

Senate Bill 1092

Sponsored by Senator WOODS

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Updates the means by which government agencies can buy goods and services by joining contracts that other agencies have signed. Takes effect 91 days after the session ends. (Flesch Readability Score: 62.7).

Updates and streamlines the process and procedure for conducting cooperative procurements for public contracts and public improvement contracts.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to procedures for conducting cooperative procurements for public contracts; creating new
3 provisions; amending ORS 276.255, 279A.010 and 279A.025; repealing ORS 279A.200, 279A.205,
4 279A.210, 279A.215, 279A.220 and 279A.225; and prescribing an effective date.

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

6 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 279A.**

7 **SECTION 2. (1) As used in this section:**

8 (a) **“Administering agency” means a contracting agency, or a governmental body other**
9 **than a contracting agency that is inside or outside this state, that conducts a cooperative**
10 **procurement.**

11 (b)(A) **“Cooperative procurement” means a procurement in which an administering**
12 **agency solicits and executes an original contract.**

13 (B) **“Cooperative procurement” does not include an agreement under ORS chapter 190**
14 **or under a statute, ordinance or other legislative enactment that permits and governs**
15 **agreements for exchanging goods or services between or among governmental bodies or**
16 **agencies or between or among tribal governments or agencies.**

17 (c) **“Original contract” means a public contract, public improvement contract or price**
18 **agreement that an administering agency solicits and executes for the purpose of permitting**
19 **a contracting agency or a governmental body, other than the administering agency, to obtain**
20 **goods or services, including construction services, from a contractor under the same or**
21 **similar terms and conditions and at the same or similar prices.**

22 (d) **“Participating agency” means a contracting agency or a governmental body, other**
23 **than an administering agency, that participates in a cooperative procurement.**

24 (2) **An administering agency may solicit, conduct, administer or participate in a cooper-**
25 **ative procurement and may enter into an original contract.**

26 (3)(a) **An administering agency must solicit and conduct a cooperative procurement in a**
27 **manner that is open, impartial and substantially equivalent to the source selection methods**
28 **and procedures set forth in ORS 279B.055, 279B.060, 279C.110 and 279C.330 to 279C.355. In**

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 meeting this requirement, the procurement:

2 (A) May not apply a geographic preference that favors bidders or proposers who reside
3 in the administering agency's jurisdiction or locality more than do the preferences set forth
4 in ORS 279A.120 (2); and

5 (B) Must provide reasonably clear and precise specifications that are suitable for the
6 purposes intended and that reasonably encourage competition.

7 (b) If an administering agency is a contracting agency, the administering agency shall
8 comply with applicable source selection methods and procedures set forth in this chapter and
9 ORS chapters 279B and 279C.

10 (c) A contracting agency, or a governmental body within this state other than a con-
11 tracting agency, may not participate in a cooperative procurement unless the administering
12 agency solicits and conducts the cooperative procurement in compliance with paragraph (a)
13 of this subsection.

14 (4)(a) If a participating agency is a contracting agency and the estimated contract price
15 for the participating agency's procurement exceeds \$250,000, before entering into a public
16 contract or public improvement contract under a cooperative procurement that does not
17 name the participating agency as a party to the original contract, the participating agency
18 shall provide public notice of an intent to enter into a public contract or public improvement
19 contract by means of the cooperative procurement. A public notice under this subsection
20 must:

21 (A) Describe the procurement in detail sufficient to enable prospective bidders or
22 proposers to consider whether the procurement could represent an opportunity to submit a
23 bid or proposal;

24 (B) Specify the estimated contract price of the procurement;

25 (C) Identify the administering agency;

26 (D) Invite comments concerning the participating agency's intent to enter into the public
27 contract or public improvement contract by means of the cooperative procurement; and

28 (E) Specify a date and time by which and a street address or electronic address at which
29 the participating agency must receive the comments.

30 (b) A participating agency shall provide the notice described in paragraph (a) of this
31 subsection in the manner specified in ORS 279B.055 (4)(b) and (c) and must provide the notice
32 at least seven days before the date on which comments are due under paragraph (a)(E) of
33 this subsection, unless the participating agency by rule specifies a longer period.

34 (5) If a participating agency receives comments under subsection (4)(a)(D) of this section
35 from prospective bidders or proposers, the participating agency shall respond within five days
36 after receiving the comments and as part of the response shall indicate whether the partic-
37 ipating agency will reconsider the decision to proceed with the cooperative procurement.

