

Requested by Representative DOHERTY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2162**

1 On page 1 of the printed bill, delete line 3 and insert “creating new pro-
2 visions; amending ORS 279C.375, 279C.800, 279C.807, 279C.827, 279C.830,
3 279C.840, 279C.845, 279C.850 and 660.137; and prescribing an effective date.”.

4 Delete lines 5 through 26 and delete pages 2 through 4 and insert:

5 **“SECTION 1. Section 2 of this 2017 Act is added to and made a part**
6 **of ORS 279C.800 to 279C.870.**

7 **“SECTION 2. (1) The Commissioner of the Bureau of Labor and**
8 **Industries, by rule and in consultation with affected crafts, trades and**
9 **other worker associations and with contractors and subcontractors**
10 **that perform contracts for public works for public agencies, may de-**
11 **termine:**

12 **“(a) The percentage of the total hours that a bidder’s employees**
13 **worked on contracts during the previous calendar year for which the**
14 **bidder was required to employ apprentices participating in programs**
15 **of apprenticeship or training under ORS 660.002 to 660.210 in order for**
16 **a public agency to determine that the bidder is responsible under ORS**
17 **279C.375 (4), if the bidder submits a bid for a contract for public works**
18 **with an estimated contract price of \$5 million or more; or**

19 **“(b) The percentage of the total hours that employees of training**
20 **agents approved by a local joint committee worked on contracts during**
21 **the previous calendar year for which the training agents were required**

1 to employ apprentices participating in programs of apprenticeship or
2 training under ORS 660.002 to 660.210 in order for a public agency to
3 determine that a bidder associated with the local joint committee is
4 responsible under ORS 279C.375 (4), if the bidder submits a bid for a
5 contract for public works with an estimated contract price of \$5
6 million or more.

7 “(2) The commissioner may not set a percentage under subsection
8 (1) of this section that is less than the percentage set forth in ORS
9 279C.375 (4).

10 “(3) The commissioner shall review the percentages described in
11 subsection (1) of this section at least once every other year to deter-
12 mine whether the commissioner should set a different percentage.

13 **“SECTION 3.** Section 2 of this 2017 Act is amended to read:

14 **“Sec. 2.** (1) The Commissioner of the Bureau of Labor and Industries, by
15 rule and in consultation with affected crafts, trades and other worker asso-
16 ciations and with contractors and subcontractors that perform contracts for
17 public works for public agencies, may determine:

18 “(a) The percentage of the total hours that a bidder’s employees worked
19 on contracts during the previous calendar year for which the bidder was re-
20 quired to employ apprentices participating in programs of apprenticeship or
21 training under ORS 660.002 to 660.210 in order for a public agency to deter-
22 mine that the bidder is responsible under ORS 279C.375 (4), if the bidder
23 submits a bid for a contract for public works with an estimated contract
24 price of [~~\$5~~] **\$3** million or more; or

25 “(b) The percentage of the total hours that employees of training agents
26 approved by a local joint committee worked on contracts during the previous
27 calendar year for which the training agents were required to employ ap-
28 prentices participating in programs of apprenticeship or training under ORS
29 660.002 to 660.210 in order for a public agency to determine that a bidder
30 associated with the local joint committee is responsible under ORS 279C.375

1 (4), if the bidder submits a bid for a contract for public works with an esti-
2 mated contract price of [~~\$5~~] **\$3** million or more.

3 “(2) The commissioner may not set a percentage under subsection (1) of
4 this section that is less than the percentage set forth in ORS 279C.375 (4).

5 “(3)(a) The commissioner shall review the percentages described in sub-
6 section (1) of this section at least once every other year to determine
7 whether the commissioner should set a different percentage.

8 “(b) **The commissioner shall recommend to the Legislative Assem-**
9 **bly, not later than December 31, 2024, any reduction the commissioner**
10 **deems necessary in the estimated contract price at which bids or pro-**
11 **posals for a contract for public works become subject to the require-**
12 **ments of ORS 279C.375 (4).**

13 “**SECTION 4.** ORS 279C.375 is amended to read:

14 279C.375. (1) After a contracting agency has opened bids and determined
15 that the contracting agency will award a public improvement contract, the
16 contracting agency shall award the contract to the lowest responsible bidder.

17 “(2) At least seven days before awarding a public improvement contract,
18 unless the contracting agency determines that seven days is impractical un-
19 der rules adopted under ORS 279A.065, the contracting agency shall issue to
20 each bidder or post, electronically or otherwise, a notice of the contracting
21 agency’s intent to award a contract. This subsection does not apply to a
22 contract to which competitive bidding does not apply under ORS 279C.335
23 (1)(c) or (d). The notice and the manner in which the **contracting agency**
24 **issues or posts the** notice [*is posted or issued*] must conform to rules
25 adopted under ORS 279A.065.

26 “(3) In determining the lowest responsible bidder, a contracting agency
27 shall do all of the following:

28 “(a) Check the list created by the Construction Contractors Board under
29 ORS 701.227 for bidders who are not qualified to hold a public improvement
30 contract.

1 “(b) Determine whether the bidder is responsible. A responsible bidder
2 must demonstrate to the contracting agency that the bidder:

3 “(A) Has available the appropriate financial, material, equipment, facility
4 and personnel resources and expertise, or has the ability to obtain the re-
5 sources and expertise, necessary to meet all contractual responsibilities.

6 “(B) Holds current licenses that businesses or service professionals oper-
7 ating in this state must hold in order to undertake or perform the work
8 specified in the contract.

9 “(C) Is covered by liability insurance and other insurance in amounts the
10 contracting agency requires in the solicitation documents.

11 “(D) Qualifies as a carrier-insured employer or a self-insured employer
12 under ORS 656.407 or has elected coverage under ORS 656.128.

13 “(E) Has made the disclosure required under ORS 279C.370.

14 “(F) Completed previous contracts of a similar nature with a satisfactory
15 record of performance. For purposes of this subparagraph, a satisfactory re-
16 cord of performance means that to the extent that the costs associated with
17 and time available to perform a previous contract remained within the
18 bidder’s control, the bidder stayed within the time and budget allotted for
19 the procurement and otherwise performed the contract in a satisfactory
20 manner. The contracting agency shall document the bidder’s record of per-
21 formance if the contracting agency finds under this subparagraph that the
22 bidder is not responsible.

23 “(G) Has a satisfactory record of integrity. The contracting agency in
24 evaluating the bidder’s record of integrity may consider, among other things,
25 whether the bidder has previous criminal convictions for offenses related to
26 obtaining or attempting to obtain a contract or subcontract or in connection
27 with the bidder’s performance of a contract or subcontract. The contracting
28 agency shall document the bidder’s record of integrity if the contracting
29 agency finds under this subparagraph that the bidder is not responsible.

