

**A-Engrossed**  
**Senate Bill 471**

Ordered by the Senate April 12  
Including Senate Amendments dated April 12

Sponsored by Senators BOQUIST, DEMBROW, Representative MCLAIN; Senators BURDICK, FREDERICK, MONNES ANDERSON, RILEY, TAYLOR, THOMSEN, WAGNER, Representatives BONHAM, EVANS, FAHEY, HELM, LEIF, PILUSO, POWER (at the request of Never Again Coalition) (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires prospective contractor to state in bid or proposal for public contract whether and extent to which prospective contractor will use conflict minerals in performing public contract and whether prospective contractor's disclosures, policies, practices and procedures with respect to procuring conflict minerals comply with Organization for Economic Cooperation and Development's Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.

*[Requires contracting agency to give preference to prospective contractor that complies with provisions in guidance document. Permits contracting agency to give additional weight in evaluating bid or proposal to prospective contractor with most thorough description of disclosures, policies, practices and procedures.]*

**Requires state contracting agency to give preference to each prospective contractor that meets requirements of Act to extent that procurement requires or will use conflict minerals.**

Becomes operative January 1, [2020] **2021**.

Takes effect on 91st day following adjournment sine die.

**A BILL FOR AN ACT**

1  
2 Relating to preferences in public contracting for prospective contractors that meet certain require-  
3 ments with respect to procuring conflict minerals; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 279B.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Affiliated entity" means an entity that a prospective contractor controls, that con-**  
8 **trols the prospective contractor or that another entity controls in common with the pro-**  
9 **spective contractor.**

10 (b) **"Conflict minerals" means:**

11 (A) **Columbite-tantalite or an ore for tantalum;**

12 (B) **Cassiterite or an ore for tin;**

13 (C) **Wolframite or an ore for tungsten;**

14 (D) **Gold;**

15 (E) **A derivative of any of the minerals identified in subparagraph (A), (B), (C) or (D) of**  
16 **this paragraph; or**

17 (F) **Any other mineral or derivative of a mineral the extraction, sale, distribution or use**  
18 **of which a state contracting agency determines, based on findings that the United States**  
19 **Secretary of State makes, is financing conflict in the Democratic Republic of the Congo or**  
20 **a country that shares an internationally recognized border with the Democratic Republic of**

**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 the Congo.

2 (2)(a) A state contracting agency in solicitation documents for a public contract shall  
3 require a prospective contractor to state in the prospective contractor's bid or proposal for  
4 the public contract:

5 (A) Whether and to what extent any of the materials the prospective contractor or an  
6 affiliated entity of the prospective contractor intends to use in performing the public con-  
7 tract are conflict minerals; and

8 (B) That the prospective contractor's and the affiliated entity's disclosures, policies,  
9 practices and procedures with respect to procuring conflict minerals comply with the most  
10 recent edition of the Organization for Economic Cooperation and Development's Due Dili-  
11 gence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-  
12 Risk Areas.

13 (b) A prospective contractor may meet the requirement set forth in paragraph (a) of this  
14 subsection by linking or referring in a bid or proposal to a description of disclosures, policies,  
15 practices and procedures with respect to procuring conflict minerals that the prospective  
16 contractor or the affiliated entity has posted on the prospective contractor's or affiliated  
17 entity's website or has otherwise made available as an official publication that is accessible  
18 to the public.

19 (3) Notwithstanding provisions of law that require a state contracting agency to award  
20 a public contract to the lowest responsible bidder or to the prospective contractor that sub-  
21 mits the best proposal or quotation, to the extent that procurement requires or will use  
22 conflict minerals, a state contracting agency shall give a preference to each prospective  
23 contractor that meets the requirements set forth in subsection (2) of this section.

24 SECTION 3. Section 2 of this 2019 Act applies to procurements that a state contracting  
25 agency advertises or otherwise solicits or, if the state contracting agency does not advertise  
26 or otherwise solicit the procurement, to a public contract into which the state contracting  
27 agency enters on or after the operative date specified in section 4 of this 2019 Act.

28 SECTION 4. (1) Section 2 of this 2019 Act becomes operative on January 1, 2021.

29 (2) The Attorney General, the Director of the Oregon Department of Administrative  
30 Services, the Director of Transportation and a state contracting agency that adopts rules  
31 under ORS 279A.065 or 279A.070 may adopt rules and take any other action before the oper-  
32 ative date specified in subsection (1) of this section that is necessary to enable the Attorney  
33 General, the director or the state contracting agency, on and after the operative date spec-  
34 ified in subsection (1) of this section, to exercise all of the duties, functions and powers  
35 conferred on the Attorney General, the director or the state contracting agency by section  
36 2 of this 2019 Act.

37 SECTION 5. This 2019 Act takes effect on the 91st day after the date on which the 2019  
38 regular session of the Eightieth Legislative Assembly adjourns sine die.

39