38 **SECTION 3.** ORS 276.255 is amended to read:

39 276.255. (1)(a) A state agency may locate, on premises the state agency owns or controls, devices
40 or facilities that the state agency installs, or has installed, specifically to deliver electricity to the
41 public for electric motor vehicles.

42 (b) A state agency may contract with a vendor that will distribute, dispense or otherwise make
43 available electricity from devices or facilities described in paragraph (a) of this subsection.

44 (2)(a) The Oregon Department of Administrative Services may install or have installed devices
45 or facilities described in subsection (1)(a) of this section in as many locations as are sufficient to

1 meet demand for the devices or facilities.

2 (b) The department by rule shall establish criteria by means of which a state agency shall de-
3 termine an appropriate number of locations at which the state agency may install or have installed
4 devices or facilities described in subsection (1)(a) of this section.

5 (c) Notwithstanding paragraph (b) of this subsection, a state agency may install or have installed
6 devices or facilities described in subsection (1)(a) of this section at more than the number of lo-
7 cations determined in accordance with the department's rule if the state agency obtains a grant to
8 support the installations at each additional location.

9 (3)(a) The department may contract or otherwise agree with another entity to acquire, install,
10 maintain or operate devices or facilities described in subsection (1)(a) of this section. The depart-
11 ment may also participate in, sponsor, conduct or administer cooperative procurements in accord-
12 ance with [ORS 279A.200 to 279A.225] **section 2 of this 2025 Act** under which public bodies, as
13 defined in ORS 174.109, and other purchasers the department authorizes by rule may acquire, install,
14 maintain or operate devices or facilities to deliver electricity to the public for electric motor vehi-
15 cles.

16 (b) Solely for the purpose of a contracting agency's participating in, sponsoring, conducting or
17 administering a cooperative procurement under paragraph (a) of this subsection and notwithstanding
18 the definition of "public improvement" in ORS 279A.010, a device or facility for delivering electricity
19 to the public for electric motor vehicles is not a public improvement.

20 (4) A state agency that contracts with a vendor under subsection (1)(b) or (3)(a) of this section
21 shall require in the contract that the vendor:

22 (a) Indemnify the state agency against any claim related to or arising out of the vendor's oper-
23 ations on premises that the state agency owns or controls;

24 (b) Obtain a policy of liability insurance in an amount sufficient to pay foreseeable claims that
25 relate to or arise out of the vendor's operations, name the state agency as an insured party in the
26 policy and maintain coverage under the policy during the term of the contract and for two years
27 after the contract term expires; and

28 (c) Pay workers that the vendor employs for any work related to installing a device or facility
29 the prevailing rate of wage, as defined in ORS 279C.800.

30 (5) A state agency may by order establish and adjust prices for using devices or facilities de-
31 scribed in subsection (1)(a) of this section that are located on premises the state agency owns or
32 controls. The state agency shall endeavor to set the price for using the devices or facilities at a
33 level that:

34 (a) Recovers to the maximum extent practicable the cost of operating and administering the
35 devices or facilities described in subsection (1)(a) of this section; and

36 (b) Does not exceed 110 percent of the average market price for delivering electricity to the
37 public for the purpose described in subsection (1)(a) of this section in the county in which the device
38 or facility is located.

39 (6) Subject to subsection (5) of this section, a state agency shall set the price for delivering
40 electricity at devices and facilities located on premises that the state agency owns or controls. The
41 state agency shall use criteria and a methodology that the department specifies for calculating the
42 price.

43 (7) The department shall report to the Legislative Assembly in the manner provided by ORS
44 192.245 not later than February 1, 2019, February 1, 2021, and February 1, 2023, concerning state
45 agency implementation of the authority granted in subsections (1), (2), (4), (5) and (6) of this section.