30 “(H) Is legally qualified to contract with the contracting agency.

1 “(I) Possesses an unexpired certificate that the Oregon Department of
2 Administrative Services issued under ORS 279A.167, if the bidder employs 50
3 or more full-time workers and submitted a bid for a procurement with an
4 estimated contract price that exceeds \$500,000 in response to an advertise-
5 ment or solicitation from a state contracting agency.

6 “(J) Supplied all necessary information in connection with the inquiry
7 concerning responsibility. If a bidder fails to promptly supply information
8 concerning responsibility that the contracting agency requests, the con-
9 tracting agency shall determine the bidder’s responsibility based on available
10 information, or may find that the bidder is not responsible.

11 “(c) Document the contracting agency’s compliance with the requirements
12 of paragraphs (a) and (b) of this subsection in substantially the following
13 form:

14 “ _____

15 RESPONSIBILITY DETERMINATION FORM

16
17 Project Name: _____

18 Bid Number: _____

19 Business Entity Name: _____

20 CCB License Number: _____

21 Form Submitted By (Contracting Agency):

22 _____

23 Form Submitted By (Contracting Agency Representative’s Name):

24 _____

25 Title: _____

26 Date: _____

27 (The contracting agency must submit this form with attachments, if any,
28 to the Construction Contractors Board within 30 days after the date of con-
29 tract award.)

30 The contracting agency has (check all of the following):

1 Checked the list created by the
2 Construction Contractors Board
3 under ORS 701.227 for bidders who
4 are not qualified to hold a public
5 improvement contract.

6 Determined whether the bidder has
7 met the standards of responsibility.
8 In so doing, the contracting agency
9 has found that the bidder
10 demonstrated that the bidder:

11 Has available the appropriate
12 financial, material, equipment,
13 facility and personnel resources
14 and expertise, or the ability to
15 obtain the resources and
16 expertise, necessary to meet
17 all contractual responsibilities.

18 Holds current licenses that
19 businesses or service professionals
20 operating in this state must hold
21 in order to undertake or perform
22 the work specified in the contract.

23 Is covered by liability insurance
24 and other insurance in amounts
25 required in the solicitation
26 documents.

27 Qualifies as a carrier-insured
28 employer or a self-insured
29 employer under ORS 656.407 or has
30 elected coverage under ORS 656.128.

1 [] Has disclosed the bidder's first-
2 tier subcontractors in accordance
3 with ORS 279C.370.

4 [] Has a satisfactory record of
5 performance.

6 [] Has a satisfactory record of
7 integrity.

8 [] Is legally qualified to contract
9 with the contracting agency.

10 [] Possesses a certificate that
11 the Oregon Department of
12 Administrative Services issued under
13 ORS 279A.167.

14 [] Has supplied all necessary
15 information in connection with
16 the inquiry concerning
17 responsibility.

18 [] Determined the bidder to be
19 (check one of the following):

20 [] Responsible under ORS 279C.375
21 (3)(a) and (b).

22 [] Not responsible under
23 ORS 279C.375 (3)(a) and (b).

24 (Attach documentation if the contracting agency finds the bidder not to
25 be responsible.)

26 “ _____
27 “(d) Submit the form described in paragraph (c) of this subsection, with
28 any attachments, to the Construction Contractors Board within 30 days after
29 the date the contracting agency awards the contract.

30 **“(4)(a) If a bidder submits a bid for a contract for public works, as**

1 defined in ORS 279C.800, with an estimated contract price of \$5 million
2 or more, a contracting agency shall require the bidder, in addition to
3 demonstrating that the bidder is responsible as provided in subsection
4 (3)(b) of this section, to show that the bidder is an approved training
5 agent under ORS 660.137 and:

6 “(A) Belongs to a local joint committee whose approved training
7 agents, in the aggregate, employed apprentices for 10 percent or more
8 of all hours that the employees of the approved training agents worked
9 in the previous calendar year; or

10 “(B) Employed apprentices for 10 percent or more of all hours that
11 the bidder’s employees worked on contracts in the previous calendar
12 year.

13 “(b) In the circumstances described in paragraph (a) of this sub-
14 section, a contracting agency shall include in the form set forth in
15 subsection (3)(c) of this section an additional criterion for determining
16 responsibility that reads substantially as follows:

17 [] Belongs to a local joint
18 committee with training agents
19 that, in the aggregate, employed
20 apprentices for 10 percent or
21 more of the hours that the
22 training agents’ employees
23 worked in the previous calendar
24 year or is an approved training
25 agent and has employed apprentices
26 for 10 percent or more of the total
27 number of hours the bidder’s
28 employees worked in the previous
29 calendar year.

30 “(c) This subsection does not apply to the Department of Trans-

1 **portation.**

2 “[4] (5) [The] A successful bidder shall:

3 “(a) Promptly execute a formal contract; and

4 “(b) Execute and deliver to the contracting agency a performance bond
5 and a payment bond when required under ORS 279C.380.

6 “[5] (6) [Based on competitive bids,] A contracting agency may award a
7 public improvement contract or may award multiple public improvement
8 contracts **based on competitive bids if the contracting agency specifies**
9 **that the contracting agency will do so** [when specified] in the invitation
10 to bid.

11 “[6] (7) A contracting agency may not exclude a commercial contractor
12 from competing for a public contract on the basis that the license issued by
13 the Construction Contractors Board is endorsed as a level 1 or level 2 li-
14 cense. As used in this section, ‘commercial contractor’ has the meaning given
15 that term in ORS 701.005.

16 **“SECTION 5.** ORS 279C.375, as amended by section 4 of this 2017 Act,
17 is amended to read:

18 “279C.375. (1) After a contracting agency has opened bids and determined
19 that the contracting agency will award a public improvement contract, the
20 contracting agency shall award the contract to the lowest responsible bidder.

21 “(2) At least seven days before awarding a public improvement contract,
22 unless the contracting agency determines that seven days is impractical un-
23 der rules adopted under ORS 279A.065, the contracting agency shall issue to
24 each bidder or post, electronically or otherwise, a notice of the contracting
25 agency’s intent to award a contract. This subsection does not apply to a
26 contract to which competitive bidding does not apply under ORS 279C.335
27 (1)(c) or (d). The notice and the manner in which the contracting agency is-
28 sues or posts the notice must conform to rules adopted under ORS 279A.065.

29 “(3) In determining the lowest responsible bidder, a contracting agency
30 shall do all of the following:

1 “(a) Check the list created by the Construction Contractors Board under
2 ORS 701.227 for bidders who are not qualified to hold a public improvement
3 contract.

4 “(b) Determine whether the bidder is responsible. A responsible bidder
5 must demonstrate to the contracting agency that the bidder:

6 “(A) Has available the appropriate financial, material, equipment, facility
7 and personnel resources and expertise, or has the ability to obtain the re-
8 sources and expertise, necessary to meet all contractual responsibilities.

