

D R A F T

SUMMARY

Requires state contracting agency that procures or intends to procure vehicle with diesel motor or engine to qualify vehicle for procurement by obtaining certification from manufacturer or vendor of vehicle that diesel motor or engine is capable of operating with blended fuel that consists of not less than 20 percent biodiesel.

Takes effect 91 days following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to state contracting agency procurements of vehicles that use die-
3 sel; creating new provisions; amending ORS 279B.115; and prescribing an
4 effective date.

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

5 **SECTION 1.** ORS 279B.115 is amended to read:

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7 279B.115. (1) A contracting agency may develop and maintain a qualified
8 products list in instances in which the testing or examination of goods before
9 initiating a procurement is necessary or desirable in order to best satisfy the
10 requirements of the contracting agency. For purposes of this section,
11 “goods” includes products that have associated or incidental service compo-
12 nents, such as supplier warranty obligations or maintenance service pro-
13 grams.

14 (2) In the initial development of any qualified products list, a contracting
15 agency shall give public notice, in accordance with ORS 279B.055 (4), of the
16 opportunity for potential contractors, sellers or suppliers to submit goods for
17 testing and examination to determine their acceptability for inclusion on the
18 list and may solicit in writing representative groups of potential contractors,

1 sellers or suppliers to submit goods for the testing and examination. Any
2 potential contractor, seller or supplier, even though not solicited, may offer
3 its goods for consideration.

4 (3) A contracting agency's inclusion of goods on a qualified products list
5 shall be based on the results of tests or examinations. Notwithstanding any
6 provision of ORS 192.311 to 192.478, a contracting agency may make the test
7 or examination results public in a manner that protects the identity of the
8 potential contractor, seller or supplier that offered the goods for testing or
9 examination, including by using only numerical designations. Notwithstand-
10 ing any provision of ORS 192.311 to 192.478, a contracting agency may keep
11 confidential trade secrets, test data and similar information provided by a
12 potential contractor, seller or supplier if so requested in writing by the po-
13 tential contractor, seller or supplier.

14 **(4) A state contracting agency that procures or intends to procure**
15 **a vehicle with a diesel motor or engine shall qualify the vehicle for**
16 **procurement by obtaining a certification in writing from the man-**
17 **ufacturer or vendor of the vehicle that the diesel motor or engine is**
18 **capable of operating with a blended fuel that consists of not less than**
19 **20 percent biodiesel, as defined in ORS 646.905.**

20 [(4)] (5) The inclusion of goods on a qualified products list does not con-
21 stitute and may not be construed as a prequalification under ORS 279B.120
22 and 279B.125 of any prospective contractor, seller or supplier of goods on the
23 qualified products list.

24 **SECTION 2. The amendments to ORS 279B.115 by section 1 of this**
25 **2022 Act apply to public contracts that a state contracting agency ad-**
26 **vertises or otherwise solicits or, if the state contracting agency does**
27 **not advertise or solicit the public contract, to public contracts into**
28 **which the state contracting agency enters on or after the effective**
29 **date of this 2022 Act.**

30 **SECTION 3. This 2022 Act takes effect on the 91st day after the date**
31 **on which the 2022 regular session of the Eighty-first Legislative As-**

1 **sembly adjourns sine die.**

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