1 Each report must, as of the date of the report:

2 (a) List the number of devices or facilities for delivering electricity to the public for electric
3 motor vehicles that state agencies installed or had installed in the previous two years and the total
4 number of installations that have occurred since June 2, 2018;

5 (b) List the number of devices or facilities that state agencies have planned for installation in
6 the next two years;

7 (c) List the cost to the state agency of each installation and calculate:

8 (A) An average cost for installations that state agencies have completed or had completed; and

9 (B) An overall trend line for costs that state agencies have incurred;

10 (d) Specify the current price that each state agency charges under subsection (6) of this section
11 and any changes in the price that occurred in the previous two years;

12 (e) Specify for each state agency an average rate of utilization for all of the devices or facilities
13 located on premises that the state agency owns or controls, calculated as the ratio of the time each
14 day during which a person is actually using the devices or facilities and the time each day in which
15 the devices and facilities are available for use; and

16 (f) Specify whether and to what extent using electric motor vehicles and devices or facilities
17 located on premises that state agencies own or control to provide electricity for state agency elec-
18 tric motor vehicles results in a cost savings to the state agency in comparison to using motor ve-
19 hicles that do not use electricity for propulsion.

20 **SECTION 4.** ORS 279A.010 is amended to read:

21 279A.010. (1) As used in the Public Contracting Code, unless the context or a specifically ap-
22 plicable definition requires otherwise:

23 (a) “Bidder” means a person that submits a bid in response to an invitation to bid.

24 (b) “Contracting agency” means a public body authorized by law to conduct a procurement.
25 “Contracting agency” includes, but is not limited to, the Director of the Oregon Department of Ad-
26 ministrative Services and any person authorized by a contracting agency to conduct a procurement
27 on the contracting agency’s behalf. “Contracting agency” does not include the judicial department
28 or the legislative department.

29 (c) “Days” means calendar days.

30 (d) “Department” means the Oregon Department of Administrative Services.

31 (e) “Director” means the Director of the Oregon Department of Administrative Services or a
32 person designated by the director to carry out the authority of the director under the Public Con-
33 tracting Code.

34 (f) “Emergency” means circumstances that:

35 (A) Could not have been reasonably foreseen;

36 (B) Create a substantial risk of loss, damage or interruption of services or a substantial threat
37 to property, public health, welfare or safety; and

38 (C) Require prompt execution of a contract to remedy the condition.

39 (g) “Energy savings performance contract” means a public contract between a contracting
40 agency and a qualified energy service company for the identification, evaluation, recommendation,
41 design and construction of energy conservation measures, including a design-build contract, that
42 guarantee energy savings or performance.

43 (h) “Executive department” has the meaning given that term in ORS 174.112.

44 (i) “Goods” includes supplies, equipment, materials, personal property, including any tangible,
45 intangible and intellectual property and rights and licenses in relation thereto, and combinations

1 of any of the items identified in this paragraph.

2 (j) "Goods and services" or "goods or services" includes combinations of any of the items identified in the definitions of "goods" and "services."

3 (k)(A) "Grant" means:

4 (i) An agreement under which a contracting agency receives moneys, property or other assistance, including but not limited to federal assistance that is characterized as a grant by federal law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets, from a grantor for the purpose of supporting or stimulating a program or activity of the contracting agency and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions; or

5 (ii) An agreement under which a contracting agency provides moneys, property or other assistance, including but not limited to federal assistance that is characterized as a grant by federal law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets, to a recipient for the purpose of supporting or stimulating a program or activity of the recipient and in which no substantial involvement by the contracting agency is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions.

6 (B) "Grant" does not include a public contract for a public improvement, for public works, as defined in ORS 279C.800, or for emergency work, minor alterations or ordinary repair or maintenance necessary to preserve a public improvement, when under the public contract a contracting agency pays, in consideration for contract performance intended to realize or to support the realization of the purposes for which grant funds were provided to the contracting agency, moneys that the contracting agency has received under a grant.

7 (L) "Industrial oil" means any compressor, turbine or bearing oil, hydraulic oil, metal-working oil or refrigeration oil.

8 (m) "Judicial department" has the meaning given that term in ORS 174.113.

9 (n) "Legislative department" has the meaning given that term in ORS 174.114.

10 (o) "Local contract review board" means a local contract review board described in ORS 279A.060.

11 (p) "Local contracting agency" means a local government or special government body authorized by law to conduct a procurement. "Local contracting agency" includes any person authorized by a local contracting agency to conduct a procurement on behalf of the local contracting agency.

12 (q) "Local government" has the meaning given that term in ORS 174.116.

13 (r) "Lowest responsible bidder" means the lowest bidder who:

14 (A) Has substantially complied with all prescribed public contracting procedures and requirements;

15 (B) Has met the standards of responsibility set forth in ORS 279B.110 or 279C.375;

16 (C) Has not been debarred or disqualified by the contracting agency under ORS 279B.130 or 279C.440; and

17 (D) If the advertised contract is a public improvement contract, is not on the list created by the Construction Contractors Board under ORS 701.227.