9 “(B) Holds current licenses that businesses or service professionals oper-
10 ating in this state must hold in order to undertake or perform the work
11 specified in the contract.

12 “(C) Is covered by liability insurance and other insurance in amounts the
13 contracting agency requires in the solicitation documents.

14 “(D) Qualifies as a carrier-insured employer or a self-insured employer
15 under ORS 656.407 or has elected coverage under ORS 656.128.

16 “(E) Has made the disclosure required under ORS 279C.370.

17 “(F) Completed previous contracts of a similar nature with a satisfactory
18 record of performance. For purposes of this subparagraph, a satisfactory re-
19 cord of performance means that to the extent that the costs associated with
20 and time available to perform a previous contract remained within the
21 bidder’s control, the bidder stayed within the time and budget allotted for
22 the procurement and otherwise performed the contract in a satisfactory
23 manner. The contracting agency shall document the bidder’s record of per-
24 formance if the contracting agency finds under this subparagraph that the
25 bidder is not responsible.

26 “(G) Has a satisfactory record of integrity. The contracting agency in
27 evaluating the bidder’s record of integrity may consider, among other things,
28 whether the bidder has previous criminal convictions for offenses related to
29 obtaining or attempting to obtain a contract or subcontract or in connection
30 with the bidder’s performance of a contract or subcontract. The contracting

1 agency shall document the bidder’s record of integrity if the contracting
2 agency finds under this subparagraph that the bidder is not responsible.

3 “(H) Is legally qualified to contract with the contracting agency.

4 “(I) Possesses an unexpired certificate that the Oregon Department of
5 Administrative Services issued under ORS 279A.167, if the bidder employs 50
6 or more full-time workers and submitted a bid for a procurement with an
7 estimated contract price that exceeds \$500,000 in response to an advertise-
8 ment or solicitation from a state contracting agency.

9 “(J) Supplied all necessary information in connection with the inquiry
10 concerning responsibility. If a bidder fails to promptly supply information
11 concerning responsibility that the contracting agency requests, the con-
12 tracting agency shall determine the bidder’s responsibility based on available
13 information, or may find that the bidder is not responsible.

14 “(c) Document the contracting agency’s compliance with the requirements
15 of paragraphs (a) and (b) of this subsection in substantially the following
16 form:

17 “ _____

18 RESPONSIBILITY DETERMINATION FORM

19

20 Project Name: _____

21 Bid Number: _____

22 Business Entity Name: _____

23 CCB License Number: _____

24 Form Submitted By (Contracting Agency):

25 _____

26 Form Submitted By (Contracting Agency Representative’s Name):

27 _____

28 Title: _____

29 Date: _____

30 (The contracting agency must submit this form with attachments, if any,

1 to the Construction Contractors Board within 30 days after the date of con-
2 tract award.)

3 The contracting agency has (check all of the following):

4 Checked the list created by the
5 Construction Contractors Board
6 under ORS 701.227 for bidders who
7 are not qualified to hold a public
8 improvement contract.

9 Determined whether the bidder has
10 met the standards of responsibility.
11 In so doing, the contracting agency
12 has found that the bidder
13 demonstrated that the bidder:

14 Has available the appropriate
15 financial, material, equipment,
16 facility and personnel resources
17 and expertise, or the ability to
18 obtain the resources and
19 expertise, necessary to meet
20 all contractual responsibilities.

21 Holds current licenses that
22 businesses or service professionals
23 operating in this state must hold
24 in order to undertake or perform
25 the work specified in the contract.

26 Is covered by liability insurance
27 and other insurance in amounts
28 required in the solicitation
29 documents.

30 Qualifies as a carrier-insured

1 employer or a self-insured
2 employer under ORS 656.407 or has
3 elected coverage under ORS 656.128.

4 Has disclosed the bidder's first-
5 tier subcontractors in accordance
6 with ORS 279C.370.

7 Has a satisfactory record of
8 performance.

9 Has a satisfactory record of
10 integrity.

11 Is legally qualified to contract
12 with the contracting agency.

13 Possesses a certificate that
14 the Oregon Department of
15 Administrative Services issued under
16 ORS 279A.167.

17 Has supplied all necessary
18 information in connection with
19 the inquiry concerning
20 responsibility.

21 Determined the bidder to be
22 (check one of the following):

23 Responsible under ORS 279C.375
24 (3)(a) and (b).

25 Not responsible under
26 ORS 279C.375 (3)(a) and (b).

27 (Attach documentation if the contracting agency finds the bidder not to
28 be responsible.)

29 “ _____
30 “(d) Submit the form described in paragraph (c) of this subsection, with

1 any attachments, to the Construction Contractors Board within 30 days after
2 the date the contracting agency awards the contract.

3 “(4)(a) If a bidder submits a bid for a contract for public works, as defined
4 in ORS 279C.800, with an estimated contract price of [~~\$5~~] **\$3** million or more,
5 a contracting agency shall require the bidder, in addition to demonstrating
6 that the bidder is responsible as provided in subsection (3)(b) of this section,
7 to show that the bidder is an approved training agent under ORS 660.137 and:

8 “(A) Belongs to a local joint committee whose approved training agents,
9 in the aggregate, employed apprentices for 10 percent or more of all hours
10 that the employees of the approved training agents worked in the previous
11 calendar year; or

12 “(B) Employed apprentices for 10 percent or more of all hours that the
13 bidder’s employees worked on contracts in the previous calendar year.

14 “(b) In the circumstances described in paragraph (a) of this subsection, a
15 contracting agency shall include in the form set forth in subsection (3)(c) of
16 this section an additional criterion for determining responsibility that reads
17 substantially as follows:

18 [] Belongs to a local joint
19 committee with training agents
20 that, in the aggregate, employed
21 apprentices for 10 percent or
22 more of the hours that the
23 training agents’ employees
24 worked in the previous calendar
25 year or is an approved training
26 agent and has employed apprentices
27 for 10 percent or more of the total
28 number of hours the bidder’s
29 employees worked in the previous
30 calendar year.

1 “(c) This subsection does not apply to the Department of Transportation.

2 “(5) A successful bidder shall:

3 “(a) Promptly execute a formal contract; and

4 “(b) Execute and deliver to the contracting agency a performance bond
5 and a payment bond when required under ORS 279C.380.

6 “(6) A contracting agency may award a public improvement contract or
7 may award multiple public improvement contracts based on competitive bids
8 if the contracting agency specifies that the contracting agency will do so in
9 the invitation to bid.

