

Senate Bill 631

Sponsored by Senator GIROD

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**.

Requires Department of Transportation to give preference to procuring wood products that are sourced, fabricated or processed within this state for all public improvement projects or public works projects for which department advertises or solicits bid or proposal for public contract.

Becomes operative on January 1, 2020.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to preferences in certain public contracts for wood products produced in this state; creat-
3 ing new provisions; amending ORS 279A.128; and prescribing an effective date.

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

5 **SECTION 1.** ORS 279A.128 is amended to read:

6 279A.128. (1) As used in this section, "services" means services as defined in ORS 279A.010
7 (1)(kk) and personal services designated under ORS 279A.055.

8 (2)(a) Notwithstanding provisions of law requiring a contracting agency to award a contract to
9 the lowest responsible bidder or best proposer or provider of a quotation, a contracting agency that
10 uses public funds to procure goods or services for a public use under ORS chapter 279B may give
11 preference to procuring goods that are fabricated or processed, or services that are performed, en-
12 tirely within this state if the goods or services cost not more than 10 percent more than goods that
13 are not fabricated or processed, or services that are not performed, entirely within this state. If
14 more than one bidder or proposer qualifies for the preference described in this subsection, the con-
15 tracting agency may give a further preference to a qualifying bidder or proposer that resides in or
16 is headquartered in this state.

17 (b) The contracting agency by order may set a higher percentage than the percentage set forth
18 in paragraph (a) of this subsection if the contracting agency, in a written determination to support
19 the order, finds good cause to set the higher percentage and explains the contracting agency's rea-
20 sons and evidence for the finding.

21 **(c) In addition to giving the preferences specified in paragraph (a) of this subsection, the**
22 **Department of Transportation shall give preference in accordance with the provisions set**
23 **forth in paragraphs (a) and (b) of this subsection to procuring wood products that are**
24 **sourced, fabricated or processed within this state for all public improvement projects or**
25 **public works projects for which the department advertises or solicits a bid or proposal for a**
26 **public contract.**

27 (3) Notwithstanding ORS 279C.320 (1), subsection (2) of this section does not apply to emergency
28 work, minor alterations, ordinary repairs or maintenance work for public improvements or to other
29 construction contracts described in ORS 279C.320 (1).

30 **SECTION 2. The amendments to ORS 279A.128 by section 1 of this 2019 Act apply to**

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 procurements that the Department of Transportation advertises or otherwise solicits or, if
2 the department does not advertise or solicit the procurement, to public contracts into which
3 the department enters on or after the operative date specified in section 3 of this 2019 Act.

4 **SECTION 3.** (1) The amendments to ORS 279A.128 by section 1 of this 2019 Act become
5 operative on January 1, 2020.

6 (2) The Director of Transportation may adopt rules and take any other action before the
7 operative date specified in subsection (1) of this section that is necessary to enable the di-
8 rector, on and after the operative date specified in subsection (1) of this section, to exercise
9 all of the duties, functions and powers conferred on the director by the amendments to ORS
10 279A.128 by section 1 of this 2019 Act.

11 **SECTION 4.** This 2019 Act takes effect on the 91st day after the date on which the 2019
12 regular session of the Eightieth Legislative Assembly adjourns sine die.

13