18 (s) "Lubricating oil" means any oil intended for use in an internal combustion crankcase, transmission, gearbox or differential or an automobile, bus, truck, vessel, plane, train, heavy equipment or machinery powered by an internal combustion engine.

1 (t) "Person" means a natural person capable of being legally bound, a sole proprietorship, a
2 corporation, a partnership, a limited liability company or partnership, a limited partnership, a for-
3 profit or nonprofit unincorporated association, a business trust, two or more persons having a joint
4 or common economic interest, any other person with legal capacity to contract or a public body.

5 (u) "Post-consumer waste" means a finished material that would normally be disposed of as solid
6 waste, having completed its life cycle as a consumer item. "Post-consumer waste" does not include
7 manufacturing waste.

8 (v) "Price agreement" means a public contract for the procurement of goods or services at a set
9 price with:

10 (A) No guarantee of a minimum or maximum purchase; or

11 (B) An initial order or minimum purchase combined with a continuing contractor obligation to
12 provide goods or services in which the contracting agency does not guarantee a minimum or maxi-
13 mum additional purchase.

14 (w) "Procurement" means the act of purchasing, leasing, renting or otherwise acquiring goods
15 or services. "Procurement" includes each function and procedure undertaken or required to be
16 undertaken by a contracting agency to enter into a public contract, administer a public contract and
17 obtain the performance of a public contract under the Public Contracting Code.

18 (x) "Proposer" means a person that submits a proposal in response to a request for proposals.

19 (y) "Public body" has the meaning given that term in ORS 174.109.

20 (z) "Public contract" means a sale or other disposal, or a purchase, lease, rental or other ac-
21 quisition, by a contracting agency of personal property, services, including personal services, public
22 improvements, public works, minor alterations, or ordinary repair or maintenance necessary to pre-
23 serve a public improvement. "Public contract" does not include grants.

24 (aa) "Public contracting" means procurement activities described in the Public Contracting Code
25 relating to obtaining, modifying or administering public contracts or price agreements.

26 (bb) "Public Contracting Code" or "code" means ORS chapters 279A, 279B and 279C.

27 (cc) "Public improvement" means a project for construction, reconstruction or major renovation
28 on real property by or for a contracting agency. "Public improvement" does not include:

29 (A) Projects for which no funds of a contracting agency are directly or indirectly used, except
30 for participation that is incidental or related primarily to project design or inspection; or

31 (B) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a
32 public improvement.

33 (dd) "Public improvement contract" means a public contract for a public improvement. "Public
34 improvement contract" does not include a public contract for emergency work, minor alterations,
35 or ordinary repair or maintenance necessary to preserve a public improvement.

36 (ee) "Recycled material" means any material that would otherwise be a useless, unwanted or
37 discarded material except for the fact that the material still has useful physical or chemical prop-
38 erties after serving a specific purpose and can, therefore, be reused or recycled.

39 (ff) "Recycled oil" means used oil that has been prepared for reuse as a petroleum product by
40 refining, rerefining, reclaiming, reprocessing or other means, provided that the preparation or use
41 is operationally safe, environmentally sound and complies with all laws and regulations.

42 (gg) "Recycled paper" means a paper product with not less than:

43 (A) Fifty percent of its fiber weight consisting of secondary waste materials; or

44 (B) Twenty-five percent of its fiber weight consisting of post-consumer waste.

45 (hh) "Recycled PETE" means post-consumer polyethylene terephthalate material.

(ii) "Recycled product" means all materials, goods and supplies, not less than 50 percent of the total weight of which consists of secondary and post-consumer waste with not less than 10 percent of its total weight consisting of post-consumer waste. "Recycled product" includes any product that could have been disposed of as solid waste, having completed its life cycle as a consumer item, but otherwise is refurbished for reuse without substantial alteration of the product's form.

(jj) "Secondary waste materials" means fragments of products or finished products of a manufacturing process that has converted a virgin resource into a commodity of real economic value. "Secondary waste materials" includes post-consumer waste. "Secondary waste materials" does not include excess virgin resources of the manufacturing process. For paper, "secondary waste materials" does not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls, mill broke, wood slabs, chips, sawdust or other wood residue from a manufacturing process.