10 “(7) A contracting agency may not exclude a commercial contractor from
11 competing for a public contract on the basis that the license issued by the
12 Construction Contractors Board is endorsed as a level 1 or level 2 license.
13 As used in this section, “commercial contractor” has the meaning given that
14 term in ORS 701.005.

15 **“SECTION 6.** ORS 279C.800 is amended to read:

16 “279C.800. As used in ORS 279C.800 to 279C.870:

17 **“(1) ‘Apprentice’ has the meaning given that term in ORS 660.010.**

18 **“(2) ‘Apprenticeship agreement’ has the meaning given that term
19 in ORS 660.010.**

20 “[1] **(3) ‘Fringe benefits’ means:**

21 “(a) Contributions that a contractor or subcontractor makes irrevocably
22 to a trustee or to a third person under a plan, fund or program; and

23 “(b) Costs that a contractor or subcontractor may reasonably [*be antic-*
24 *ipated to incur*] **anticipate** in providing the following items, except for items
25 that federal, state or local law requires the contractor or subcontractor to
26 provide:

27 “(A) Benefits to workers pursuant to an enforceable written commitment
28 to the workers to carry out a financially responsible plan or program for:

29 “(i) Medical or hospital care;

30 “(ii) Pensions on retirement or death; or

1 “(iii) Compensation for injuries or illness that result from occupational
2 activity;

3 “(B) Insurance to provide the benefits described in subparagraph (A) of
4 this paragraph;

5 “(C) Unemployment benefits;

6 “(D) Life insurance;

7 “(E) Disability and sickness insurance or accident insurance;

8 “(F) Vacation and holiday pay;

9 “(G) Costs of apprenticeship or other similar programs; or

10 “(H) Other bona fide fringe benefits.

11 “[2] (4) ‘Housing’ has the meaning given that term in ORS 456.055.

12 “[3] (5) ‘Locality’ means the following district in which the public
13 works, or the major portion of the public works, is to be performed:

14 “(a) District 1, composed of Clatsop, Columbia and Tillamook Counties;

15 “(b) District 2, composed of Clackamas, Multnomah and Washington
16 Counties;

17 “(c) District 3, composed of Marion, Polk and Yamhill Counties;

18 “(d) District 4, composed of Benton, Lincoln and Linn Counties;

19 “(e) District 5, composed of Lane County;

20 “(f) District 6, composed of Douglas County;

21 “(g) District 7, composed of Coos and Curry Counties;

22 “(h) District 8, composed of Jackson and Josephine Counties;

23 “(i) District 9, composed of Hood River, Sherman and Wasco Counties;

24 “(j) District 10, composed of Crook, Deschutes and Jefferson Counties;

25 “(k) District 11, composed of Klamath and Lake Counties;

26 “(L) District 12, composed of Gilliam, Grant, Morrow, Umatilla and
27 Wheeler Counties;

28 “(m) District 13, composed of Baker, Union and Wallowa Counties; and

29 “(n) District 14, composed of Harney and Malheur Counties.

30 “[4] (6) ‘Prevailing rate of wage’ means the rate of hourly wage, in-

1 cluding all fringe benefits, that the Commissioner of the Bureau of Labor
2 and Industries determines is paid in the locality to the majority of workers
3 employed on projects of a similar character in the same trade or occupation.

4 “[5] (7) ‘Public agency’ means the State of Oregon or a political subdi-
5 vision of the State of Oregon, or a county, city, district, authority, public
6 corporation or public entity organized and existing under law or charter or
7 an instrumentality of the county, city, district, authority, public corporation
8 or public entity.

9 “[6)(a)] (8)(a) ‘Public works’ includes, but is not limited to:

10 “(A) Roads, highways, buildings, structures and improvements of all types,
11 the construction, reconstruction, major renovation or painting of which is
12 carried on or contracted for by any public agency to serve the public inter-
13 est;

14 “(B) A project that uses \$750,000 or more of funds of a public agency for
15 constructing, reconstructing, painting or performing a major renovation on
16 a road, highway, building, structure or improvement of any type;

17 “(C) A project that uses funds of a private entity for constructing a pri-
18 vately owned road, highway, building, structure or improvement of any type
19 in which a public agency will use or occupy 25 percent or more of the square
20 footage of the completed project;

21 “(D) Notwithstanding the provisions of ORS 279C.810 (2)(a), (b) and (c),
22 a device, structure or mechanism, or a combination of devices, structures or
23 mechanisms, that:

24 “(i) Uses solar radiation as a source for generating heat, cooling or elec-
25 trical energy; and

26 “(ii) Is constructed or installed, with or without using funds of a public
27 agency, on land, premises, structures or buildings that a public body, as de-
28 fined in ORS 174.109, owns; or

29 “(E) Notwithstanding paragraph (b)(A) of this subsection and ORS
30 279C.810 (2)(b) and (c), construction, reconstruction, painting or major reno-

1 vation of a road, highway, building, structure or improvement of any type
2 that occurs, with or without using funds of a public agency, on real property
3 that a public university listed in ORS 352.002 owns.

4 “(b) ‘Public works’ does not include:

5 “(A) Reconstructing or renovating privately owned property that a public
6 agency leases; or

7 “(B) A private nonprofit entity’s renovation of publicly owned real prop-
8 erty that is more than 75 years old if:

9 “(i) The real property is leased to the private nonprofit entity for more
10 than 25 years;

11 “(ii) Funds of a public agency used in the renovation do not exceed 15
12 percent of the total cost of the renovation; and

13 “(iii) Contracts for the renovation were advertised or, if not advertised,
14 were entered into before July 1, 2003, but the renovation has not been com-
15 pleted on or before July 13, 2007.

16 “**SECTION 7.** ORS 279C.807 is amended to read:

17 “279C.807. (1) The Bureau of Labor and Industries shall develop, [*and*]
18 adopt **and update** a plan to increase diversity statewide among workers **and**
19 **apprentices** employed on projects subject to ORS 279C.800 to 279C.870. The
20 bureau shall develop the plan after conducting a statewide public process to
21 solicit proposals to increase diversity and shall adopt **or update** the plan
22 after considering proposals submitted to the bureau.

23 “(2) The bureau shall report each year to the Legislative Assembly or to
24 the appropriate legislative interim committee concerning progress that re-
25 sults from the plan adopted under this section and may submit recommen-
26 dations for legislation or other measures that will improve diversity among
27 workers **and apprentices** employed on projects subject to ORS 279C.800 to
28 279C.870. [*The bureau shall submit the first report no later than January 1,*
29 *2009.*]

30 “**SECTION 8.** ORS 279C.827 is amended to read:

1 “279C.827. (1)(a) A public agency may not divide a public works project
2 into more than one contract for the purpose of avoiding compliance with
3 ORS 279C.800 to 279C.870.

