

SB 1048-1
(LC 4120)
3/29/23 (TSB/ps)

Requested by SENATE COMMITTEE ON LABOR AND BUSINESS (at the request of the Department of Transportation)

**PROPOSED AMENDMENTS TO
SENATE BILL 1048**

1 On page 1 of the printed bill, delete lines 5 through 28.

2 On page 2, delete lines 1 through 25 and insert:

3 **“SECTION 1. (1) As used in this section, ‘qualified small business’**
4 **means a business that meets the verification criteria set forth in sub-**
5 **section (3) of this section.**

6 **“(2) The Department of Transportation shall establish a small**
7 **business development program that aids qualified small businesses to**
8 **compete for public improvement contracts that the department pro-**
9 **cures. In the program, the department, at a minimum, shall:**

10 **“(a) Identify public improvements that are suitable for a qualified**
11 **small business to undertake successfully as a general contractor;**

12 **“(b) Provide a directory or repository of resources to assist a qual-**
13 **ified small business in preparing competitive bids or proposals that**
14 **meet the specifications set forth in solicitations for the department’s**
15 **public improvement contracts;**

16 **“(c) State in the department’s solicitation materials for public im-**
17 **provement contracts, that the department identifies under paragraph**
18 **(a) of this subsection, that the department will receive bids or pro-**
19 **posals solely from qualified small businesses;**

20 **“(d) Designate department employees who have experience or fa-**
21 **miliarity with challenges that qualified small businesses face in com-**

1 **peting for the department’s public improvement contracts to answer**
2 **questions, and provide support, assistance and information related to**
3 **preparing and submitting bids or proposals that is lawful and does not**
4 **contravene the policies set forth in ORS 279A.015; and**

5 **“(e) Evaluate bids and proposals from, and award public improve-**
6 **ment contracts to, qualified small businesses on the basis of a deter-**
7 **mination of the best value to the state.**

8 **“(3) The department shall determine that a business is a qualified**
9 **small business if the business:**

10 **“(a) Has registered with the United States Small Business Admin-**
11 **istration, or a successor agency, as a small disadvantaged business;**

12 **“(b) Is certified as an emerging small business under ORS 200.055;**
13 **or**

14 **“(c) Meets other criteria the department establishes by rule.**

15 **“(4) The department each year may enter into public improvement**
16 **contracts with qualified small businesses under the program described**
17 **in subsection (2) of this section that have an aggregated total value**
18 **of not more than \$_____.**

19 **“(5) The department shall establish and convene a committee to**
20 **advise the department concerning the program described in subsection**
21 **(2) of this section. The committee may advise the department con-**
22 **cerning which public improvements are suitable under subsection**
23 **(2)(a) of this section, which resources would best enable qualified small**
24 **businesses to prepare competitive bids or proposals, what kinds of**
25 **support, assistance and information is appropriate under subsection**
26 **(2)(d) of this section and any other matters related to the program**
27 **described in subsection (2) of this section that the department deter-**
28 **mines are relevant.**

29 **“(6) The department may adopt rules necessary to implement and**
30 **administer the program described in subsection (2) this section.**

1 **“(7)(a) No later than December 31 of each year, the department**
2 **shall report, in the manner provided in ORS 192.245, to the Legislative**
3 **Assembly concerning:**

4 **“(A) The number of public improvement contracts the department**
5 **identifies under subsection (2)(a) of this section;**

6 **“(B) The number of public improvement contracts the department**
7 **awards to qualified small businesses;**

8 **“(C) The number of qualified small businesses to which the depart-**
9 **ment provides assistance under the program;**

10 **“(D) The type and size of the qualified small businesses that par-**
11 **ticipate in the program;**

12 **“(E) The aggregated value of public improvement contracts the de-**
13 **partment awards in connection with the program; and**

14 **“(F) Such other information about the program that the depart-**
15 **ment deems relevant to report.**

16 **“(b) The department shall collect and compile data necessary to**
17 **prepare and submit the report described in this subsection.”.**

18 In line 45, delete “assistance” and insert “development”.

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