(kk) "Services" mean services other than personal services designated under ORS 279A.055, except that, for state contracting agencies with procurement authority under ORS 279A.050 or 279A.140, "services" includes personal services as designated by the state contracting agencies.

(LL) "Special government body" has the meaning given that term in ORS 174.117.

(mm) "State agency" means the executive department, except the Secretary of State and the State Treasurer in the performance of the duties of their constitutional offices.

(nn) "State contracting agency" means an executive department entity authorized by law to conduct a procurement.

(oo) "State government" has the meaning given that term in ORS 174.111.

(pp) "Used oil" has the meaning given that term in ORS 459A.555.

(qq) "Virgin oil" means oil that has been refined from crude oil and that has not been used or contaminated with impurities.

(2) Other definitions appearing in the Public Contracting Code and the sections in which they appear are:

- (a) *"Administering contracting agency"*ORS 279A.200
- (b) *"Affirmative action"*ORS 279A.100
- (c) *"Architect"*ORS 279C.100
- (d) *"Architectural, engineering, photogrammetric mapping, transportation planning or land surveying services"*ORS 279C.100
- (e) *"Bid documents"*ORS 279C.400
- (f) *"Bidder"*ORS 279B.415
- (g) *"Bids"*ORS 279C.400
- (h) *"Brand name"*ORS 279B.405
- (i) *"Brand name or equal specification"*ORS 279B.200
- (j) *"Brand name specification"*ORS 279B.200

1 (k) “Class special
2 procurement”ORS 279B.085
3 (L) “Consultant”ORS 279C.115
4 (m) “Contract-specific
5 special procurement”ORS 279B.085
6 (n) “Cooperative
7 procurement”ORS 279A.200
8 (o) “Cooperative procurement
9 group”ORS 279A.200
10 (p) “Donee”ORS 279A.250
11 (q) “Engineer”ORS 279C.100
12 (r) “Findings”ORS 279C.330
13 (s) “Fire protection
14 equipment”ORS 279A.190
15 (t) “Fringe benefits”ORS 279C.800
16 (u) “Funds of a public
17 agency”ORS 279C.810
18 (v) “Good cause”ORS 279C.585
19 (w) “Good faith dispute”ORS 279C.580
20 (x) “Goods”ORS 279B.115
21 (y) “Housing”ORS 279C.800
22 (z) “Interstate cooperative
23 procurement”ORS 279A.200
24 (aa) “Invitation to bid”ORS 279B.005
25and 279C.400
26 (bb) “Joint cooperative
27 procurement”ORS 279A.200
28 (cc) “Labor dispute”ORS 279C.650
29 (dd) “Land surveyor”ORS 279C.100
30 (ee) “Legally flawed”ORS 279B.405
31 (ff) “Locality”ORS 279C.800
32 (gg) “Nonprofit
33 organization”ORS 279C.810
34 (hh) “Nonresident bidder”ORS 279A.120
35 (ii) “Not-for-profit
36 organization”ORS 279A.250
37 (jj) “Original contract”ORS 279A.200
38 (kk) “Permissive cooperative
39 procurement”ORS 279A.200
40 (LL) “Person”ORS 279C.500
41and 279C.815
42 (mm) “Personal services”ORS 279C.100
43 (nn) “Photogrammetric
44 mapping”ORS 279C.100
45 (oo) “Photogrammetrist”ORS 279C.100

1 (pp) “Prevailing rate of
 2 wage”ORS 279C.800
 3 (qq) “Procurement
 4 description”ORS 279B.005
 5 (rr) “Property”ORS 279A.250
 6 (ss) “Public agency”ORS 279C.800
 7 (tt) “Public contract”ORS 279A.190
 8 (uu) “Public works”ORS 279C.800
 9 (vv) “Purchasing contracting
 10 agency”ORS 279A.200
 11 (ww) “Regularly organized fire
 12 department”ORS 279A.190
 13 (xx) “Related services”ORS 279C.100
 14 (yy) “Request for
 15 proposals”ORS 279B.005
 16 (zz) “Resident bidder”ORS 279A.120
 17 (aaa) “Responsible bidder”ORS 279A.105
 18and 279B.005
 19 (bbb) “Responsible
 20 proposer”ORS 279B.005
 21 (ccc) “Responsive bid”ORS 279B.005
 22 (ddd) “Responsive
 23 proposal”ORS 279B.005
 24 (eee) “Retainage”ORS 279C.550
 25 (fff) “Special
 26 procurement”ORS 279B.085
 27 (ggg) “Specification”ORS 279B.200
 28 (hhh) “State agency”ORS 279A.250
 29 (iii) “Substantial
 30 completion”ORS 279C.465
 31 (jjj) “Surplus property”ORS 279A.250
 32 (kkk) “Transportation
 33 planning services”ORS 279C.100
 34 (LLL) “Unnecessarily
 35 restrictive”ORS 279B.405]