4 “(b) [*When*] **If** the Commissioner of the Bureau of Labor and Industries
5 determines that a public agency has divided a public works project into more
6 than one contract for the purpose of avoiding compliance with ORS 279C.800
7 to 279C.870, the commissioner shall issue an order [*compelling*] **to compel**
8 compliance.

9 “(c) In making [*determinations*] **a determination** under this subsection,
10 the commissioner shall consider:

11 “(A) The physical separation of the project structures;

12 “(B) The timing of the work on project phases or structures;

13 “(C) The continuity of project contractors and subcontractors working on
14 project parts or phases;

15 “(D) The manner in which the public agency and the contractors admin-
16 ister and implement the project;

17 “(E) Whether a single public works project includes several types of im-
18 provements or structures; and

19 “(F) Whether the combined improvements or structures have an overall
20 purpose or function.

21 “(2) If a project is a public works of the type described in ORS 279C.800
22 [~~(6)(a)(B)~~] **(8)(a)(B)** or (C), the commissioner shall divide the project, if ap-
23 propriate, after applying the considerations set forth in subsection (1)(c) of
24 this section to separate the parts of the project that include funds of a public
25 agency or that **a public agency will occupy or use** [*will be occupied or used*
26 *by a public agency*] from the parts of the project that do not include funds
27 of a public agency and that **a public agency will not occupy or use** [*will*
28 *not be occupied or used by a public agency*]. If the commissioner divides the
29 project, any part of the project that does not include funds of a public agency
30 and that [*will not be occupied or used by*] a public agency **will not occupy**

1 **or use** is not subject to ORS 279C.800 to 279C.870.

2 “(3) If a project includes parts that [*are owned by*] a public agency **owns**
3 and parts that [*are owned by*] a private entity **owns**, the commissioner shall
4 divide the project, if appropriate, after applying the considerations set forth
5 in subsections (1)(c) and (2) of this section to separate the parts of the
6 project that are public works from the parts of the project that are not
7 public works. If the commissioner divides the project, parts of the project
8 that are not public works are not subject to ORS 279C.800 to 279C.870.

9 **“SECTION 9.** ORS 279C.830 is amended to read:

10 “279C.830. (1)(a) Except as provided in paragraph (e) of this subsection,
11 **a public agency shall include in** the specifications for every contract for
12 public works [*must contain*] a provision that states the existing state pre-
13 vailing rate of wage and, if applicable, the federal prevailing rate of wage
14 required under the Davis-Bacon Act (40 U.S.C. 3141 et seq.) that **a con-**
15 **tractor, subcontractor or other person that is a party to the contract**
16 must [*be paid*] **pay** to workers in each trade or occupation that the con-
17 tractor, [*or*] subcontractor or other person [*who is a party to the contract*]
18 uses in performing all or part of the contract. If the prevailing rates of wage
19 are available electronically or are accessible on the Internet, the **public**
20 **agency may incorporate the** rates [*may be incorporated*] into the specifi-
21 cations by referring to the electronically accessible or Internet-accessible
22 rates and by providing adequate information about how to access the rates.

23 “(b) If a public agency under paragraph (a) of this subsection must in-
24 clude the state and federal prevailing rates of wage in the specifications, the
25 public agency shall also require the contractor to pay the higher of the ap-
26 plicable state or federal prevailing rate of wage to all workers on the public
27 works.

28 “(c) Every contract and subcontract must provide that **a contractor,**
29 **subcontractor or other person that is a party to the contract must pay**
30 the workers [*must be paid*] not less than the specified minimum hourly rate

1 of wage in accordance with ORS 279C.838 and 279C.840.

2 “(d) If a public works project is subject both to ORS 279C.800 to 279C.870
3 and to the Davis-Bacon Act, every contract and subcontract must provide
4 that **the contractor, subcontractor or other person that is a party to**
5 **the contract must pay the** workers on the public works [*must be paid*] not
6 less than the higher of the applicable state or federal prevailing rate of wage.

7 “(e) A public works project described in ORS 279C.800 [(6)(a)(B)] **(8)(a)(B)**
8 or (C) is subject to the existing state prevailing rate of wage or, if applicable,
9 the federal prevailing rate of wage required under the Davis-Bacon Act that
10 is in effect at the time a public agency enters into an agreement with a
11 private entity for the project. After that time, the specifications for a con-
12 tract for the public works must include the applicable prevailing rate of
13 wage.

14 “(2) The specifications for a contract for public works must provide that
15 the contractor and every subcontractor must have a public works bond filed
16 with the Construction Contractors Board before starting work on the project,
17 unless **the contractor or subcontractor** exempt under ORS 279C.836 (4),
18 (7), (8) or (9). Every contract that a contracting agency awards must require
19 the contractor to:

20 “(a) Have a public works bond filed with the Construction Contractors
21 Board before starting work on the project, unless **the contractor is** exempt
22 under ORS 279C.836 (4), (7), (8) or (9).

23 “(b) Require, in every subcontract, that the subcontractor have a public
24 works bond filed with the Construction Contractors Board before starting
25 work on the project, unless **the subcontractor is** exempt under ORS
26 279C.836 (4), (7), (8) or (9).

27 “**(3)(a) Every contract for public works must provide that the con-**
28 **tractor, before awarding a subcontract, must require a prospective**
29 **subcontractor to demonstrate to the contractor and the contracting**
30 **agency that the prospective subcontractor meets the same standards**

1 **of responsibility that apply to the contractor under ORS 279C.375 (4).**

2 **“(b) This subsection does not apply to the Department of Trans-**
3 **portation.**

4 **“SECTION 10.** ORS 279C.840 is amended to read:

5 “279C.840. (1) The hourly rate of wage [*to be paid by any*] **that a con-**
6 **tractor or subcontractor must pay** to workers upon all public works [*shall*
7 *be not*] **may not be** less than the prevailing rate of wage for an hour’s work
8 in the same trade or occupation in the locality where the labor is performed.
9 [*The obligation of*] A contractor or subcontractor **may discharge the obli-**
10 **gation** to pay the prevailing rate of wage [*may be discharged*] by making the
11 payments in cash, by [*the*] making [*of*] contributions of a type [*referred to*]
12 **described** in ORS 279C.800 [(1)(a)] **(3)(a)**, or by [*the assumption of*] **assuming**
13 an enforceable commitment to bear the costs of a plan or program of a type
14 [*referred to*] **described** in ORS 279C.800 [(1)(b)] **(3)(b)**, or any combination
15 [*thereof*] **of payments, contributions or costs**, [*where*] **if** the aggregate of
16 [*any such*] **the** payments, contributions and costs is not less than the pre-
17 vailing rate of wage. The contractor or subcontractor shall pay all wages due
18 and owing to the contractor’s or subcontractor’s workers upon public works
19 on the regular payday established and maintained under ORS 652.120.

