

# House Bill 2711

Sponsored by Representative HOLVEY; Representatives BROWN, HANSEN, SCHAUFLE, WITT

## 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 solicitations for public improvement contracts to include statement identifying funding sources for project.

## A BILL FOR AN ACT

1  
2 Relating to solicitations for public improvement contracts; creating new provisions; and amending  
3 ORS 279C.365, 468A.707, 468A.745 and 468A.760.

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

5 **SECTION 1.** ORS 279C.365 is amended to read:

6 279C.365. (1) A contracting agency preparing solicitation documents for a public improvement  
7 contract shall, at a minimum, include:

8 (a) The public improvement project;

9 (b) The office where the specifications for the project may be reviewed;

10 (c) The date that prequalification applications must be filed under ORS 279C.430 and the class  
11 or classes of work for which bidders must be prequalified if prequalification is a requirement;

12 (d) The date and time after which bids will not be received, which must be at least five days  
13 after the date of the last publication of the advertisement;

14 (e) The name and title of the person designated for receipt of bids;

15 (f) The date, time and place that the contracting agency will publicly open the bids;

16 **(g) A statement identifying the funding sources for the project, specifically distinguishing**  
17 **between federal funds, state funds, local funds and other funds;**

18 [(g)] **(h)** A statement that, if the contract is for a public works subject to ORS 279C.800 to  
19 279C.870 or the Davis-Bacon Act (40 U.S.C. 276a), no bid will be received or considered by the  
20 contracting agency unless the bid contains a statement by the bidder that ORS 279C.840 or 40 U.S.C.  
21 276a will be complied with;

22 [(h)] **(i)** A statement that each bid must identify whether the bidder is a resident bidder, as de-  
23 fined in ORS 279A.120;

24 [(i)] **(j)** A statement that the contracting agency may reject any bid not in compliance with all  
25 prescribed public contracting procedures and requirements and may reject for good cause all bids  
26 upon a finding of the agency that it is in the public interest to do so;

27 [(j)] **(k)** Information addressing whether a contractor or subcontractor must be licensed under  
28 ORS 468A.720; and

29 [(k)] **(L)** A statement that a bid for a public improvement contract may not be received or con-  
30 sidered by the contracting agency unless the bidder is licensed by the Construction Contractors  
31 Board or the State Landscape Contractors Board.

**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 (2) All bids made to the contracting agency under ORS 279C.335 or 279C.400 must be:

2 (a) In writing;

3 (b) Filed with the person designated for receipt of bids by the contracting agency; and

4 (c) Opened publicly by the contracting agency immediately after the deadline for submission of  
5 bids.

6 (3) After having been opened, the bids must be made available for public inspection.

7 (4) A surety bond, irrevocable letter of credit issued by an insured institution as defined in ORS  
8 706.008, cashier's check or certified check of each bidder shall be attached to all bids as bid security  
9 unless the contract for which a bid is submitted has been exempted from this requirement under  
10 ORS 279C.390. The security may not exceed 10 percent of the amount bid for the contract.

11 **SECTION 2.** ORS 468A.707, as amended by section 293, chapter 794, Oregon Laws 2003, is  
12 amended to read:

13 468A.707. (1) The Environmental Quality Commission by rule shall:

14 (a) Establish an asbestos abatement program that assures the proper and safe abatement of  
15 asbestos hazards through contractor licensing and worker training.

16 (b) Establish the date after which a contractor must be licensed under ORS 468A.720 and a  
17 worker must hold a certificate under ORS 468A.730.

18 (c) Establish criteria and provisions for granting an extension of time for contractor licensing  
19 and worker certification, which may consider the number of workers and the availability of ac-  
20 credited training courses.

21 (2) The program established under subsection (1) of this section shall include at least:

22 (a) Criteria for contractor licensing and training;

23 (b) Criteria for worker certification and training;

24 (c) Standardized training courses; and

25 (d) A procedure for inspecting asbestos abatement projects.

