

Legislative Fiscal Office

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Joint Committee on Ways and Means

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Representative Tawna Sanchez, House Co-Chair

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Tom MacDonald, Deputy Legislative Fiscal Officer (Budget)
Paul Siebert, Deputy Legislative Fiscal Officer (Audit/IT)

To: General Government Subcommittee

From: Haylee Morse-Miller, Legislative Fiscal Office

Date: June 6, 2023

Subject: HB 3332 – Relating to Buy America requirements for public construction projects
Work Session Recommendations

HB 3332 directs the Department of Administrative Services (DAS) and Oregon Department of Transportation (ODOT) to require in public improvement contracts or contracts for public works, that steel, iron, coatings for steel and iron, and manufactured products that a contractor purchases for or uses in the public improvement or public works, must be produced in the United States. This requirement applies to public improvements or public works with an estimated contract price of \$250,000 or more. This requirement does not apply if the DAS or ODOT directors find that the requirement is inconsistent with the public interest; that the products are not produced in the United States in sufficient and reasonably available quantities and with satisfactory quality; or if using products produced in the United States for the public improvement or the public works will increase the cost of the project by more than 25 percent.

The measure directs DAS to establish by rule a technical assistance and grant program to enable enterprises and businesses certified as a disadvantaged business enterprise, minority-owned business, woman-owned business, business that a service-disabled veteran owns, or emerging small business, to become familiar with and meet the requirements of this measure. DAS is to submit a request for funding to the Legislative Assembly in an amount the department estimates would be necessary to administer the program and provide grants before the program is established.

The - A4 amendment specifies that this measure only applies to DAS and ODOT; and increases the applicable contract price from \$150,000 to \$250,000.

The quantifiable costs of this measure are \$430,574 Other Funds. The - A5 amendment provides \$215,287 Other Funds expenditure limitation to both ODOT and DAS. Both agencies will hire an Operations and Policy Analyst 4, to establish the waiver processes and manage review of waiver requests. The position within DAS will also work to update

procurement documentation and training statewide, and develop the technical assistance and grant program.

Recommended Changes

LFO recommends adoption of the –A4 amendment.

MOTION: I move adoption of the –A4 amendment to HB 3332. (VOTE)

LFO recommends adoption of the –A5 amendment.

MOTION: I move adoption of the –A5 amendment to HB 3332. (VOTE)

Final Subcommittee Action

LFO recommends that HB 3332, as amended by the –A4 and –A5 amendments, be moved to the Ways and Means Full Committee.

MOTION: I move HB 3332, as amended, to the Full Committee with a do pass recommendation. (VOTE)

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____