

## HOUSE AMENDMENTS TO HOUSE BILL 2769

By COMMITTEE ON BUSINESS AND LABOR

March 15

- 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 from each of the top-  
3 ranked consultants. The pricing proposal:
- 4 “(A) Must consist of:
- 5 “(i) A schedule of hourly rates that the prospective consultant will charge for the work of each  
6 individual or each labor classification that will perform the professional services the local con-  
7 tracting agency requires for the procurement, in the form of an offer that is irrevocable for not less  
8 than 90 days after the date of the proposal; and
- 9 “(ii) A reasonable estimate of hours that the prospective consultant will require to perform the  
10 professional services the local contracting agency requires for the procurement; and
- 11 “(B) May include, at the local contracting agency’s request, additional pricing information that  
12 is limited to:
- 13 “(i) A description of each task that the prospective consultant understands as comprising the  
14 professional services;
- 15 “(ii) A list of each individual or labor classification that will perform each task, together with  
16 the hourly rate that applies to the individual or labor classification; and
- 17 “(iii) A list of expenses, including travel expenses, that the prospective consultant expects to  
18 incur in connection with providing the professional services.”
- 19 Delete lines 22 through 28 and insert:
- 20 “(6) The contracting agency and the consultant that the contracting agency selects shall mutu-  
21 ally discuss, refine and finalize the scope of, the rates and number of hours applicable to, and the  
22 maximum compensation level for the professional services and shall negotiate conditions including,  
23 but not limited to, a performance schedule for the project. The contracting agency may not pay a  
24 compensation level that exceeds a level that the contracting agency alone determines is fair and  
25 reasonable to the contracting agency. Authority to negotiate a contract under this section does not  
26 supersede any provision of ORS 279A.140 or 279C.520.”
- 27 Delete lines 37 through 45 and insert:
- 28 “(8) A prospective consultant has a right to protest the contents of a contracting agency’s so-  
29 licitation documents and the contracting agency’s selection of a consultant in accordance with:
- 30 “(a) Protest procedures in model rules the Attorney General adopts under ORS 279A.065; or
- 31 “(b) Protest procedures the contracting agency must set forth in rules that the contracting  
32 agency adopts, if the contracting agency adopts rules under ORS 279A.065 (6).”
- 33 On page 6, delete lines 4 through 45 and delete pages 7 and 8 and insert:
- 34 “**SECTION 3. The amendments to ORS 279A.157 and 279C.110 by sections 1 and 2 of this**  
35 **2019 Act apply to procurements that a contracting agency first advertises or otherwise so-**

1   licits or, if the contracting agency does not advertise or otherwise solicit the procurement,  
2   to public contracts into which the contracting agency enters on or after the operative date  
3   specified in section 4 of this 2019 Act.

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

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

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

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