

Requested by Representative RESCHKE

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 4084**

On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert  
“279A.015, 279C.308,”.

On page 14, after line 18, insert:

**“SECTION 18.** ORS 279A.015 is amended to read:

“279A.015. *[It is the policy of the State of Oregon, in enacting the Public Contracting Code, that a sound and responsive public contracting system should:]*

*“[(1) Simplify, clarify and modernize procurement practices so that they reflect the marketplace and industry standards.]*

*“[(2) Instill public confidence through ethical and fair dealing, honesty and good faith on the part of government officials and those who do business with the government.]*

*“[(3) Promote efficient use of state and local government resources, maximizing the economic investment in public contracting within this state.]*

*“[(4) Clearly identify rules and policies that implement each of the legislatively mandated socioeconomic programs that overlay public contracting and accompany the expenditure of public funds.]*

*“[(5) Allow impartial and open competition, protecting both the integrity of the public contracting process and the competitive nature of public procurement. In public procurement, as set out in ORS chapter 279B, meaningful competition may be obtained by evaluation of performance factors and other*

1 *aspects of service and product quality, as well as pricing, in arriving at best*  
2 *value.]*

3 *“(6) Provide a public contracting structure that can take full advantage*  
4 *of evolving procurement methods as they emerge within various industries,*  
5 *while preserving competitive bidding as the standard for public improvement*  
6 *contracts unless otherwise exempted.]*

7 **“(1) The policy of the State of Oregon for procurements under the**  
8 **Public Contracting Code is that, except as provided in subsection (2)**  
9 **of this section, a contracting agency and all participants in each pro-**  
10 **curement shall:**

11 **“(a) Simplify, clarify and modernize procurement processes to re-**  
12 **flect marketplace and industry standards;**

13 **“(b) Act ethically, honestly and in good faith and engage in fair**  
14 **dealing to instill public confidence in the state’s procurement system;**

15 **“(c) Promote efficient use of state and local government resources,**  
16 **maximizing the economic investment in public contracting within this**  
17 **state;**

18 **“(d) Clearly identify in solicitation documents, and as needed**  
19 **throughout the procurement process, the rules and policies that im-**  
20 **plement each of the legislatively mandated socioeconomic programs**  
21 **associated with the procurement and that accompany the expenditure**  
22 **of public funds;**

23 **“(e) Promote impartial and open competition among all prospective**  
24 **contractors and foster a competitive market for public procurement;**  
25 **and**

26 **“(f) Provide a public contracting system that takes full advantage**  
27 **of emerging and evolving procurement methods, while preserving**  
28 **competitive bidding as the standard for public improvement contracts.**

29 **“(2) A contracting agency may modify the application of the policies**  
30 **described in subsection (1)(e) of this section to the extent necessary**

1 to take account of policies embodied in other statutes. Such modifi-  
2 cations may include:

3 “(a) Implementing the preferences and policies and allowing the  
4 exemptions set forth in ORS 200.005 to 200.075, 200.090, 279.835 to  
5 279.855, 279A.100, 279A.105, 279A.107, 279A.110, 279A.120, 279A.125,  
6 279A.128, 279A.130, 279A.142, 279A.155, 279B.075, 279B.080, 279B.085,  
7 279C.303, 279C.335, 279C.345 and 279C.800 to 279C.870;

8 “(b) Evaluating a bid or proposal under ORS chapter 279B on the  
9 basis of a combination of price, the quality of the goods or services the  
10 contracting agency will procure, the qualifications and previous per-  
11 formance of the bidder or proposer and related factors that result in  
12 the state obtaining the best value for the expenditure of public funds;

13 “(c) Soliciting and evaluating a proposal for services described in  
14 ORS 279C.100 (2) and (8) on the basis of the standards and processes  
15 set forth in ORS 279C.100 to 279C.125;

16 “(d) Soliciting and evaluating proposals to provide construction  
17 manager/general contractor services in accordance with standards and  
18 processes set forth in ORS 279C.337; and

19 “(e) Prequalifying prospective contractors under ORS 279B.120 or  
20 279C.430 and awarding a public contract from among the prospective  
21 contractors the contracting agency prequalified.

22 **“SECTION 19.** ORS 279C.308 is amended to read:

23 “279C.308. (1) As used in this section:

24 “(a) ‘Apprentice’ has the meaning given that term in ORS 660.010.

25 “(b) ‘Apprenticeable occupation’ has the meaning given that term in ORS  
26 660.010.

27 “(c) ‘Community benefit project’ means a public improvement project that  
28 is subject to the terms and conditions of a community benefit contract.

29 “(d) ‘Project labor agreement’ has the meaning given that term in  
30 section 21 of this 2026 Act.

1 “(2) As used in this section and in ORS 279C.375 and 279C.430, ‘commu-  
2 nity benefit contract’ means a public improvement contract that includes, but  
3 is not limited to, the elements described in subsection (3)(b) of this section.

4 “(3)(a) A contracting agency or local contract review board may enact or  
5 adopt, as appropriate, an ordinance, resolution, rule, regulation or other  
6 legislative or administrative measure that authorizes the contracting agency  
7 or local contract review board to designate a public improvement contract  
8 as a community benefit contract.

