, Associated Builders and Contractors)

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**.

Requires contracting agency to perform analysis to determine whether constructing public improvement with contracting agency's own equipment and personnel will result in least cost to contracting agency. Requires contracting agency to file analysis with Secretary of State.

Permits Secretary of State to investigate contracting agency's alleged violation of Act and certain other statutes. Requires Secretary of State to investigate alleged violation in response to complaint from construction contractor or trade association that represents construction contractors. Permits Secretary of State to enter final order that sets forth terms of any agreement between contracting agency and construction contractor or trade association.

Permits party to agreement with contracting agency made in accordance with order of Secretary of State to bring action in court of this state to enforce terms of agreement. Permits court to award actual damages to plaintiff in action or to enjoin contracting agency from violation.

Becomes operative January 1, 2018.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to an analysis required before a contracting agency constructs a public improvement with
3 the agency's own equipment and personnel; creating new provisions; amending ORS 279A.010
4 and 279C.305; and declaring an emergency.

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

6 **SECTION 1.** ORS 279C.305 is amended to read:

7 279C.305. (1) *[It is]* The policy of the State of Oregon **is** that contracting agencies shall make
8 every effort to construct public improvements at the least cost to the contracting agency.

9 (2) Not less than 30 days *[prior to adoption of the contracting agency's]* **before adopting a** budget
10 for the subsequent budget period, each contracting agency shall prepare and file with the *[Commis-*
11 *sioner of the Bureau of Labor and Industries]* **Secretary of State** a list of every public improvement
12 *[known to the contracting agency]* that the contracting agency plans to fund in the budget period,
13 identifying each improvement by name and estimating the total on-site construction costs. The list
14 *[shall]* **must** also *[contain a statement as to]* **state** whether the contracting agency intends to perform
15 the construction through a private contractor. If the contracting agency intends to perform con-
16 struction work using the contracting agency's own equipment and personnel on a project estimated
17 to cost more than \$125,000, the contracting agency shall *[also show]* **include with the list an**
18 **analysis that shows** that the contracting agency's decision conforms to the policy stated in sub-
19 section (1) of this section. The list *[is a]* **and the analysis are** public *[record]* **records** and **the**
20 **contracting agency may periodically revise the list or analysis** *[may be revised periodically by*
21 *the agency]*.

22 (3) **After consulting with the Commissioner of the Bureau of Labor and Industries, the**
23 **Director of the Oregon Department of Administrative Services, the Director of Transporta-**
24 **tion, local contracting agencies, construction contractors and subcontractors within this**

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 state and other knowledgeable persons, the Secretary of State shall adopt or amend rules
 2 that prescribe the form, format and required contents for the analysis described in sub-
 3 section (2) of this section. The rules must require a contracting agency to:

4 (a) Estimate the cost of constructing a public improvement by contracting with a private
 5 contractor;

6 (b) Include in the contracting agency's calculation of the costs the contracting agency
 7 would incur in constructing the public improvement with the contracting agency's own
 8 equipment and personnel:

9 (A) The cost of labor, including all benefits the contracting agency pays to or on behalf
 10 of the contracting agency's employees;

11 (B) The cost of equipment, including any costs associated with acquiring, owning and
 12 maintaining the equipment;

13 (C) The costs of administration and overhead the contracting agency will incur;

14 (D) The cost of materials;

15 (E) Costs associated with any subcontracting into which the contracting agency must
 16 enter;

17 (F) The value of any warranties that the contracting agency would require of a private
 18 contractor that constructed the public improvement; and

19 (G) Any other costs that the Secretary of State determines the contracting agency must
 20 include; and

21 (c) Compare the cost the contracting agency estimates under paragraph (a) of this sub-
 22 section with the cost the contracting agency would incur to construct the public improve-
 23 ment with the contracting agency's own equipment and personnel, taking into account all
 24 of the elements specified in paragraph (b) of this subsection.

25 [(3)] (4) Before a contracting agency constructs a public improvement with [its] the contracting
 26 agency's own equipment or personnel, the contracting agency shall:

27 (a) [If the estimated cost exceeds \$125,000, the contracting agency shall] Prepare adequate plans
 28 and specifications that are sufficient to control the performance of the work and ensure sat-
 29 isfactory construction quality and include the estimated unit cost of each classification of work,
 30 if the estimated cost of the public improvement exceeds \$125,000. [The estimated cost of the work
 31 must include a reasonable allowance for the cost, including investment cost, of any equipment used.
 32 As used in this paragraph, "adequate" means sufficient to control the performance of the work and to
 33 ensure satisfactory quality of construction by the contracting agency personnel.]