20 “(2) After a contract for public works is executed with any contractor or
21 work [*is commenced*] **begins** upon any public works, **a contractor or sub-**
22 **contractor may not attack** the amount of the prevailing rate of wage [*is*
23 *not subject to attack*] in any legal proceeding [*by any contractor or subcon-*
24 *tractor*] in connection with that contract.

25 “(3) It is not a defense in any legal proceeding that the prevailing rate
26 of wage is less than the amount required to be in the specifications of a
27 contract for public works, or that [*there was an agreement between*] the em-
28 ployee and the employer **agreed that the employee would** [*to*] work at less
29 than the wage rates required [*to be paid*] under this section.

30 “(4) Every contractor or subcontractor **that is** engaged on a project [*for*

1 *which there is*] **under** a contract for a public works shall keep the prevailing
2 rates of wage for that project posted in a conspicuous and accessible place
3 in or about the project. The Commissioner of the Bureau of Labor and In-
4 dustries shall furnish without charge copies of the prevailing rates of wage
5 to contractors and subcontractors.

6 “(5) Every contractor or subcontractor **that is** engaged on a project [*for*
7 *which there is*] **under** a contract for a public works to which the prevailing
8 wage requirements apply that also provides or contributes to a health and
9 welfare plan or a pension plan, or both, for the contractor or subcontractor’s
10 employees on the project shall post a notice describing the plan in a con-
11 spicuous and accessible place in or about the project. The **contractor or**
12 **subcontractor shall preferably post the** notice [*preferably shall be*
13 *posted*] in the same place as the notice required under subsection (4) of this
14 section. In addition to the description of the plan, the notice [*shall contain*]
15 **must have** information on how and where to make claims and where to
16 obtain further information.

17 “(6)(a) Except as provided in paragraph (c) of this subsection, [*no*] a per-
18 son other than the contractor or subcontractor may **not** pay or contribute
19 any portion of the prevailing rate of wage [*paid by*] **that** the contractor or
20 subcontractor **pays** to workers [*employed in the performance of*] **the con-**
21 **tractor or subcontractor employs in performing a contract for** public
22 works [*contract*].

23 “(b) For the purpose of this subsection, the prevailing rate of wage is the
24 prevailing rate of wage specified in the contract.

25 “(c) This subsection [*is not intended to*] **does not** prohibit payments to a
26 worker who is enrolled in any government-subsidized training or retraining
27 program.

28 “(7) A person may not take any action that circumvents the payment of
29 the prevailing rate of wage to workers employed on a **contract for** public
30 works [*contract*], including, but not limited to, reducing an employee’s regu-

1 lar rate of pay on any project **that is** not subject to ORS 279C.800 to
2 279C.870 in a manner that has the effect of offsetting the prevailing rate of
3 wage on a public works project.

4 **“SECTION 11.** ORS 279C.845 is amended to read:

5 “279C.845. (1) [*The*] **A** contractor or the contractor’s surety and every
6 subcontractor or the subcontractor’s surety shall file [*certified statements*] **a**
7 **written statement** with the public agency **with which the contractor has**
8 **a contract for public works** [*in writing*], on a form prescribed by the
9 Commissioner of the Bureau of Labor and Industries, [*certifying*] **in which**
10 **the contractor or subcontractor certifies:**

11 “(a) The hourly rate of wage paid each worker whom the contractor or
12 the subcontractor has employed upon the public works; [*and*]

13 “(b) That **the contractor or subcontractor has not paid a** [*no*] worker
14 [*employed*] **the contractor or subcontractor employs** upon the public
15 works [*has been paid*] less than the prevailing rate of wage or less than the
16 minimum hourly rate of wage specified in the contract[.]; **and**

17 “(c) **The total number of hours that apprentices who are partic-**
18 **ipating in programs of apprenticeship or training under ORS 660.002**
19 **to 660.210 worked on the public works project in the previous week.**

20 “(2) The [*certified statement shall be verified by the oath of the*] contractor
21 or the contractor’s surety or **the** subcontractor or the subcontractor’s surety
22 **shall attest by oath** that the contractor or subcontractor has read the
23 [*certified*] statement **described in subsection (1) of this section**, that the
24 contractor or subcontractor knows the contents of the [*certified*] statement
25 and that to the contractor or subcontractor’s knowledge the [*certified*]
26 statement is true.

27 “(3) The [*certified statements*] **contractor or subcontractor, in the**
28 **statement described in subsection (1) of this section**, shall set out ac-
29 curately and completely the contractor’s or subcontractor’s payroll records,
30 including the name and address of each worker, the worker’s correct classi-

1 fication, **the worker’s apprenticeship agreement registration number,**
2 **if available,** rate of pay, daily and weekly number of hours worked and the
3 gross wages the worker earned upon the public works during each week
4 identified in the [*certified*] statement.

5 “(4) [*The*] **A contractor or subcontractor shall deliver or mail [*each cer-***
6 ***tified statement required by subsection (1) of this section to the public agency.***
7 ***Certified statements*] a statement required under subsection (1) of this**
8 **section to the public agency with which the contractor has a contract**
9 **for public works. The contractor or subcontractor shall submit, by the**
10 **fifth business day of each month, a statement for each week in the**
11 **previous month** during which the contractor or subcontractor employs a
12 worker upon the public works [*shall be submitted once a month, by the fifth*
13 *business day of the following month*]. **A public agency may use information**
14 [*submitted on certified statements may be used*] **on a statement that a**
15 **contractor or subcontractor submits under this section only to:**

16 “(a) Ensure compliance with the provisions of ORS 279C.800 to
17 279C.870[.]; and

18 “(b) **Determine the percentage of total hours that workers per-**
19 **formed on the public works for which the contractor or subcontractor**
20 **employed apprentices participating in programs of apprenticeship or**
21 **training under ORS 660.002 to 660.210.**

22 “(5) Each contractor or subcontractor shall preserve [*the certified state-*
23 ***ments*] a statement described in subsection (1) of this section** for a pe-
24 riod of three years [*from*] **after** the date [*of completion of*] **on which the**
25 **contractor completes the contract for public works.**

26 “(6) [*Certified statements received by*] **A statement that a public agency**
27 [*are public records*] **receives under this section is** subject to the provisions
28 of ORS 192.410 to 192.505.

29 “(7) Notwithstanding ORS 279C.555 or 279C.570 (7), if a contractor is re-
30 quired to file [*certified statements*] **a statement** under this section, the pub-

1 lic agency shall retain 25 percent of any amount [*earned by*] the contractor
2 **earns** on the public works until the contractor has filed with the public
3 agency [*certified*] **the statement** [*statements as*] required [*by*] **under** this
4 section. The public agency shall pay the contractor the amount **the public**
5 **agency** retained under this subsection within 14 days after the contractor
6 files the [*certified statements as required by*] **statement in accordance with**
7 this section, regardless of whether a subcontractor has failed to file [*certified*
8 *statements as*] **a statement** required [*by*] **under** this section. The public
9 agency is not required to verify the truth of the contents of [*certified state-*
10 *ments filed by*] **the statement** the contractor **submits** under this section.