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 38 (a) “Administering
 39 agency”Section 2 of
 40this 2025 Act
 41 (b) “Affirmative action” ...ORS 279A.100
 42 (c) “Architect”ORS 279C.100
 43 (d) “Architectural,
 44 engineering, photogram-
 45 metric mapping,

- 1 **transportation planning**
- 2 **or land surveying**
- 3 **services”ORS 279C.100**
- 4 (e) **“Bid documents”ORS 279C.400**
- 5 (f) **“Bidder”ORS 279B.415**
- 6 (g) **“Bids”ORS 279C.400**
- 7 (h) **“Brand name”ORS 279B.405**
- 8 (i) **“Brand name or equal**
- 9 **specification”ORS 279B.200**
- 10 (j) **“Brand name**
- 11 **specification”ORS 279B.200**
- 12 (k) **“Class special**
- 13 **procurement”ORS 279B.085**
- 14 (L) **“Consultant”ORS 279C.115**
- 15 (m) **“Contract-specific**
- 16 **special procurement” ..ORS 279B.085**
- 17 (n) **“Cooperative**
- 18 **procurement”Section 2 of**
- 19 **.....this 2025 Act**
- 20 (o) **“Donee”ORS 279A.250**
- 21 (p) **“Engineer”ORS 279C.100**
- 22 (q) **“Findings”ORS 279C.330**
- 23 (r) **“Fire protection**
- 24 **equipment”ORS 279A.190**
- 25 (s) **“Fringe benefits”ORS 279C.800**
- 26 (t) **“Funds of a public**
- 27 **agency”ORS 279C.810**
- 28 (u) **“Good cause”ORS 279C.585**
- 29 (v) **“Good faith dispute”ORS 279C.580**
- 30 (w) **“Goods”ORS 279B.115**
- 31 (x) **“Housing”ORS 279C.800**
- 32 (y) **“Invitation to bid”ORS 279B.005**
- 33 **.....and 279C.400**
- 34 (z) **“Labor dispute”ORS 279C.650**
- 35 (aa) **“Land surveyor”ORS 279C.100**
- 36 (bb) **“Legally flawed”ORS 279B.405**
- 37 (cc) **“Locality”ORS 279C.800**
- 38 (dd) **“Nonprofit**
- 39 **organization”ORS 279C.810**
- 40 (ee) **“Nonresident bidder” ..ORS 279A.120**
- 41 (ff) **“Not-for-profit**
- 42 **organization”ORS 279A.250**
- 43 (gg) **“Original contract”Section 2 of**
- 44 **.....this 2025 Act**
- 45 (hh) **“Participating**

- 1 **agency”Section 2 of**
- 2 **..... this 2025 Act**
- 3 (ii) **“Person”ORS 279C.500**
- 4 **.....and 279C.815**
- 5 (jj) **“Personal services”ORS 279C.100**
- 6 (kk) **“Photogrammetric**
- 7 **mapping”ORS 279C.100**
- 8 (LL) **“Photogrammetrist”....ORS 279C.100**
- 9 (mm) **“Prevailing rate of**
- 10 **wage”.....ORS 279C.800**
- 11 (nn) **“Procurement**
- 12 **description”ORS 279B.005**
- 13 (oo) **“Property”.....ORS 279A.250**
- 14 (pp) **“Public agency”ORS 279C.800**
- 15 (qq) **“Public contract”ORS 279A.190**
- 16 (rr) **“Public works”ORS 279C.800**
- 17 (ss) **“Regularly organized**
- 18 **fire department”ORS 279A.190**
- 19 (tt) **“Related services”ORS 279C.100**
- 20 (uu) **“Request for**
- 21 **proposals”.....ORS 279B.005**
- 22 (vv) **“Resident bidder”ORS 279A.120**
- 23 (ww) **“Responsible bidder” ..ORS 279A.105**
- 24 **.....and 279B.005**
- 25 (xx) **“Responsible**
- 26 **proposer”.....ORS 279B.005**
- 27 (yy) **“Responsive bid”ORS 279B.005**
- 28 (zz) **“Responsive**
- 29 **proposal”ORS 279B.005**
- 30 (aaa) **“Retainage”ORS 279C.550**
- 31 (bbb) **“Special**
- 32 **procurement”ORS 279B.085**
- 33 (ccc) **“Specification”.....ORS 279B.200**
- 34 (ddd) **“State agency”ORS 279A.250**
- 35 (eee) **“Substantial**
- 36 **completion”ORS 279C.465**
- 37 (fff) **“Surplus property”ORS 279A.250**
- 38 (ggg) **“Transportation**
- 39 **planning services”ORS 279C.100**
- 40 (hhh) **“Unnecessarily**
- 41 **restrictive”ORS 279B.405**

