

Requested by Representative NATHANSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 2374**

1 In line 2 of the printed bill, after “contracting” insert “; and declaring
2 an emergency”.

3 Delete lines 4 through 8 and insert:

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

6 **“SECTION 2. (1)(a) After the effective date of this 2021 Act and be-
7 fore July 31, 2022, a state contracting agency that awards a public
8 contract under ORS 279B.055, 279B.060 or 279B.070 shall use forms or
9 electronic systems the Director of the Oregon Department of Admin-
10 istrative Services specifies to report to the director not later than
11 August 15, 2022:**

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

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

16 **“(C) Which contract preferences set forth in statute or administra-
17 tive rule, if any, the state contracting agency applied in evaluating
18 bids or proposals in the course of awarding the public contracts.**

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

21 **“(A) State why the state contracting agency applied or did not apply**

1 any applicable discretionary preferences; and

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

4 “(2)(a) During the period described in subsection (1) of this section,
5 the department shall develop training materials and specify procedures
6 and best practices that state contracting agencies can use to deter-
7 mine which contract preferences must or should apply to a procure-
8 ment, which contract preferences the state contracting agency may
9 apply at the state contracting agency’s discretion and how to properly
10 apply appropriate preferences while evaluating bids and proposals for,
11 and awarding, public contracts.

12 “(b) Upon completing the training materials, procedures and prac-
13 tices described in paragraph (a) of this subsection, the department
14 shall immediately make the training materials, procedures and prac-
15 tices available to state contracting agencies and provide any needed
16 guidance on implementation.

17 “(3)(a) Not later than September 30, 2022, the department shall
18 submit to an interim committee of the Legislative Assembly related
19 to public procurement a report that summarizes the information de-
20 scribed in subsection (1) of this section. In the summary, the depart-
21 ment shall identify which contract preferences state contracting
22 agencies used in procurements during the period described in sub-
23 section (1) of this section, which potentially applicable contract pref-
24 erences were not used and reasons that state contracting agencies
25 gave for using or not using discretionary contract preferences.

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

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

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

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