

HB 2310 -1 STAFF MEASURE SUMMARY

House Committee On Water

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Meeting Dates: 3/9

WHAT THE MEASURE DOES:

Prohibits local government, contracting agency, or contract review board from enacting, adopting or enforcing prohibitions, restrictions or limits on the use or evaluation of pipe or piping materials for a water project if the pipe or piping materials meet certain performance specifications and if water project is funded fully or in part by moneys appropriated directly or indirectly from the state. Applies to water projects relating to drinking water and wastewater. Specifies that bill provisions do not limit recommendation of licensed professional engineer for use of pipe or piping materials appropriate to a particular water project, nor do provisions apply to design or construction specifications developed by a licensed professional engineer in consultation with local government, contracting agency, or contract review board. Applies to procurement for a water project first advertised or, if not advertised, to public contract first entered into on or after January 1, 2022. Authorizes local government, contracting agency, or contract review board to take action before operative date to enable conformity with provisions of the bill. Takes effect on 91st day after the 2021 regular session adjourns sine die.

May have fiscal impact, but no statement yet issued.

May have revenue impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces measure. Directs local contracting agency or contract review board to post public notice when advertising for a water project that specifies the use of a single piping material to identify specifications of the piping materials to be used.

BACKGROUND:

The Environmental Protection Agency (EPA) sets standards on drinking water and wastewater quality and treatment through the Clean Water Act and National Primary Drinking Water Regulations. Construction of public drinking water systems is regulated by Oregon Drinking Water Services under the Public Health Division of the Oregon Health Authority, subject to OAR 333-061-0050. Construction of wastewater systems is regulated by the Oregon Department of Environmental Quality, subject to OAR 340. Procurement rules for publicly funded construction projects can be found in ORS Chapter 279C and include provisions on competitive bidding and a least-cost policy requiring analysis of project costs prior to finalizing a public contract.

House Bill 2310 would prohibit a local government, contracting agency, or contract review board from restricting the use of piping materials in a publicly funded drinking water or wastewater project if the piping materials meet certain performance standards. Provisions become operative January 1, 2022 and apply to public contracts for water projects on or after the operative date.