

Enrolled House Bill 2374

Sponsored by Representative NATHANSON (Pre-session filed.)

CHAPTER

AN ACT

Relating to preferences in public contracting; and declaring an emergency.

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

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 279B.

SECTION 2. (1)(a) After the effective date of this 2021 Act and before July 31, 2022, a state contracting agency that awards a public contract under ORS 279B.055, 279B.060 or 279B.070 shall use forms or electronic systems the Director of the Oregon Department of Administrative Services specifies to report to the director not later than August 15, 2022:

(A) How many procurements the state contracting agency solicited during the period described in this subsection;

(B) The general nature of each procurement, including an estimate of the contract price; and

(C) Which contract preferences set forth in statute or administrative rule, if any, the state contracting agency applied in evaluating bids or proposals in the course of awarding the public contracts.

(b) In the report described in paragraph (a) of this subsection, each state contracting agency shall also:

(A) State why the state contracting agency applied or did not apply any applicable discretionary preferences; and

(B) Provide any other information or content the director requires for the report described in paragraph (a) of this subsection.

(2)(a) During the period described in subsection (1) of this section, the Oregon Department of Administrative Services shall develop training materials and specify procedures and best practices that state contracting agencies can use to determine which contract preferences must or should apply to a procurement, which contract preferences the state contracting agency may apply at the state contracting agency's discretion and how to properly apply appropriate preferences while evaluating bids and proposals for, and awarding, public contracts.

(b) Upon completing the training materials, procedures and practices described in paragraph (a) of this subsection, the department shall immediately make the training materials, procedures and practices available to state contracting agencies and provide any needed guidance on implementation.

(3)(a) Not later than September 30, 2022, the department shall submit to an interim committee of the Legislative Assembly related to public procurement a report that summarizes the information described in subsection (1) of this section. In the summary, the de-

partment shall identify which contract preferences state contracting agencies used in procurements during the period described in subsection (1) of this section, which potentially applicable contract preferences were not used and reasons that state contracting agencies gave for using or not using discretionary contract preferences.

(b) In the report described in paragraph (a) of this subsection, the department shall recommend any changes in statute, administrative rule, policy or procedure the department determines are necessary to ensure that state contracting agencies apply contract preferences in accordance with the intent of the Legislative Assembly.

SECTION 3. Section 2 of this 2021 Act is repealed on January 2, 2023.

SECTION 4. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House April 15, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 20, 2021

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State