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SUMMARY

Requires state contracting agencies to provide State Chief Information Officer and Legislative Fiscal Office with certain materials in connection with cost analysis that state contracting agency performs to determine whether to conduct information technology procurement or determination as to procurement's feasibility.

Requires State Chief Information Officer to adopt rules and develop policies to incorporate materials into State Chief Information Officer's oversight and planning functions related to information technology.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to materials that state contracting agencies must provide in con-
3 nection with an information technology procurement; creating new pro-
4 visions; amending ORS 279B.030; and declaring an emergency.

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

6 **SECTION 1.** ORS 279B.030 is amended to read:

7 279B.030. (1) Except as provided in ORS 279B.036, before conducting a
8 procurement for services with an estimated contract price that exceeds
9 \$250,000, a contracting agency shall:

10 (a) Demonstrate, by means of a written cost analysis in accordance with
11 ORS 279B.033, that the contracting agency would incur less cost in con-
12 ducting the procurement than in performing the services with the contract-
13 ing agency's own personnel and resources; or

14 (b) Demonstrate, in accordance with ORS 279B.036, that performing the
15 services with the contracting agency's own personnel and resources is not
16 feasible.

1 (2) If a local contracting agency authorizes a department, bureau, office
2 or other subdivision of the local contracting agency to conduct a procure-
3 ment on behalf of another department, bureau, office or subdivision of the
4 local contracting agency, the department, bureau, office or subdivision on
5 whose behalf the procurement is conducted shall comply with the require-
6 ment set forth in subsection (1) of this section.

7 (3) Subsection (1) of this section does not apply to:

8 (a) A local contracting agency or a local contract review board for a city
9 that has a population of not more than 15,000 or a county that has a popu-
10 lation of not more than 30,000;

11 (b) A community college that enrolls not more than 1,000 full-time
12 equivalent students, as defined in ORS 341.005;

13 (c) A special district, as defined in ORS 198.010, a diking district formed
14 under ORS chapter 551 and a soil and water conservation district organized
15 under ORS 568.210 to 568.808;

16 (d) The Port of Portland; or

17 (e) Procurements for client services[, *as defined in OAR 125-246-0110*] **the**
18 **definition and scope of which the Oregon Department of Administra-**
19 **tive Services specifies by rule.**

20 (4)(a) **A state contracting agency that conducts a cost analysis in**
21 **accordance with ORS 279B.033 or makes a determination under ORS**
22 **279B.036 in connection with a procurement for services related to in-**
23 **formation technology, as defined in ORS 291.045, shall provide the**
24 **State Chief Information Officer and the Legislative Fiscal Office with**
25 **copies of the final cost analysis the state contracting agency prepared**
26 **under ORS 279B.033 or the final determination the state contracting**
27 **agency made under ORS 279B.036.**

28 (b) **The Legislative Fiscal Office may provide materials the office**
29 **receives under paragraph (a) of this subsection to a committee of the**
30 **Legislative Assembly or to the Emergency Board in accordance with**
31 **policies the office develops.**

1 (c) The State Chief Information Officer shall adopt rules and de-
2 velop policies for incorporating materials the State Chief Information
3 Officer receives under paragraph (a) of this subsection into the over-
4 sight functions that the State Chief Information Officer exercises un-
5 der ORS 291.038 and the planning functions that the State Chief
6 Information Officer exercises under ORS 184.475 and 184.477.

7 **SECTION 2.** (1) The amendments to ORS 279B.030 by section 1 of
8 this 2016 Act become operative 91 days after the effective date of this
9 2016 Act.

10 (2) The State Chief Information Officer, the Legislative Fiscal Offi-
11 cer and state contracting agencies that adopt rules under ORS 279A.065
12 may adopt rules and take any other actions before the operative date
13 specified in subsection (1) of this section that are necessary to enable
14 the State Chief Information Officer, the Legislative Fiscal Officer or
15 the state contracting agency to exercise, on and after the operative
16 date specified in subsection (1) of this section, all of the duties, func-
17 tions and powers that the amendments to ORS 279B.030 by section 1
18 of this 2016 Act confer on the State Chief Information Officer, the
19 Legislative Fiscal Officer or the contracting agency.

20 **SECTION 3.** This 2016 Act being necessary for the immediate pres-
21 ervation of the public peace, health and safety, an emergency is de-
22 clared to exist, and this 2016 Act takes effect on its passage.

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