34 (b) [The contracting agency shall cause to be kept and preserved] Prepare and preserve a full,
 35 true and accurate account of the costs of performing the work, including all engineering and ad-
 36 ministrative expenses, the cost of labor and the cost, including investment costs, of any equipment
 37 used. The final account of the costs is a public record.

38 [(4)] (5) Subsections (2) [and (3)] to (4) of this section do not apply to a contracting agency
 39 [when] if the public improvement is [to be used for the distribution or transmission of] for distrib-
 40 uting or transmitting electric power.

41 [(5)] (6)(a) Except as provided in paragraph (b) of this subsection, for purposes of this sec-
 42 tion, resurfacing [of] highways, roads or streets at a depth of two or more inches [and] or at an
 43 estimated cost that exceeds \$125,000 is a public improvement.

44 (b) For purposes of this section, a public improvement does not include a project that:

45 (A) Maintains a road with patches or seals; or

1 (B) Resurfaces a single road, highway or street in different locations along the road,
 2 highway or street, even if the total cost of the resurfacing exceeds \$125,000, provided that
 3 the cost of resurfacing any one location on the road, highway or street does not exceed
 4 \$125,000 and provided that the contracting agency does not artificially separate the resur-
 5 facing project into smaller projects in order to avoid the application of this section.

6 SECTION 2. Section 3 of this 2017 Act is added to and made a part of ORS chapter 279C.

7 SECTION 3. (1)(a) A construction contractor that would be eligible to construct a public
 8 improvement under this chapter or a trade association of construction contractors acting
 9 on behalf of a member of the trade association may allege in a complaint to the Secretary
 10 of State that a contracting agency has violated ORS 279C.305, 279C.307 or 279C.310.

11 (b) A complaint under paragraph (a) of this subsection must set forth the acts or omis-
 12 sions that constitute the alleged violation. The construction contractor or trade association
 13 must file the complaint with the Secretary of State within one year after the alleged vio-
 14 lation occurred.

15 (c) A construction contractor or trade association may not file a complaint under this
 16 subsection if the construction contractor or trade association has brought an action in a
 17 court of this state that alleges an act or omission that is substantially similar to an act or
 18 omission the construction contractor or trade association would allege in the complaint. The
 19 Secretary of State may not act on a complaint described in this paragraph.

20 (2)(a) The Secretary of State may investigate an alleged violation of ORS 279C.305,
 21 279C.307 or 279C.310. In the course of an investigation under this subsection, the Secretary
 22 of State may:

23 (A) Compel attendance from witnesses, receive testimony and examine the witnesses
 24 under oath;

25 (B) Require a contracting agency or an employee of a contracting agency to produce
 26 books, records, files and other documents; and

27 (C) Take any other action the Secretary of State deems necessary to conduct the inves-
 28 tigation.

29 (b) The Secretary of State shall investigate a complaint that the Secretary of State re-
 30 ceives under subsection (1)(a) of this section if the Secretary of State reasonably believes
 31 that an act or omission alleged in the complaint occurred and was a violation of ORS
 32 279C.305, 279C.307 or 279C.310. The Secretary of State may investigate the complaint as pro-
 33 vided in paragraph (a) of this subsection.

34 (3) If after an investigation under this section the Secretary of State finds substantial
 35 evidence of a violation of ORS 279C.305, 279C.307 or 279C.310, the Secretary of State shall:

36 (a) Notify the contracting agency that committed the violation and, if the Secretary of
 37 State received a complaint concerning the violation from, or if the violation affected the
 38 rights of, a construction contractor under this chapter, notify the construction contractor
 39 or trade association that filed the complaint or that suffered an ascertainable injury as a
 40 result of the violation; and

41 (b) Offer to negotiate an agreement with the contracting agency, or between the con-
 42 tracting agency and the construction contractor or the trade association, that remedies the
 43 effects of the violation and prevents future violations.

44 (4) The Secretary of State may enter the terms of any agreement between a contracting
 45 agency and a construction contractor or trade association as a final order.

