

HB 2769-4
(LC 2829)
3/14/19 (TSB/ps)

Requested by HOUSE COMMITTEE ON BUSINESS AND LABOR (at the request of Representative
Jeff Barker)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2769**

1 On page 1 of the printed bill, line 3, delete “, 279B.405”.

2 On page 3, delete lines 1 through 14 and insert “(a)(D) of this subsection
3 from each of the top-ranked consultants. The pricing proposal:

4 “(A) Must consist of:

5 “(i) A schedule of hourly rates that the prospective consultant will charge
6 for the work of each individual or each labor classification that will perform
7 the professional services the local contracting agency requires for the pro-
8 curement, in the form of an offer that is irrevocable for not less than 90 days
9 after the date of the proposal; and

10 “(ii) A reasonable estimate of hours that the prospective consultant will
11 require to perform the professional services the local contracting agency re-
12 quires for the procurement; and

13 “(B) May include, at the local contracting agency’s request, additional
14 pricing information that is limited to:

15 “(i) A description of each task that the prospective consultant under-
16 stands as comprising the professional services;

17 “(ii) A list of each individual or labor classification that will perform
18 each task, together with the hourly rate that applies to the individual or
19 labor classification; and

20 “(iii) A list of expenses, including travel expenses, that the prospective
21 consultant expects to incur in connection with providing the professional

1 services.”.

2 Delete lines 22 through 28 and insert:

3 “(6) The contracting agency and the consultant that the contracting
4 agency selects shall mutually discuss, refine and finalize the scope of, the
5 rates and number of hours applicable to, and the maximum compensation
6 level for the professional services and shall negotiate conditions including,
7 but not limited to, a performance schedule for the project. The contracting
8 agency may not pay a compensation level that exceeds a level that the con-
9 tracting agency alone determines is fair and reasonable to the contracting
10 agency. Authority to negotiate a contract under this section does not super-
11 sede any provision of ORS 279A.140 or 279C.520.”.

12 Delete lines 37 through 45 and insert:

13 “(8) A prospective consultant has a right to protest the contents of a
14 contracting agency’s solicitation documents and the contracting agency’s
15 selection of a consultant in accordance with:

16 “(a) Protest procedures in model rules the Attorney General adopts under
17 ORS 279A.065; or

18 “(b) Protest procedures the contracting agency must set forth in rules
19 that the contracting agency adopts, if the contracting agency adopts rules
20 under ORS 279A.065 (6).”.

21 On page 6, delete lines 4 through 45 and delete pages 7 and 8 and insert:

22 **“SECTION 3. The amendments to ORS 279A.157 and 279C.110 by**
23 **sections 1 and 2 of this 2019 Act apply to procurements that a con-**
24 **tracting agency first advertises or otherwise solicits or, if the con-**
25 **tracting agency does not advertise or otherwise solicit the**
26 **procurement, to public contracts into which the contracting agency**
27 **enters on or after the operative date specified in section 4 of this 2019**
28 **Act.**

29 **“SECTION 4. (1) The amendments to ORS 279A.157 and 279C.110 by**
30 **sections 1 and 2 of this 2019 Act become operative on January 1, 2020.**

1 **“(2) A contracting agency may adopt rules and take any other**
2 **action before the operative date specified in subsection (1) of this sec-**
3 **tion that is necessary to enable the contracting agency, on and after**
4 **the operative date specified in subsection (1) of this section, to**
5 **undertake or exercise all of the duties, functions and powers conferred**
6 **on the contracting agency by the amendments to ORS 279A.157 and**
7 **279C.110 by sections 1 and 2 of this 2019 Act.**

8 **“SECTION 5. This 2019 Act takes effect on the 91st day after the**
9 **date on which the 2019 regular session of the Eightieth Legislative**
10 **Assembly adjourns sine die.”.**

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