

House Bill 2954

Sponsored by Representative FREDERICK; Representatives DEMBROW, NATHANSON (Presession filed.)

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**.

Creates Task Force on Procuring Through Small and Local Businesses. Requires task force to study extent to which contracting agencies award public contracts to minority-owned, woman-owned or emerging small businesses, describe and categorize types of public contracts that contracting agencies typically award to minority-owned, woman-owned and emerging small businesses, evaluate extent to which large procurements for goods and services could feasibly be broken into smaller procurements, study available systems for assessing degree to which transporting goods and components of goods, labor, construction materials and other items increases release of atmospheric carbon dioxide, methane and ozone, evaluate whether contracting agencies can feasibly base procurement decision on degree to which contractor releases atmospheric carbon dioxide, methane and ozone and investigate and recommend incentives to induce contracting agencies to award public contracts to minority-owned, woman-owned or emerging small businesses.

Sunsets task force on January 1, 2013.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to public procurement; and declaring an emergency.

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

SECTION 1. (1) The Task Force on Procuring Through Small and Local Businesses is established, consisting of nine members appointed as follows:

(a) The President of the Senate shall appoint:

(A) Two members from among members of the Senate.

(B) One member who represents a minority-owned, woman-owned or emerging small business.

(b) The Speaker of the House of Representatives shall appoint:

(A) Two members from among members of the House of Representatives.

(B) One member who represents a minority-owned, woman-owned or emerging small business.

(c) The Governor shall appoint three representatives:

(A) One member who represents a minority-owned, woman-owned or emerging small business;

(B) An employee of the Oregon Department of Administrative Services; and

(C) An employee of the Department of Transportation.

(2) The task force shall:

(a) Study the extent to which contracting agencies award public contracts to minority-owned, woman-owned or emerging small businesses in this state and describe and categorize the types of public contracts that contracting agencies typically award to minority-owned, woman-owned and emerging small businesses in this state;

(b) Evaluate the extent to which large procurements for goods and services, including construction services, could feasibly be broken into smaller procurements that would be

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 within the capabilities and expertise of minority-owned, woman-owned and emerging small
2 businesses in this state;

3 (c) Study available systems that can feasibly be used to assess the degree to which
4 transporting goods and components of goods, labor, construction materials and other items
5 necessary for a procurement increases the release of atmospheric carbon dioxide, methane
6 and ozone and evaluate whether reducing transportation of the items would significantly
7 reduce the release of atmospheric carbon dioxide, methane and ozone;

8 (d) Evaluate whether contracting agencies can feasibly base a procurement decision on
9 the degree to which a contractor releases atmospheric carbon dioxide, methane and ozone
10 during or as a result of activity related to a public contract; and

11 (e) Investigate and recommend incentives that can help to induce contracting agencies
12 to award public contracts to minority-owned, woman-owned or emerging small businesses.

13 (3) The task force may:

14 (a) Consult and communicate with any person;

15 (b) Hold hearings and receive testimony and other evidence;

16 (c) Request data and information from contracting agencies; and

17 (d) Take other actions consistent with the task force's purpose.

18 (4) A majority of the voting members of the task force constitutes a quorum for the
19 transaction of business.

20 (5) Official action by the task force requires the approval of a majority of the voting
21 members of the task force.

22 (6) The task force shall elect a member of the task force to serve as chairperson.

23 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
24 ment to become immediately effective.

25 (8) The task force shall meet at times and places specified by the call of the chairperson
26 or of a majority of the voting members of the task force.

27 (9) The task force may adopt rules necessary for the operation of the task force.

28 (10) The task force shall submit a report, and may include recommendations for legis-
29 lation, to an interim committee of the Legislative Assembly related to public contracting as
30 appropriate not later than September 1, 2012.

31 (11) The Oregon Department of Administrative Services shall provide staff support to the
32 task force.

33 (12) Members of the task force who are not members of the Legislative Assembly are not
34 entitled to compensation, but may be reimbursed for actual and necessary travel and other
35 expenses incurred by them in the performance of their official duties in the manner and
36 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
37 of the task force shall be paid out of funds appropriated to the Oregon Department of Ad-
38 ministrative Services for purposes of the task force.

39 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist
40 the task force in the performance of its duties and, to the extent permitted by laws relating
41 to confidentiality, to furnish such information and advice as the members of the task force
42 consider necessary to perform their duties.

43 **SECTION 2.** Section 1 of this 2011 Act is repealed on January 1, 2013.

44 **SECTION 3.** This 2011 Act being necessary for the immediate preservation of the public
45 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect

1 **on its passage.**

2