1 (5) A construction contractor or a trade association that is a party to an agreement set
 2 forth in accordance with an order of the Secretary of State under subsection (4) of this
 3 section may bring an action against a contracting agency in a court of this state to enforce
 4 the terms of the agreement. If the court finds that a contracting agency has violated the
 5 terms of the agreement, the court may award actual damages to the plaintiff in the action
 6 or may enjoin the contracting agency from breaching or continuing to breach the terms of
 7 the agreement.

8 **SECTION 4.** Section 3 of this 2017 Act and the amendments to ORS 279C.305 by section
 9 1 of this 2017 Act apply to procurements that a contracting agency first advertises or oth-
 10 erwise solicits or, if the contracting agency does not advertise or solicit the procurement,
 11 to a public contract that a contracting agency enters into on or after the operative date
 12 specified in section 5 of this 2017 Act.

13 **SECTION 5.** (1) Section 3 of this 2017 Act and the amendments to ORS 279C.305 by section
 14 1 of this 2017 Act become operative on January 1, 2018.

15 (2) The Secretary of State, the Attorney General, the Director of the Oregon Department
 16 of Administrative Services, the Director of Transportation or a contracting agency that
 17 adopts rules under ORS 279A.065 may adopt rules and take any other action before the op-
 18 erative date specified in subsection (1) of this section that is necessary to enable the Secre-
 19 tary of State, the Attorney General, the director or the contracting agency to exercise all
 20 of the duties, functions, and powers conferred on the Secretary of State, the Attorney Gen-
 21 eral, the director or the contracting agency by section 3 of this 2017 Act and the amendments
 22 to ORS 279C.305 by section 1 of this 2017 Act.

23 **SECTION 6.** ORS 279A.010 is amended to read:

24 279A.010. (1) As used in the Public Contracting Code, unless the context or a specifically ap-
 25 plicable definition requires otherwise:

26 (a) "Bidder" means a person that submits a bid in response to an invitation to bid.

27 (b) "Contracting agency" means a public body authorized by law to conduct a procurement.
 28 "Contracting agency" includes, but is not limited to, the Director of the Oregon Department of Ad-
 29 ministrative Services and any person authorized by a contracting agency to conduct a procurement
 30 on the contracting agency's behalf. "Contracting agency" does not include the judicial department
 31 or the legislative department.

32 (c) "Days" means calendar days.

33 (d) "Department" means the Oregon Department of Administrative Services.

34 (e) "Director" means the Director of the Oregon Department of Administrative Services or a
 35 person designated by the director to carry out the authority of the director under the Public Con-
 36 tracting Code.

37 (f) "Emergency" means circumstances that:

38 (A) Could not have been reasonably foreseen;

39 (B) Create a substantial risk of loss, damage or interruption of services or a substantial threat
 40 to property, public health, welfare or safety; and

41 (C) Require prompt execution of a contract to remedy the condition.

42 (g) "Energy savings performance contract" means a public contract between a contracting
 43 agency and a qualified energy service company for the identification, evaluation, recommendation,
 44 design and construction of energy conservation measures, including a design-build contract, that
 45 guarantee energy savings or performance.