9 “(b) In addition to and not in lieu of any other requirement that applies  
10 to a public improvement contract under this chapter, a public improvement  
11 contract that a contracting agency or local contract review board designates  
12 as a community benefit contract may include as material provisions of the  
13 contract, but need not be limited to, terms and conditions that require the  
14 contractor to:

15 “(A) Qualify as a training agent, as defined in ORS 660.010, or provide  
16 apprenticeship training that meets applicable federal and state standards for  
17 apprenticeship training;

18 “(B) Employ apprentices to perform a specified percentage of work hours  
19 that workers in apprenticeable occupations perform on the community bene-  
20 fit project;

21 “(C) Provide employer-paid family health insurance; and

22 “(D) Meet any other requirements that the contracting agency or local  
23 contract review board sets forth in the ordinance, resolution, rule, regulation  
24 or other legislative or administrative measure that authorizes procurements  
25 of community benefit contracts.

26 **“(c) A contracting agency or local contract review board may not**  
27 **in an ordinance, resolution, rule, regulation or other legislative or**  
28 **administrative measure described in paragraph (a) of this subsection**  
29 **require that a contractor or subcontractor negotiate or enter into a**  
30 **project labor agreement as part of a community benefit contract ex-**

cept as provided in section 21 (3) of this 2026 Act.

“[(c)] (d) A contracting agency or local contract review board shall:

“(A) Ensure, before advertising or soliciting a community benefit contract, that all advertisements and solicitation documents state clearly that the procurement is for a community benefit contract and identify conspicuously all of the provisions to which a contractor will be subject, including the percentage of work hours for which the contractor must employ apprentices and the standards that will apply to the health plan the contractor must provide; and

“(B) Require, before accepting and evaluating bids or proposals for a community benefit contract, that each bidder or proposer include with the bid or proposal a signed statement that acknowledges that the bidder or proposer understands and agrees to be bound by the requirements that apply to the community benefit contract.

“(4) Except as otherwise provided in this section, a solicitation and award of a community benefit contract is subject to all applicable provisions of the Public Contracting Code.

**“SECTION 20. Section 21 of this 2026 Act is added to and made a part of ORS 279C.500 to 279C.530.**

**“SECTION 21. (1) As used in this section, ‘project labor agreement’ means a prehire collective bargaining agreement as described in 29 U.S.C. 158(f), as in effect on the effective date of this 2026 Act, that establishes the terms and conditions of employment under a specific public improvement contract or contract for public works or on a specific public improvement or public works.**

**“(2) A contracting agency may not require a prospective contractor or subcontractor to negotiate or enter into a project labor agreement:**

**“(a) In any agreement to provide, grant or transfer moneys to another person for the purpose of funding a construction project;**

**“(b) In a solicitation for a public improvement or public works;**

1       “(c) As a condition of awarding a public improvement contract or  
2 contract for public works; or

3       “(d) In the terms and conditions of a public improvement contract  
4 or contract for public works, except as provided in subsection (3) of  
5 this section.

6       “(3) A contracting agency may require in the terms and conditions  
7 of a public improvement contract or contract for public works that a  
8 contractor or subcontractor enter into a project labor agreement if:

9       “(a) The contracting agency determines in writing that a project  
10 labor agreement is necessary or advisable to secure labor peace and  
11 ensure the contractor’s and subcontractor’s timely and uninterrupted  
12 performance of the public improvement contract or contract for public  
13 works;

14       “(b) The contractor and all subcontractors agree voluntarily to en-  
15 ter into the project labor agreement after obtaining an award of the  
16 public contract;

17       “(c) The terms and conditions of the project labor agreement con-  
18 sist only of provisions that relate directly to the compensation and  
19 working conditions of those of the contractor’s and subcontractor’s  
20 employees who will perform work on the public improvement or public  
21 works; and

22       “(d) The project labor agreement expires upon the completion of the  
23 public improvement or public works and does not bind any party  
24 thereafter.

25       “SECTION 22. Section 21 of this 2026 Act and the amendments to  
26 ORS 279A.015 and 279C.308 by sections 18 and 19 of this 2026 Act apply  
27 to procurements that a contracting agency advertises or otherwise  
28 solicits, or if the contracting agency does not advertise or solicit the  
29 procurement, to a public improvement contract or contract for public  
30 works into which the contracting agency enters, on or after the oper-

1   ative date specified in section 23 of this 2026 Act.

2       **“SECTION 23. (1) Section 21 of this 2026 Act and the amendments**  
3   **to ORS 279A.015 and 279C.308 by sections 18 and 19 of this 2026 Act be-**  
4   **come operative on January 1, 2027.**

5       **“(2) The Attorney General, the Director of the Oregon Department**  
6   **of Administrative Services, the Director of Transportation and a con-**  
7   **tracting agency that adopts rules under ORS 279A.065 or 279A.070 may**  
8   **adopt rules and take any other action before the operative date speci-**  
9   **fied in subsection (1) of this section that is necessary to enable the**  
10   **Attorney General, the directors or the contracting agency, on and af-**  
11   **ter the operative date specified in subsection (1) of this section, to**  
12   **undertake and exercise all of the duties, functions and powers con-**  
13   **ferred on the Attorney General, the directors or the contracting**  
14   **agency by section 21 of this 2026 Act and the amendments to ORS**  
15   **279A.015 and 279C.308 by sections 18 and 19 of this 2026 Act.”.**

16       In line 19, delete “18” and insert “24”.