

## HOUSE AMENDMENTS TO HOUSE BILL 3332

By COMMITTEE ON BUSINESS AND LABOR

March 29

1 On page 1 of the printed bill, delete lines 7 through 10 and insert:

2 “(a) ‘Manufactured product’ means a preassembled item that is made of iron or steel and that  
3 a contractor brings to a construction project for incorporation into a public improvement or public  
4 works or a preassembled item that is made of iron or steel and that a state contracting agency ac-  
5 quires for a public use.”.

6 In line 12, after the first comma insert “other than manufactured products,”.

7 In line 13, after the semicolon insert “and”.

8 In line 20, delete “; and” and insert a period.

9 Delete lines 21 and 22.

10 In line 24, after “works” insert “with an estimated contract price of \$150,000 or more”.

11 On page 2, delete lines 17 through 26 and insert:

12 “(B) Before making a finding under subparagraph (A) of this paragraph, the Director of the  
13 Oregon Department of Administrative Services or the Director of Transportation, as appropriate,  
14 shall issue a draft finding that includes a detailed written explanation of the basis for waiving the  
15 requirement set forth in paragraph (a) of this subsection. At the earliest practicable time, the di-  
16 rector shall give public notice of the draft finding in a manner that the director determines will give  
17 adequate notice to the public and to contractors that intend to submit, or have submitted, bids or  
18 proposals for the public improvement or public works. The director shall allow seven calendar days  
19 for public comment on the draft finding. If after considering public comment the director determines  
20 to waive the requirement set forth in paragraph (a) of this subsection, the director shall provide  
21 public notice of the director’s finding using the same method the director used to provide public  
22 notice of the draft finding.

23 “(C) The director shall respond within 15 days to a request for a finding described in subpara-  
24 graph (A) of this paragraph by:

25 “(i) Issuing the draft finding described in subparagraph (B) of this paragraph; or

26 “(ii) Asking the person that submitted the request to provide any additional information the di-  
27 rector requires to make the draft finding.”.

28 In line 31, delete “grants the waiver” and insert “waives the requirement set forth in paragraph  
29 (a) of this subsection”.

30 Delete lines 32 through 37 and insert:

31 “(e) The director may review and continue, amend or rescind the director’s finding at any time.  
32 If the director waives the requirement set forth in paragraph (a) of this subsection for a class of  
33 public improvement contracts or contracts for public works or for a class of iron or steel products,  
34 coatings or manufactured products, at least every five years the director shall review and, if nec-  
35 essary, amend or rescind the waiver. Before continuing, amending or rescinding a waiver under this

1 paragraph, the director shall provide for public notice and comment in accordance with paragraph  
2 (c)(B) of this subsection.”.

3 After line 41, insert:

4 “(3)(a) The Oregon Department of Administrative Services by rule shall establish a technical  
5 assistance and grant program to enable enterprises and businesses certified under ORS 200.055 to  
6 become familiar with and meet the obligations set forth in this section.

7 “(b) Before establishing the program described in paragraph (a) of this subsection, the depart-  
8 ment shall submit to the Legislative Assembly a request for funding in an amount the department  
9 estimates would be necessary to administer the program and provide grants. The department shall  
10 deposit any moneys the department receives as funding into a designated account within the  
11 department’s operating account and shall keep a record of the amount and purpose of each dis-  
12 bursement from the account.

13 “(c) A recipient of moneys from the department may not use the moneys to defray expenses the  
14 recipient incurs to prepare a bid or proposal in response to a procurement for a public improvement  
15 or public works.”.

16 In line 42, delete “(3)” and insert “(4)”.

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