- 1 (h) “Executive department” has the meaning given that term in ORS 174.112.
- 2 (i) “Goods” includes supplies, equipment, materials, personal property, including any tangible,
3 intangible and intellectual property and rights and licenses in relation thereto, and combinations
4 of any of the items identified in this paragraph.
- 5 (j) “Goods and services” or “goods or services” includes combinations of any of the items iden-
6 tified in the definitions of “goods” and “services.”
- 7 (k)(A) “Grant” means:
- 8 (i) An agreement under which a contracting agency receives moneys, property or other assist-
9 ance, including but not limited to federal assistance that is characterized as a grant by federal law
10 or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other
11 assets, from a grantor for the purpose of supporting or stimulating a program or activity of the
12 contracting agency and in which no substantial involvement by the grantor is anticipated in the
13 program or activity other than involvement associated with monitoring compliance with the grant
14 conditions; or
- 15 (ii) An agreement under which a contracting agency provides moneys, property or other assist-
16 ance, including but not limited to federal assistance that is characterized as a grant by federal law
17 or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other
18 assets, to a recipient for the purpose of supporting or stimulating a program or activity of the re-
19 cipient and in which no substantial involvement by the contracting agency is anticipated in the
20 program or activity other than involvement associated with monitoring compliance with the grant
21 conditions.
- 22 (B) “Grant” does not include a public contract for a public improvement, for public works, as
23 defined in ORS 279C.800, or for emergency work, minor alterations or ordinary repair or mainte-
24 nance necessary to preserve a public improvement, when under the public contract a contracting
25 agency pays, in consideration for contract performance intended to realize or to support the real-
26 ization of the purposes for which grant funds were provided to the contracting agency, moneys that
27 the contracting agency has received under a grant.
- 28 (L) “Industrial oil” means any compressor, turbine or bearing oil, hydraulic oil, metal-working
29 oil or refrigeration oil.
- 30 (m) “Judicial department” has the meaning given that term in ORS 174.113.
- 31 (n) “Legislative department” has the meaning given that term in ORS 174.114.
- 32 (o) “Local contract review board” means a local contract review board described in ORS
33 279A.060.
- 34 (p) “Local contracting agency” means a local government or special government body authorized
35 by law to conduct a procurement. “Local contracting agency” includes any person authorized by a
36 local contracting agency to conduct a procurement on behalf of the local contracting agency.
- 37 (q) “Local government” has the meaning given that term in ORS 174.116.
- 38 (r) “Lowest responsible bidder” means the lowest bidder who:
- 39 (A) Has substantially complied with all prescribed public contracting procedures and require-
40 ments;
- 41 (B) Has met the standards of responsibility set forth in ORS 279B.110 or 279C.375;
- 42 (C) Has not been debarred or disqualified by the contracting agency under ORS 279B.130 or
43 279C.440; and
- 44 (D) If the advertised contract is a public improvement contract, is not on the list created by the
45 Construction Contractors Board under ORS 701.227.

1 (s) "Lubricating oil" means any oil intended for use in an internal combustion crankcase,
 2 transmission, gearbox or differential or an automobile, bus, truck, vessel, plane, train, heavy equip-
 3 ment or machinery powered by an internal combustion engine.

4 (t) "Person" means a natural person capable of being legally bound, a sole proprietorship, a
 5 corporation, a partnership, a limited liability company or partnership, a limited partnership, a for-
 6 profit or nonprofit unincorporated association, a business trust, two or more persons having a joint
 7 or common economic interest, any other person with legal capacity to contract or a public body.

8 (u) "Post-consumer waste" means a finished material that would normally be disposed of as solid
 9 waste, having completed its life cycle as a consumer item. "Post-consumer waste" does not include
 10 manufacturing waste.

11 (v) "Price agreement" means a public contract for the procurement of goods or services at a set
 12 price with:

13 (A) No guarantee of a minimum or maximum purchase; or

14 (B) An initial order or minimum purchase combined with a continuing contractor obligation to
 15 provide goods or services in which the contracting agency does not guarantee a minimum or maxi-
 16 mum additional purchase.

17 (w) "Procurement" means the act of purchasing, leasing, renting or otherwise acquiring goods
 18 or services. "Procurement" includes each function and procedure undertaken or required to be
 19 undertaken by a contracting agency to enter into a public contract, administer a public contract and
 20 obtain the performance of a public contract under the Public Contracting Code.

21 (x) "Proposer" means a person that submits a proposal in response to a request for proposals.

22 (y) "Public body" has the meaning given that term in ORS 174.109.

23 (z) "Public contract" means a sale or other disposal, or a purchase, lease, rental or other ac-
 24 quisition, by a contracting agency of personal property, services, including personal services, public
 25 improvements, public works, minor alterations, or ordinary repair or maintenance necessary to pre-
 26 serve a public improvement. "Public contract" does not include grants.

27 (aa) "Public contracting" means procurement activities described in the Public Contracting Code
 28 relating to obtaining, modifying or administering public contracts or price agreements.

29 (bb) "Public Contracting Code" or "code" means ORS chapters 279A, 279B and 279C.

30 (cc) "Public improvement" means a project for construction, reconstruction or major renovation
 31 on real property by or for a contracting agency. "Public improvement" does not include:

32 (A) Projects for which no funds of a contracting agency are directly or indirectly used, except
 33 for participation that is incidental or related primarily to project design or inspection; or

34 (B) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a
 35 public improvement.

