

CHAPTER 16

AN ACT

SB 1539

Relating to materials that state contracting agencies must provide in connection with an information technology procurement; creating new provisions; amending ORS 279B.030; and declaring an emergency.

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

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

(a) Demonstrate, by means of a written cost analysis in accordance with ORS 279B.033, that the contracting agency would incur less cost in conducting the procurement than in performing the services with the contracting agency's own personnel and resources; or

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

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

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

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

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

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

(d) The Port of Portland; or

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

(4)(a)(A) A state contracting agency that conducts a cost analysis in accordance with ORS 279B.033 or makes a determination under ORS

279B.036 in connection with a procurement for services related to information technology, as defined in ORS 291.045, shall provide the State Chief Information Officer and the Legislative Fiscal Office with copies of the final cost analysis the state contracting agency prepared under ORS 279B.033 or the final determination the state contracting agency made under ORS 279B.036.

(B) The requirement to provide the materials described in subparagraph (A) of this paragraph to the State Chief Information Officer does not apply to the Secretary of State or the State Treasurer.

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

(c) The State Chief Information Officer shall adopt rules and develop policies for incorporating materials the State Chief Information Officer receives under paragraph (a) of this subsection into the oversight functions that the State Chief Information Officer exercises under ORS 291.038 and the planning functions that the State Chief Information Officer exercises under ORS 184.475 and 184.477.

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

(2) The State Chief Information Officer, the Legislative Fiscal Officer and state contracting agencies that adopt rules under ORS 279A.065 may adopt rules and take any other actions before the operative date specified in subsection (1) of this section that are necessary to enable the State Chief Information Officer, the Legislative Fiscal Officer or the state contracting agency to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers that the amendments to ORS 279B.030 by section 1 of this 2016 Act confer on the State Chief Information Officer, the Legislative Fiscal Officer or the contracting agency.

SECTION 3. This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Approved by the Governor March 3, 2016
Filed in the office of Secretary of State March 3, 2016
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