11 “(8) Notwithstanding ORS 279C.555, [*the*] **a** contractor shall retain 25
12 percent of any amount [*earned by*] **that** a first-tier subcontractor **earns** on
13 a public works until the subcontractor [*has filed with*] **submits the state-**
14 **ment required under this section to** the public agency **with which the**
15 **contractor has a contract for public works** [*certified statements as re-*
16 *quired by this section*]. The contractor shall verify that the first-tier sub-
17 contractor has filed the [*certified statements*] **statement** before the
18 contractor may pay the subcontractor any amount **the contractor** retained
19 under this subsection. The contractor shall pay the first-tier subcontractor
20 the amount **the contractor** retained under this subsection within 14 days
21 after the subcontractor files the [*certified statements as required by*] **state-**
22 **ment in accordance with** this section. [*Neither*] The public agency [*nor*]
23 **and** the contractor [*is*] **are not** required to verify the truth of the contents
24 of [*certified statements filed by*] **a statement that** a first-tier subcontractor
25 **submits** under this section.

26 “**SECTION 12.** ORS 279C.850 is amended to read:

27 “279C.850. (1) At any reasonable time the Commissioner of the Bureau of
28 Labor and Industries may enter the office or business establishment of any
29 contractor or subcontractor [*performing*] **with a contract for** public works
30 and gather facts and information necessary to determine whether the [*pre-*

1 *vailing rate of wage is actually being paid by such contractor or subcontractor*
2 *to workers upon public works.]* **contractor or subcontractor is:**

3 **“(a) Actually paying the prevailing rate of wage to workers upon**
4 **public works; and**

5 **“(b) Reporting the information required under ORS 279C.845 (1)(c)**
6 **accurately and truthfully.**

7 **“(2) [Upon request by the commissioner] At the commissioner’s**
8 **request,** every contractor or subcontractor [*performing work on*] **with a**
9 **contract for public works** shall make available to the commissioner for in-
10 spection during normal business hours any payroll or other records [*in the*
11 *possession or under the control of*] the contractor or subcontractor **possesses**
12 **or controls** that [*are deemed necessary by*] the commissioner **deems neces-**
13 **sary** to determine whether the **contractor or subcontractor is actually**
14 **paying the** prevailing rate of wage [*is actually being paid by such contractor*
15 *or subcontractor*] to workers upon public works. The [*commissioner’s request*
16 *must be made*] **commissioner must make the request** a reasonable time
17 in advance of the inspection.

18 **“(3) Notwithstanding ORS 192.410 to 192.505, any record [obtained or made**
19 *by*] the commissioner **obtains or makes** under this section is not open to
20 inspection by the public.

21 **“(4) The commissioner may, without necessity of an assignment, initiate**
22 **legal proceedings against [employers] a contractor or subcontractor with**
23 **a contract for public works** to enjoin future failures to pay required pre-
24 vailing rates of wage or overtime pay and to require the **contractor or**
25 **subcontractor to pay** [*payment of*] prevailing rates of wage or overtime pay
26 due employees. The commissioner [*is entitled to*] **may** recover, in addition to
27 other costs, [*such*] **a sum [as] that** the court or judge [*may determine*] **de-**
28 **termines is** reasonable as attorney fees. If the commissioner does not prevail
29 in the action, the commissioner shall pay all costs and disbursements from
30 the Bureau of Labor and Industries Account.

1 “(5) **The commissioner by rule shall establish a program to regu-**
2 **larly carry out the provisions of this section.**

3 “**SECTION 13.** ORS 660.137 is amended to read:

4 “660.137. (1) *[Every local apprenticeship or training program administered*
5 *by a local joint committee, or by a trade committee functioning as a local joint*
6 *committee, shall:]* **A local joint committee, or a trade committee that**
7 **functions as a local joint committee, shall:**

8 “*[(1)]* (a) Propose to the State Apprenticeship and Training Council and
9 the Apprenticeship and Training Division of the Bureau of Labor and In-
10 dustries standards for the local **joint committee’s local apprenticeship**
11 **or training** program that *[are in substantial conformity]* **substantially**
12 **conform** with ORS 660.126 and with the uniform standards, if any, *[adopted*
13 *by]* **that** the state joint committee **adopted** for *[that occupation]* **the pro-**
14 **gram**, and recommend to the council and the division modifications of the
15 standards.

16 “*[(2)]* (b) Administer *[its]* **the local joint committee’s** program in con-
17 formity with *[its]* **standards the local joint committee** approved
18 *[standards]*, with the provisions of ORS 660.002 to 660.210, and with the rules
19 and policies of the council and the division. *[Particularly]* **Specifically**, the
20 local joint committee shall:

21 “*[(a)]* (A) Maintain records of all apprentices in *[its]* **the local joint**
22 **committee’s** program[,] with respect to work experience, instruction on the
23 job, attendance at related instruction *[and progress,]* and **progress made,**
24 **along with** *[such]* other records *[as may be]* **that are** appropriate or
25 required[, *and shall*];

26 “(B) Submit *[such]* reports *[as]* **that** the council, division or other ap-
27 propriate governmental agencies *[may]* require;

28 “*[(b)]* (C) Submit to the state joint committee appropriate requests for
29 changes in courses of study for *[the instruction of]* **instructing** apprentices;
30 *[and]*

1 “[(c)] **(D)** [*Be responsible for apprentices receiving*] **Provide** necessary on-
2 the-job and related instruction[,]; and [*for all*]

3 “**(E) Promptly register all** apprenticeship agreements [*being promptly*
4 *registered*] with the council.

5 “[(3)] **(c)** [*Be responsible for the recruitment, qualification, selection, ap-*
6 *proval and registration of*] **Recruit, qualify, select, approve and register**
7 apprentices [*entering*] **who enter** the program[, *including the evaluation of*]
8 **and evaluate** previous creditable work experience, education and training
9 for which **the local joint committee must give** advanced credit [*must be*
10 *given, provided that*] **if the local joint committee can give** advanced credit
11 [*may be given for such*] **for the creditable work** experience, education and
12 training.