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SECTION 5. ORS 279A.025 is amended to read:
279A.025. (1) Except as provided in subsections (2) to (4) of this section, the Public Contracting

- 1 Code applies to all public contracting.
- 2 (2) The Public Contracting Code does not apply to:
- 3 (a) Contracts between a contracting agency and:
- 4 (A) Another contracting agency;
- 5 (B) The Oregon Health and Science University;
- 6 (C) A public university listed in ORS 352.002;
- 7 (D) The Oregon State Bar;
- 8 (E) A governmental body of another state;
- 9 (F) The federal government;
- 10 (G) An American Indian tribe or an agency of an American Indian tribe;
- 11 (H) A nation, or a governmental body in a nation, other than the United States; or
- 12 (I) An intergovernmental entity formed between or among:
- 13 (i) Governmental bodies of this or another state;
- 14 (ii) The federal government;
- 15 (iii) An American Indian tribe or an agency of an American Indian tribe;
- 16 (iv) A nation other than the United States; or
- 17 (v) A governmental body in a nation other than the United States;
- 18 (b) Agreements authorized by ORS chapter 190 or by a statute, charter provision, ordinance or
- 19 other authority for establishing agreements between or among governmental bodies or agencies or
- 20 tribal governing bodies or agencies;
- 21 (c) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and
- 22 414.145 for purposes of source selection;
- 23 (d) Grants;
- 24 (e) Contracts for professional or expert witnesses or consultants to provide services or testimony
- 25 relating to existing or potential litigation or legal matters in which a public body is or may become
- 26 interested;
- 27 (f) Acquisitions or disposals of real property or interest in real property;
- 28 (g) Sole-source expenditures when rates are set by law or ordinance for purposes of source se-
- 29 lection;
- 30 (h) Contracts for the procurement or distribution of textbooks;
- 31 (i) Procurements by a contracting agency from an Oregon Corrections Enterprises program;
- 32 (j) The procurement, transportation, sale or distribution of distilled liquor, as defined in ORS
- 33 471.001, or the appointment of agents under ORS 471.230 or 471.750 by the Oregon Liquor and
- 34 Cannabis Commission;
- 35 (k) Contracts entered into under ORS chapter 180 between the Attorney General and private
- 36 counsel or special legal assistants;
- 37 (L) Contracts for the sale of timber from lands that the State Board of Forestry, the State
- 38 Forestry Department, the State Parks and Recreation Commission or the State Parks and Recreation
- 39 Department owns or manages;
- 40 (m) Contracts for activities necessary or convenient for the sale of timber under paragraph (L)
- 41 of this subsection, either separately from or in conjunction with contracts for the sale of timber,
- 42 including but not limited to activities such as timber harvesting and sorting, transporting, gravel
- 43 pit development or operation, and road construction, maintenance or improvement;
- 44 (n) Contracts for forest protection or forest related activities, as described in ORS 477.406, by
- 45 the State Forester or the State Board of Forestry;

1 (o) Contracts that the Housing and Community Services Department enters into in exercising
 2 the department's duties prescribed in ORS chapters 456 and 458, or procurements described in ORS
 3 456.625 (19);

