

A-Engrossed
Senate Bill 1006

Ordered by the House June 3
Including House Amendments dated June 3

Sponsored by COMMITTEE ON RULES

Corrected 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.

Requires public contracting agencies to document determination of lowest responsible bidder on form [*prescribed by Commissioner of Bureau of Labor and Industries*] and submit form to [*commissioner*] **Construction Contractors Board**.

A BILL FOR AN ACT

1
2 Relating to award of public contracts based on competitive bids; creating new provisions; and
3 amending ORS 279C.375.

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

5 **SECTION 1.** ORS 279C.375 is amended to read:

6 279C.375. (1) After bids are opened and a determination is made that a public improvement
7 contract is to be awarded, the contracting agency shall award the contract to the lowest responsible
8 bidder.

9 (2) In determining the lowest responsible bidder, a contracting agency shall **do all of the fol-**
10 **lowing:**

11 (a) Check the list created by the Construction Contractors Board under ORS 701.227 for bidders
12 who are not qualified to hold a public improvement contract.[: and]

13 (b) Determine whether the [*prospective*] bidder has met the standards of responsibility. In making
14 the determination, the contracting agency shall consider whether a [*prospective*] bidder has:

15 (A) Available the appropriate financial, material, equipment, facility and personnel resources
16 and expertise, or the ability to obtain the resources and expertise, necessary to [*indicate the capa-*
17 *bility of the prospective bidder to*] meet all contractual responsibilities.[:]

18 (B) A satisfactory record of performance. The contracting agency shall document the record of
19 performance of a [*prospective*] bidder if the contracting agency finds the [*prospective*] bidder not to
20 be responsible under this subparagraph.[:]

21 (C) A satisfactory record of integrity. The contracting agency shall document the record of in-
22 tegrity of a [*prospective*] bidder if the contracting agency finds the [*prospective*] bidder not to be re-
23 sponsible under this subparagraph.[:]

24 (D) Qualified legally to contract with the contracting agency.[: and]

25 (E) Supplied all necessary information in connection with the inquiry concerning responsibility.
26 If a [*prospective*] bidder fails to promptly supply information requested by the contracting agency
27 concerning responsibility, the contracting agency shall base the determination of responsibility upon
28 any available information, or may find the [*prospective*] bidder not to be responsible.

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 (c) Document the contracting agency's compliance with the requirements of paragraphs
2 (a) and (b) of this subsection in substantially the following form:

3 _____
4
5 **RESPONSIBILITY DETERMINATION FORM**

6 **Project Name:** _____

7 **Bid Number:** _____

8 **Business Entity Name:** _____

9 **CCB License Number:** _____

10 **Form Submitted By (Contracting Agency):** _____

11 **Form Submitted By (Contracting Agency Representative's Name):** _____

12 **Title:** _____

13 **Date:** _____

14 (The contracting agency must submit this form with attachments, if any, to the Con-
15 struction Contractors Board within 30 days after the date of contract award.)

16 The contracting agency has (check all of the following):

17 Checked the list created by the Construction Contractors Board under ORS 701.227
18 for bidders who are not qualified to hold a public improvement contract.

19 Determined whether the bidder has met the standards of responsibility. In so doing,
20 the contracting agency has considered whether the bidder:

21 Has available the appropriate financial, material, equipment, facility and per-
22 sonnel resources and expertise, or the ability to obtain the resources and expertise, neces-
23 sary to meet all contractual responsibilities.

24 Has a satisfactory record of performance.

25 Has a satisfactory record of integrity.

26 Is qualified legally to contract with the contracting agency.

27 Has supplied all necessary information in connection with the inquiry con-
28 cerning responsibility.

29 Determined the bidder to be (check one of the following):

30 Responsible under ORS 279C.375 (2)(a) and (b).

31 Not responsible under ORS 279C.375 (2)(a) and (b).

32 (Attach documentation if the contracting agency finds the bidder not to be responsible.)
33 _____

34
35 (d) Submit the form described in paragraph (c) of this subsection, with any attachments,
36 to the Construction Contractors Board within 30 days after the date the contracting agency
37 awards the contract.

38 (3) The successful bidder shall:

39 (a) Promptly execute a formal contract; and

40 (b) Execute and deliver to the contracting agency a performance bond and a payment bond as
41 described in ORS 279C.380.

42 **SECTION 2.** The amendments to ORS 279C.375 by section 1 of this 2005 Act apply only
43 to public contracts first advertised, but if not advertised then entered into, on or after the
44 effective date of this 2005 Act.
45 _____