



Oregon

Kate Brown, Governor

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DATE: February 3, 2021

TO: Honorable Members of the Senate Committee on Judiciary and Ballot Measure 110 Implementation

FROM: Linsay Hale, Professional Standards/Interim Training Division Director

SUBJECT: DPSST Testimony: SB 115

Summary: SB 115 was introduced on behalf of the Board on Public Safety Standards and Training (BPSST) as a housekeeping bill to clarify the Department of Public Safety Standards and Training's (DPSST) procurement authorities by bringing the currently outdated statutory language in line with current Public Contracting Code while maintaining the original intent.

Background: ORS 181A.410(2)(a) gives DPSST the authority to "Contract or otherwise cooperate with any person or agency of government for the procurement of services or property." This language has existed unchanged in DPSST's authorizing statutes since 1961.

The statutory wording of this authority predates the current public contracting code, causing confusion about DPSST's procurement authorities. The terms "contract ... for the procurement of" could be interpreted to mean that DPSST may only contract with some other person or entity that will, in turn, carry out the procurement on DPSST's behalf.

While 1961 legislative history is largely silent on intent, we reasonably believe that the legislature intended to give DPSST direct procurement authority for contracts involving services and property as well as authority to delegate this power by contract.

Effect of SB 115: The Public Contracting Code (ORS 279A, 279B and 279C) governs the procurement of all public contracts except for those which are identified as exempt in statute. ORS 279A.050 (6)(m) states that any state agency is authorized to conduct a procurement when the agency is specifically authorized by any provision of law other than the Public Contracting Code to enter into a contract.

By making reference to ORS 279A.050 (6)(m), SB 115 does not afford additional authority to DPSST, but rather points directly to the statute in the Public Contracting Code under which DPSST is already authorized to conduct public procurements.

SB 115 would solidify and clarify the original intent ORS 181A.410 (2); providing DPSST authority to procure goods and services in order to train Oregon's public safety professionals and operate the Department of Public Safety Standards and Training.

Impact of SB 115 on DPSST: SB 115 adds language to ORS 181A.410 that specifically grants the DPSST the authority to enter into a contract. This allows the DPSST to continue current practices with clear statutory authority and in accordance with the Public Contracting Code.