36 (dd) "Public improvement contract" means a public contract for a public improvement. "Public
 37 improvement contract" does not include a public contract for emergency work, minor alterations,
 38 or ordinary repair or maintenance necessary to preserve a public improvement.

39 (ee) "Recycled material" means any material that would otherwise be a useless, unwanted or
 40 discarded material except for the fact that the material still has useful physical or chemical prop-
 41 erties after serving a specific purpose and can, therefore, be reused or recycled.

42 (ff) "Recycled oil" means used oil that has been prepared for reuse as a petroleum product by
 43 refining, rerefining, reclaiming, reprocessing or other means, provided that the preparation or use
 44 is operationally safe, environmentally sound and complies with all laws and regulations.

45 (gg) "Recycled paper" means a paper product with not less than:

- 1 (A) Fifty percent of its fiber weight consisting of secondary waste materials; or
- 2 (B) Twenty-five percent of its fiber weight consisting of post-consumer waste.
- 3 (hh) "Recycled PETE" means post-consumer polyethylene terephthalate material.
- 4 (ii) "Recycled product" means all materials, goods and supplies, not less than 50 percent of the
- 5 total weight of which consists of secondary and post-consumer waste with not less than 10 percent
- 6 of its total weight consisting of post-consumer waste. "Recycled product" includes any product that
- 7 could have been disposed of as solid waste, having completed its life cycle as a consumer item, but
- 8 otherwise is refurbished for reuse without substantial alteration of the product's form.
- 9 (jj) "Secondary waste materials" means fragments of products or finished products of a manu-
- 10 facturing process that has converted a virgin resource into a commodity of real economic value.
- 11 "Secondary waste materials" includes post-consumer waste. "Secondary waste materials" does not
- 12 include excess virgin resources of the manufacturing process. For paper, "secondary waste
- 13 materials" does not include fibrous waste generated during the manufacturing process such as fibers
- 14 recovered from waste water or trimmings of paper machine rolls, mill broke, wood slabs, chips,
- 15 sawdust or other wood residue from a manufacturing process.
- 16 (kk) "Services" mean services other than personal services designated under ORS 279A.055, ex-
- 17 cept that, for state contracting agencies with procurement authority under ORS 279A.050 or
- 18 279A.140, "services" includes personal services as designated by the state contracting agencies.
- 19 (LL) "Special government body" has the meaning given that term in ORS 174.117.
- 20 (mm) "State agency" means the executive department, except the Secretary of State and the
- 21 State Treasurer in the performance of the duties of their constitutional offices.
- 22 (nn) "State contracting agency" means an executive department entity authorized by law to
- 23 conduct a procurement.
- 24 (oo) "State government" has the meaning given that term in ORS 174.111.
- 25 (pp) "Used oil" has the meaning given that term in ORS 459A.555.
- 26 (qq) "Virgin oil" means oil that has been refined from crude oil and that has not been used or
- 27 contaminated with impurities.
- 28 (2) Other definitions appearing in the Public Contracting Code and the sections in which they
- 29 appear are:
- 30
- 31 [(a) "Adequate"ORS 279C.305]
- 32 [(b) (a) "Administering contracting
- 33 agency".....ORS 279A.200
- 34 [(c) (b) "Affirmative action".....ORS 279A.100
- 35 [(d) (c) "Architect"ORS 279C.100
- 36 [(e) (d) "Architectural,
- 37 engineering, photogram-
- 38 metric mapping,
- 39 transportation planning
- 40 or land surveying
- 41 services"ORS 279C.100
- 42 [(f) (e) "Bid documents".....ORS 279C.400
- 43 [(g) (f) "Bidder"ORS 279B.415
- 44 [(h) (g) "Bids".....ORS 279C.400
- 45 [(i) (h) "Brand name"ORS 279B.405