13 “[(4)] **(d)** Review and evaluate, at least semiannually, [*the*] **each**
14 **apprentice’s** progress [*of each apprentice,*] as to job performance and related
15 instruction[, *and*]. Consistent with the skill **the apprentice has** acquired,
16 **the local joint committee shall** [*accordingly*] advance the apprentice to the
17 next level of apprenticeship, [*or*] hold the apprentice at the same level for
18 a reasonable period[, *and*] with reasonable opportunity for corrective
19 action[,] or terminate the apprentice from the program for serious or con-
20 tinued inadequate progress and notify the council and the division of the
21 **local joint committee’s** action [*taken*]. **The local joint committee shall**
22 **also notify** the council, the division and the appropriate training agent
23 [*shall also be notified*] of each rerating and of the apprentice’s new level on
24 the wage schedule[. *Recognition for*] **and shall ensure that an apprentice’s**
25 successful completion of apprenticeship [*shall be*] **is** evidenced by an appro-
26 priate certificate [*issued by*] **from** the council.

27 “[(5)(a)] **(e)** Determine the qualifications, minimum facilities and training
28 conditions [*required of*] **that** an employer **must have** to serve as an approved
29 training agent, [*and*] **to** approve training agents [*accordingly*]; **in accord-**
30 **ance with the required qualifications, minimum facilities and training**

1 **conditions and to ensure compliance by:**

2 “[*(b)*] **(A) [Make] Making** periodic checks of approved training agents to
3 ensure that [*there are*] **each training agent has** qualified training personnel
4 and [*that there is*] adequate supervision on the job, adequate and safe equip-
5 ment and facilities for training and supervision[,] and safety training for
6 apprentices on the job and in related instruction; and

7 “[*(c)*] **(B) [Withdraw] Withdrawing** approval of a training [*agents when*]
8 **agent that no longer meets the required** qualifications [*are no longer met*
9 *or when it appears to*] **or that** the committee **believes** [*that the training agent*
10 *is in violation of*] **has violated** the terms of an apprenticeship agreement,
11 **the local joint committee’s** standards, **the** provisions of ORS 660.002 to
12 660.210 or the rules and policies of the council and the division.

13 “[*(6)*] **(f)** Determine and redetermine at least annually the average
14 journeyworker hourly rate of wage for the purposes of ORS 660.142 and
15 submit the rate to the State Director of Apprenticeship and Training, along
16 with a statement explaining how the **local joint committee made the de-**
17 **termination** [*was made. Training agents that fail or refuse to provide their*
18 *committees with information shall be terminated as approved training*
19 *agents*].

20 **“(g) Report by January 31 of each year to the division, on forms and**
21 **in a format that the Bureau of Labor and Industries specifies by rule,**
22 **all hours that apprentices and journeyworkers worked during the**
23 **previous calendar year, after collecting all necessary information from**
24 **the local joint committee’s training agents. The report must attribute**
25 **each of the hours to a specific training agent and must identify ap-**
26 **prentices and journeyworkers by craft, by race or ethnicity, by gender**
27 **and by the geographic location in which the apprentices reside and**
28 **work in accordance with standards and categories that the bureau**
29 **specifies by rule.**

30 **“(2)(a) A local joint committee shall withdraw approval from a**

1 **training agent that fails or refuses to provide the local joint committee**
2 **with the information required under subsection (1)(f) and (g) of this**
3 **section.**

4 **“(b) The council and the division may withhold approval of a new pro-**
5 **gram or terminate an existing program [for failure or refusal by the committee**
6 **or its] if a local joint committee or the local joint committee’s training**
7 **agents fail or refuse to keep the established journeyworker hourly rate of**
8 **wage current and correct.**

9 **“(c) The local joint committee shall retain all records from which a**
10 **committee made a wage determination [was made for inspection by] for the**
11 **council and division to inspect, as required by law.**

12 **“(3) The division shall publish the information that each local joint**
13 **committee reports to the division under subsection (1)(g) of this sec-**
14 **tion on the bureau’s website and make the information available to**
15 **the public.**

16 **“(4) The bureau, not later than March 1 of each year, shall submit**
17 **to a committee or interim committee of the Legislative Assembly that**
18 **deals with workforce issues a report that includes:**

19 **“(a) The information that the bureau publishes under subsection (3)**
20 **of this section;**

21 **“(b) Information about the number of apprentices who become**
22 **journeyworkers during the reporting period, identifying the number**
23 **of apprentices by craft, by race or ethnicity, by gender and by the ge-**
24 **ographic location in which the apprentices reside and work; and**

25 **“(c) The bureau’s evaluation of the impact that the apprenticeship**
26 **requirements set forth in ORS 279C.375 (4) and section 2 of this 2017**
27 **Act have on rural areas within this state.**

28 **“SECTION 14. (1) Section 2 of this 2017 Act and the amendments to**
29 **ORS 279C.375, 279C.800, 279C.807, 279C.827, 279C.830, 279C.840, 279C.845,**
30 **279C.850 and 660.137 by sections 4 and 6 to 13 of this 2017 Act apply to**

1 a contract for public works that a public agency advertises or solicits
2 or, if the public agency does not advertise or solicit the contract for
3 public works, that the public agency enters into on or after the oper-
4 ative date specified in section 15 (1) of this 2017 Act.

5 “(2) The amendments to section 2 of this 2017 Act by section 3 of
6 this 2017 Act and the amendments to ORS 279C.375 by section 5 of this
7 2017 Act apply to a contract for public works that a public agency ad-
8 vertises or solicits or, if the public agency does not advertise or solicit
9 the contract for public works, that the public agency enters into on
10 or after the operative date specified in section 15 (2) of this 2017 Act.

11 **“SECTION 15. (1) Section 2 of this 2017 Act and the amendments to**
12 **ORS 279C.375, 279C.800, 279C.807, 279C.827, 279C.830, 279C.840, 279C.845,**
13 **279C.850 and 660.137 by sections 4 and 6 to 13 of this 2017 Act become**
14 **operative on January 1, 2019.**

15 “(2) The amendments to section 2 of this 2017 Act by section 3 of
16 this 2017 Act and the amendments to ORS 279C.375 by section 5 of this
17 2017 Act become operative on January 1, 2023.

18 “(3) The Attorney General, the Commissioner of the Bureau of La-
19 bor and Industries, the Director of the Oregon Department of Admin-
20 istrative Services and a contracting agency, other than the
21 Department of Transportation, that adopts rules under ORS 279A.065
22 may adopt rules and take any other action before the operative date
23 specified in subsection (1) of this section that is necessary to enable
24 the Attorney General, the commissioner, the director or the con-
25 tracting agency to exercise, on and after the operative date specified
26 in subsection (1) of this section, all of the duties, functions and powers
27 conferred on the Attorney General, the commissioner, the director or
28 the contracting agency by section 2 of this 2017 Act and the amend-
29 ments to ORS 279C.375, 279C.800, 279C.807, 279C.827, 279C.830, 279C.840,
30 279C.845, 279C.850 and 660.137 by sections 4 and 6 to 13 of this 2017 Act.