26 (3) In establishing the training requirements under subsections (1) and (2) of this section, the  
27 commission shall adopt different training requirements that reflect the different levels of responsi-  
28 bility of the contractor or worker, so that within the category of contractor, sublevels shall be  
29 separately licensed or exempted and within the category of worker, sublevels shall be separately  
30 certified or exempted. The commission shall specifically address as a separate class, those contrac-  
31 tors and workers who perform small scale, short duration renovating and maintenance activity. As  
32 used in this subsection, "small scale, short duration renovating and maintenance activity" means a  
33 task for which the removal of asbestos is not the primary objective of the job, including but not  
34 limited to:

35 (a) Removal of asbestos-containing insulation on pipes;

36 (b) Removal of small quantities of asbestos-containing insulation on beams or above ceilings;

37 (c) Replacement of an asbestos-containing gasket on a valve;

38 (d) Installation or removal of a small section of drywall; or

39 (e) Installation of electrical conduits through or proximate to asbestos-containing materials.

40 (4) The Department of Environmental Quality, on behalf of the commission, shall consult with  
41 the Department of Consumer and Business Services and the Department of Human Services about  
42 proposed rules for the asbestos abatement program to assure that the rules are compatible with all  
43 other state and federal statutes and regulations related to asbestos abatement.

44 (5) The Department of Environmental Quality shall cooperate with the Department of Consumer  
45 and Business Services and the Department of Human Services to promote proper and safe asbestos

1 abatement work practices and compliance with the provisions of ORS 279B.055 (2)(g), 279B.060 (2)(g),  
2 279C.365 [(1)(j)] (1)(k), 468.126, 468A.135 and 468A.700 to 468A.760.

3 **SECTION 3.** ORS 468A.745, as amended by section 294, chapter 794, Oregon Laws 2003, is  
4 amended to read:

5 468A.745. The Environmental Quality Commission shall adopt rules to carry out its duties under  
6 ORS 279B.055 (2)(g), 279B.060 (2)(g), 279C.365 [(1)(j)] (1)(k), 468A.135 and 468A.700 to 468A.760. In  
7 addition, the commission may:

8 (1) Allow variances from the provisions of ORS 468A.700 to 468A.755 in the same manner vari-  
9 ances are granted under ORS 468A.075.

10 (2) Establish training requirements for contractors applying for an asbestos abatement license.

11 (3) Establish training requirements for workers applying for a certificate to work on asbestos  
12 abatement projects.

13 (4) Establish standards and procedures to accredit asbestos abatement training courses for con-  
14 tractors and workers.

15 (5) Establish standards and procedures for licensing contractors and certifying workers.

16 (6) Issue, renew, suspend and revoke licenses, certificates and accreditations.

17 (7) Determine those classes of asbestos abatement projects for which the person undertaking the  
18 project must notify the Department of Environmental Quality before beginning the project.

19 (8) Establish work practice standards, compatible with standards of the Department of Consumer  
20 and Business Services, for the abatement of asbestos hazards and the handling and disposal of waste  
21 materials containing asbestos.

22 (9) Provide for asbestos abatement training courses that satisfy the requirements for contractor  
23 licensing under ORS 468A.720 or worker certification under ORS 468A.730.

24 **SECTION 4.** ORS 468A.760, as amended by section 295, chapter 794, Oregon Laws 2003, is  
25 amended to read:

26 468A.760. Any public agency requesting bids or proposals for a proposed project shall first make  
27 a determination of whether or not the project requires a contractor licensed under ORS 468A.720.  
28 The public agency shall include such requirement in the bid or proposal advertisement under ORS  
29 279B.055 (2)(g), 279B.060 (2)(g) and 279C.365 [(1)(j)] (1)(k).

30 **SECTION 5. The amendments to ORS 279C.365 by section 1 of this 2005 Act apply only**  
31 **to solicitations for public improvement contracts issued on or after the effective date of this**  
32 **2005 Act.**

33