1	[(j)] (i)	“Brand name or equal	
2		specification”	ORS 279B.200
3	[(k)] (j)	“Brand name	
4		specification”	ORS 279B.200
5	[(L)] (k)	“Class special	
6		procurement”	ORS 279B.085
7	[(m)] (L)	“Consultant”	ORS 279C.115
8	[(n)] (m)	“Contract-specific	
9		special procurement”	ORS 279B.085
10	[(o)] (n)	“Cooperative	
11		procurement”	ORS 279A.200
12	[(p)] (o)	“Cooperative procurement	
13		group”	ORS 279A.200
14	[(q)] (p)	“Donee”	ORS 279A.250
15	[(r)] (q)	“Engineer”	ORS 279C.100
16	[(s)] (r)	“Findings”	ORS 279C.330
17	[(t)] (s)	“Fire protection	
18		equipment”	ORS 279A.190
19	[(u)] (t)	“Fringe benefits”	ORS 279C.800
20	[(v)] (u)	“Funds of a public	
21		agency”	ORS 279C.810
22	[(w)] (v)	“Good cause”	ORS 279C.585
23	[(x)] (w)	“Good faith dispute”	ORS 279C.580
24	[(y)] (x)	“Goods”	ORS 279B.115
25	[(z)] (y)	“Housing”	ORS 279C.800
26	[(aa)] (z)	“Interstate cooperative	
27		procurement”	ORS 279A.200
28	[(bb)] (aa)	“Invitation to bid”	ORS 279B.005
29	and	279C.400
30	[(cc)] (bb)	“Joint cooperative	
31		procurement”	ORS 279A.200
32	[(dd)] (cc)	“Labor dispute”	ORS 279C.650
33	[(ee)] (dd)	“Land surveyor”	ORS 279C.100
34	[(ff)] (ee)	“Legally flawed”	ORS 279B.405
35	[(gg)] (ff)	“Locality”	ORS 279C.800
36	[(hh)] (gg)	“Nonprofit	
37		organization”	ORS 279C.810
38	[(ii)] (hh)	“Nonresident bidder”	ORS 279A.120
39	[(jj)] (ii)	“Not-for-profit	
40		organization”	ORS 279A.250
41	[(kk)] (jj)	“Original contract”	ORS 279A.200
42	[(LL)] (kk)	“Permissive cooperative	
43		procurement”	ORS 279A.200
44	[(mm)] (LL)	“Person”	ORS 279C.500
45	and	279C.815

1 [(nn)] (mm) “Personal services”ORS 279C.100
 2 [(oo)] (nn) “Photogrammetric
 3 mapping”ORS 279C.100
 4 [(pp)] (oo) “Photogrammetrist”ORS 279C.100
 5 [(qq)] (pp) “Prevailing rate of
 6 wage”ORS 279C.800
 7 [(rr)] (qq) “Procurement
 8 description”ORS 279B.005
 9 [(ss)] (rr) “Property”ORS 279A.250
 10 [(tt)] (ss) “Public agency”ORS 279C.800
 11 [(uu)] (tt) “Public contract”ORS 279A.190
 12 [(vv)] (uu) “Public works”ORS 279C.800
 13 [(ww)] (vv) “Purchasing contracting
 14 agency”ORS 279A.200
 15 [(xx)] (ww) “Regularly organized fire
 16 department”ORS 279A.190
 17 [(yy)] (xx) “Related services”ORS 279C.100
 18 [(zz)] (yy) “Request for
 19 proposals”ORS 279B.005
 20 [(aaa)] (zz) “Resident bidder”ORS 279A.120
 21 [(bbb)] (aaa) “Responsible bidder”ORS 279A.105
 22and 279B.005
 23 [(ccc)] (bbb) “Responsible
 24 proposer”ORS 279B.005
 25 [(ddd)] (ccc) “Responsive bid”ORS 279B.005
 26 [(eee)] (ddd) “Responsive
 27 proposal”ORS 279B.005
 28 [(fff)] (eee) “Retainage”ORS 279C.550
 29 [(ggg)] (fff) “Special
 30 procurement”ORS 279B.085
 31 [(hhh)] (ggg) “Specification”ORS 279B.200
 32 [(iii)] (hhh) “State agency”ORS 279A.250
 33 [(jjj)] (iii) “Substantial
 34 completion”ORS 279C.465
 35 [(kkk)] (jjj) “Surplus property”ORS 279A.250
 36 [(LLL)] (kkk) “Transportation
 37 planning services”ORS 279C.100
 38 [(mmm)] (LLL) “Unnecessarily
 39 restrictive”ORS 279B.405

40 **SECTION 7. This 2017 Act being necessary for the immediate preservation of the public**
 41 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
 42 **on its passage.**

43