

# Senate Bill 288

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Workforce)

## 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 contracting agency to develop and implement policy for granting preference to bidder, proposer or offeror that is headquartered or does majority of business transactions within this state or within United States, that agrees to supply goods or services from sources located within this state or within United States or that agrees to perform substantially all work required in procurement with personnel or resources obtained within this state or within United States.

Becomes operative January 1, 2018.

Takes effect 91 days after adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to contracting agency policies for preferences in public contracting; and prescribing an  
3 effective date.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 279A.**

6 **SECTION 2. (1) A contracting agency shall develop and implement a policy that requires**  
7 **the contracting agency to give a preference in a procurement to a bidder, proposer or offeror**  
8 **that:**

9 (a) **Is headquartered or does the majority of the bidder's, proposer's or offeror's business**  
10 **transactions within this state or within the United States;**

11 (b) **Agrees to supply the goods or services required in the procurement from sources lo-**  
12 **cated within this state or within the United States; or**

13 (c) **Agrees to perform substantially all of the work required in the procurement with**  
14 **personnel or resources obtained within this state or within the United States.**

15 (2)(a) **The contracting agency shall implement the policy described in subsection (1) of**  
16 **this section before awarding or renewing a public contract by including the preference in the**  
17 **specifications for a procurement or by assigning appropriate weight to the preference in**  
18 **evaluating bids, proposals or other offers that respond to a solicitation for the procurement.**

19 (b) **The contracting agency must consider and apply other criteria required under the**  
20 **Public Contracting Code in conjunction with the policy described in subsection (1) of this**  
21 **section and may not award or renew a public contract solely on the basis that the contractor**  
22 **met the criteria for the preference described in subsection (1) of this section.**

23 (3) **The contracting agency shall publish the policy described in subsection (1) of this**  
24 **section in the solicitation documents for the procurement, along with a brief explanation of**  
25 **how the contracting agency determines and applies the preference. The contracting agency**  
26 **shall also make the policy and explanation otherwise available to interested members of the**  
27 **public.**

**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        **SECTION 3.** (1) Section 2 of this 2017 Act becomes operative January 1, 2018.

2        (2) Section 2 of this 2017 Act applies to procurements that a contracting agency adver-  
3        tises or solicits or, if the contracting agency does not advertise or solicit the procurement,  
4        to a public contract that the contracting agency enters into on or after the operative date  
5        specified in subsection (1) of this section.

6        (3) A contracting agency may adopt rules and take any other action before the operative  
7        date specified in subsection (1) of this section that is necessary to enable the contracting  
8        agency to exercise, on and after the operative date specified in subsection (1) of this section,  
9        all of the duties, functions and powers conferred on the contracting agency by section 2 of  
10       this 2017 Act.

11       **SECTION 4.** This 2017 Act takes effect on the 91st day after the date on which the 2017  
12       regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

13

---