

HB 4150 -2 STAFF MEASURE SUMMARY

House Committee On Commerce and Consumer Protection

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Meeting Dates: 2/5, 2/12

WHAT THE MEASURE DOES:

The measure adds an attestation form to the requirements for receiving procurement contracts and awarded grants from state agencies asserting the contractor, subcontractor, or grant recipient will not work with a federal agency to conduct deportation transportation activities except when ordered by a federal court. It establishes requirements for the form, consequences of falsely reporting, and exemptions to the requirements of the measure. It declares an emergency, effective on its passage.

Detailed Summary:

- The attestation must be substantially similar to “Contractor is not now, and will not be for the duration of any contract with the state of Oregon, under an agreement with any federal agency to provide transportation services for individuals detained by the federal agency for the purpose of deportation from the United States, except in accordance with an order of a federal court, not including administrative courts.”
- Any awarded contract or grant awarded by the state agency would require an agreement to a provision stating that if the attestation is shown to be false for a contractor, subcontractor, or grant recipient or subsequently becomes false the contract would be voidable, or the grant recipient would be required to repay any grant moneys received.
- If a state agency determined the attestation of a contractor or subcontractor to be false or subsequently become false, then the state agency shall disqualify the contractor from contracting with the state for a period of three years.
- There is an exception for grants awarded to state government bodies, local government bodies, and special government bodies.

ISSUES DISCUSSED:

- Provisions of the bill

EFFECT OF AMENDMENT:

-2 The amendment removes references to federal agencies.

BACKGROUND:

The Public Contracting Code (PCC) consists of chapters 279, 279A, 279B, and 279C of the Oregon Revised Statutes. The PCC applies to state and local government agencies and public educational institutions when procuring goods and services, or contracting for construction, engineering, and related services. It applies to public contracts that occur in Oregon, with some exemptions.

- ORS Chapter 279A: This chapter provides general provisions for public contracting, including definitions, types of contracts, and the authority of contracting agencies. It establishes the framework for procurement activities and outlines policies related to affirmative action and cooperative procurement
- ORS Chapter 279B: This chapter focuses on the procurement of goods and services, detailing the methods of procurement, specifications for procurement documents, and legal remedies available in case of disputes
- ORS Chapter 279C: This chapter addresses the procurement of public improvement contracts, which generally cover public construction projects. It specifies the procedures for contracting for public works and outlines the requirements for public improvement contracts

A special government body, exempted from the meaning of grant in the measure, is defined in ORS 174.117 and includes but is not limited to many educational institutions, intergovernmental bodies, public corporations created by statute and designated as a public corporation, and any entity created by statute, ordinance, or resolution that is not part of state or local government.