

# House Bill 4090

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Joint Committee on Transportation for Renewable Energy Group)

## 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 **as introduced**.

Requires state contracting agency that procures or intends to procure vehicle with diesel motor or engine to qualify vehicle for procurement by obtaining certification from manufacturer or vendor of vehicle that diesel motor or engine is capable of operating with blended fuel that consists of not less than 20 percent biodiesel.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to state contracting agency procurements of vehicles that use diesel; creating new pro-  
3 visions; amending ORS 279B.115; and prescribing an effective date.

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

5 **SECTION 1.** ORS 279B.115 is amended to read:

6 279B.115. (1) A contracting agency may develop and maintain a qualified products list in in-  
7 stances in which the testing or examination of goods before initiating a procurement is necessary  
8 or desirable in order to best satisfy the requirements of the contracting agency. For purposes of this  
9 section, "goods" includes products that have associated or incidental service components, such as  
10 supplier warranty obligations or maintenance service programs.

11 (2) In the initial development of any qualified products list, a contracting agency shall give  
12 public notice, in accordance with ORS 279B.055 (4), of the opportunity for potential contractors,  
13 sellers or suppliers to submit goods for testing and examination to determine their acceptability for  
14 inclusion on the list and may solicit in writing representative groups of potential contractors, sellers  
15 or suppliers to submit goods for the testing and examination. Any potential contractor, seller or  
16 supplier, even though not solicited, may offer its goods for consideration.

17 (3) A contracting agency's inclusion of goods on a qualified products list shall be based on the  
18 results of tests or examinations. Notwithstanding any provision of ORS 192.311 to 192.478, a con-  
19 tracting agency may make the test or examination results public in a manner that protects the  
20 identity of the potential contractor, seller or supplier that offered the goods for testing or exam-  
21 ination, including by using only numerical designations. Notwithstanding any provision of ORS  
22 192.311 to 192.478, a contracting agency may keep confidential trade secrets, test data and similar  
23 information provided by a potential contractor, seller or supplier if so requested in writing by the  
24 potential contractor, seller or supplier.

25 (4) **A state contracting agency that procures or intends to procure a vehicle with a diesel**  
26 **motor or engine shall qualify the vehicle for procurement by obtaining a certification in**  
27 **writing from the manufacturer or vendor of the vehicle that the diesel motor or engine is**  
28 **capable of operating with a blended fuel that consists of not less than 20 percent biodiesel,**  
29 **as defined in ORS 646.905.**

**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        [(4)] (5) The inclusion of goods on a qualified products list does not constitute and may not be  
2 construed as a prequalification under ORS 279B.120 and 279B.125 of any prospective contractor,  
3 seller or supplier of goods on the qualified products list.

4        **SECTION 2. The amendments to ORS 279B.115 by section 1 of this 2022 Act apply to**  
5 **public contracts that a state contracting agency advertises or otherwise solicits or, if the**  
6 **state contracting agency does not advertise or solicit the public contract, to public contracts**  
7 **into which the state contracting agency enters on or after the effective date of this 2022 Act.**

8        **SECTION 3. This 2022 Act takes effect on the 91st day after the date on which the 2022**  
9 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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