

A-Engrossed
Senate Bill 455

Ordered by the Senate May 31
Including Senate Amendments dated May 31

Sponsored by Senator BEYER; Senator MANNING JR (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires [*public universities, community colleges and community college districts*] **certain institutions of higher education** to require contractors to employ apprentices and to establish and execute plan for outreach, recruitment and retention of women and minority individuals for certain work relating to improvements to real property.

Provides that requirements do not apply if institution of higher education determines that compliance with requirements would cause unreasonable expense or delay or reduce pool of bidders to fewer than three.

A BILL FOR AN ACT

1
2 Relating to higher education contracting; creating new provisions; and amending ORS 352.629.

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

4 **SECTION 1.** ORS 352.629 is amended to read:

5 352.629. (1) As used in this section:

6 (a) "Apprentice" has the meaning given that term in ORS 660.010.

7 [*(b) "Apprenticeable occupation" has the meaning given that term in ORS 660.010.*]

8 [*(c) "Apprenticeship training program" means the total system of apprenticeship that a particular*
9 *local joint committee, as defined in ORS 660.010, operates, including the local joint committee's regis-*
10 *tered standards and all other terms and conditions for qualifying, recruiting, selecting, employing and*
11 *training apprentices in an apprenticeable occupation.*]

12 **(b) "Community college" means a community college as defined in ORS 341.005 or a**
13 **community college district as defined in ORS 341.005.**

14 **(c) "Institution of higher education" means a public university listed in ORS 352.002, a**
15 **community college or the Oregon Health and Science University.**

16 (d) "Minority individual" has the meaning given that term in ORS 200.005.

17 (e) "Qualified contracts":

18 **(A)** Means contracts that:

19 [(A)] **(i)** Are for improvements to real property [*in connection with the University of Oregon*
20 *Campus for Accelerating Scientific Impact*];

21 [(B)] **(ii)** Have a cost that, at the time the contract is executed, is estimated to be greater than
22 [\$200,000;] **\$8 million**; and

23 [(C)] **(iii)** Are to be paid, **in whole or in part**, from proceeds of bonds issued [*under Article XI-G*
24 *of the Oregon Constitution*] **by the State of Oregon.**

25 **(B) Does not include contracts for purchase or installation of specialty medical or re-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **search equipment or any necessary related personal property or fixtures sold or installed by**
2 **a vendor of such equipment.**

3 (f) “Woman” has the meaning given that term in ORS 200.005.

4 **(2) An institution of higher education may not award a qualified contract to a prospective**
5 **contractor unless the prospective contractor is a training agent as defined in ORS 660.010.**

6 [(2)] (3) [*The University of Oregon*] **Except as provided in subsection (5) of this section, an**
7 **institution of higher education**, in all qualified contracts, shall require contractors to:

8 [(a) *Employ apprentices to perform 15 percent of the work hours that workers in apprenticeable*
9 *occupations perform under the contract, in a manner consistent with the apprentices’ respective ap-*
10 *prenticeship training programs;*]

11 **(a) Award each subcontract with an estimated cost of at least \$200,000 only to a sub-**
12 **contractor who is a training agent as defined in ORS 660.010;**

13 (b) Establish and execute a plan for outreach, recruitment and retention of women and minority
14 individuals to perform work under the contract; and

15 (c) Require any subcontractors engaged by the contractors to abide by the requirements set
16 forth in [*paragraphs (a) and (b)*] **paragraph (b)** of this subsection.

17 [(3)] (4) On or before February 1 of each year, [*the University of Oregon*] **institutions of higher**
18 **education with ongoing qualified contracts** shall report to the Joint Committee on Ways and
19 Means or Joint Interim Committee on Ways and Means on the amount of work performed by ap-
20 prentices, women and minority individuals under qualified contracts.

21 **(5) The requirements of subsection (3) of this section do not apply to a qualified contract**
22 **if the institution of higher education determines that compliance with the requirements**
23 **would, with respect to the qualified contract:**

24 (a) Cause unreasonable expense or delay; or

25 (b) Limit the pool of bidders to fewer than three.

26 **SECTION 2.** (1) Except as provided in subsection (2) of this section, the amendments to
27 **ORS 352.629** by section 1 of this 2019 Act apply to contracts first advertised or otherwise
28 solicited on or after January 1, 2021, or, for contracts not advertised or solicited, to con-
29 tracts first entered into on or after January 1, 2021.

30 (2) For Portland State University, Oregon State University, the University of Oregon and
31 the Oregon Health and Science University, the amendments to ORS 352.629 by section 1 of
32 this 2019 Act apply to contracts first advertised or otherwise solicited on or after January
33 1, 2020, or, for contracts not advertised or solicited, to contracts first entered into on or
34 after January 1, 2020.