4 (p) Contracts that the State Treasurer enters into in exercising the powers of that office pre-
 5 scribed in ORS 178.010 to 178.090 and 276A.242 and ORS chapters 286A, 287A, 289, 293, 294 and 295,
 6 including but not limited to investment contracts and agreements, banking services, clearing house
 7 services and collateralization agreements, bond documents, certificates of participation and other
 8 debt repayment agreements, and any associated contracts, agreements and documents, regardless of
 9 whether the obligations that the contracts, agreements or documents establish are general, special
 10 or limited, except that the State Treasurer's public contracting for goods and services is subject to
 11 ORS chapter 279B;

12 (q) Contracts, agreements or other documents entered into, issued or established in connection
 13 with:

14 (A) The issuance of obligations, as defined in ORS 286A.100 and 287A.310, of a public body;

15 (B) Program loans and similar extensions or advances of funds, aid or assistance that a public
 16 body makes to a public or private body for the purpose of carrying out, promoting or sustaining
 17 activities or programs authorized by law; or

18 (C) The investment of funds by a public body as authorized by law, and other financial trans-
 19 actions of a public body that by their character cannot practically be established under the com-
 20 petitive contractor selection procedures of ORS 279B.050 to 279B.085;

21 (r) Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221,
 22 243.275, 243.291, 243.303 and 243.565;

23 (s) Contracts for employee benefit plans as provided in ORS 243.860 to 243.886; or

24 (t) Any other public contracting of a public body specifically exempted from the code by another
 25 provision of law.

26 (3) The Public Contracting Code does not apply to the contracting activities of:

27 (a) The Oregon State Lottery Commission;

28 (b) The legislative department;

29 (c) The judicial department;

30 (d) Semi-independent state agencies listed in ORS 182.454, except as provided in ORS 279.835 to
 31 279.855 and 279A.250 to 279A.290;

32 (e) Oregon Corrections Enterprises;

33 (f) The Oregon Film and Video Office, except as provided in ORS 279A.100 and 279A.250 to
 34 279A.290;

35 (g) The Travel Information Council, except as provided in ORS 279A.250 to 279A.290;

36 (h) The Oregon 529 Savings Network and the Oregon 529 Savings Board;

37 (i) The Oregon Innovation Council;

38 (j) The Oregon Utility Notification Center; or

39 (k) Any other public body specifically exempted from the code by another provision of law.

40 (4) ORS [279A.200 to 279A.225 and] 279B.050 to 279B.085 **and section 2 of this 2025 Act** do not
 41 apply to contracts made with qualified nonprofit agencies providing employment opportunities for
 42 individuals with disabilities under ORS 279.835 to 279.855.

43 **SECTION 6. ORS 279A.200, 279A.205, 279A.210, 279A.215, 279A.220 and 279A.225 are re-**
 44 **pealed.**

45 **SECTION 7. Section 2 of this 2025 Act and the amendments to ORS 276.255, 279A.010 and**

1 279A.025 by sections 3 to 5 of this 2025 Act apply to procurements that a contracting agency
2 advertises or otherwise solicits or, if the contracting agency does not advertise or solicit the
3 procurement, to public contracts and public improvement contracts into which the con-
4 tracting agency enters on or after the operative date specified in section 8 of this 2025 Act.

5 **SECTION 8.** (1) Section 2 of this 2025 Act, the amendments to ORS 276.255, 279A.010 and
6 279A.025 by sections 3 to 5 of this 2025 Act and the repeal of ORS 279A.200, 279A.205,
7 279A.210, 279A.215, 279A.220 and 279A.225 by section 6 of this 2025 Act become operative
8 January 1, 2026.

9 (2) The Attorney General, the Director of the Oregon Department of Administrative
10 Services, the Director of Transportation and a contracting agency that adopts rules under
11 ORS 279A.065 or 279A.070 may adopt rules and take any other action before the operative
12 date specified in subsection (1) of this section that is necessary to enable the Attorney
13 General, the directors or the contracting agency, on and after the operative date specified
14 in subsection (1) of this section, to undertake and exercise the duties, functions and powers
15 conferred on the Attorney General, the directors or the contracting agency by section 2 of
16 this 2025 Act, the amendments to ORS 276.255, 279A.010 and 279A.025 by sections 3 to 5 of
17 this 2025 Act and the repeal of ORS 279A.200, 279A.205, 279A.210, 279A.215, 279A.220 and
18 279A.225 by section 6 of this 2025 Act.

19 **SECTION 9.** This 2025 Act takes effect on the 91st day after the date on which the 2025
20 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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