

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Department of Administrative Services State Procurement Office

125

Agency and Division

Administrative Rules Chapter Number

Yvonne Hanna

503-378-2349 x325

Rules Coordinator

Telephone

155 Cottage St. NE, U-90, Salem, OR 97301

Address

**RULE CAPTION**

DAS Public Contracting Rules

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date (m/d/yyyy)	Time	Location	Hearings Officer
1 12/15/2009	10:00 am	Mt. Neahkahnie Room, 1225 Ferry St. SE Salem, OR 97301	Karen Hartley
2		Rules are posted on the website <a href="http://procurement.oregon.gov">http://procurement.oregon.gov</a>	
3		A hard copy may be requested by calling (503) 378-4666	
4			

Auxiliary aids for persons with disabilities are available upon advance request

**RULEMAKING ACTION**

**ADOPT:**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

125-246-0165, 125-246-0312, 125-246-0314, 125-246-0621, 125-247-0110, 125-249-0145

**AMEND:**

Rules in Chapter 125, Divisions 246, 247, 248 and 249

**REPEAL:**

125-246-0352, 125-246-0550, 125-246-0575, 125-246-0576, 125-247-0005, 125-247-0261,  
125-247-0770, 125-247-0800, 125-248-0240.

**Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**Amend and Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority: ORS**

ORS 279A.065; ORS 279A.070; OR Laws 2003, Chapter 794, Section 335 (HB 2341)

**Other Authority:**

No other authority

**Statutes Implemented: ORS**

ORS 279 ABC; ORS 200.065, ORS 200.075, ORS 279.015, ORS 305.385, ORS 351.086, ORS 468A.720, ORS 646.725, ORS 646.730, ORS 701.005, ORS 701.055, ORS 701.420., HB 2763, HB 2867

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**Continuation of ... NOTICE OF PROPOSED RULEMAKING HEARING\***

**RULE SUMMARY**

Since 2005, the Department of Administrative Services (DAS) has developed and amended rules (Rules) to put into practice the Public Contracting Code, ORS 279ABC (Code). The Rules apply to state agencies subject to DAS procurement authority (Agencies). In 2009, the Legislature changed the Code. Also, Agencies requested Rule changes. Now, in response to the legislative changes to the Code and requests for change from shareholders, DAS needs to adopt a few new Rules, amend select Rules, and repeal select Rules.

ORS 183.335(2)(b)(G) requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

12/15/2009	5:00 pm	Yvonne Hanna	yvonne.hanna@das.state.or.us	11/03/2009
Last Day (m/d/yyyy) and Time for Public Comment		Printed Name	Email Address	Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy

\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-2003

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Administrative Services State Procurement Office

125

Agency and Division

Administrative Rules Chapter Number

DAS Public Contracting Rules

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Adoption, amendment, and repeal of Department of Administrative Services Public Contracting Rules, Chapter 125, Divisions 246, 247, 248, and 249

Statutory Authority: ORS

ORS 279A.065; ORS 279A.070; OR Laws 2003, Chapter 794, Section 335 (HB 2341)

Other Authority:

No other authority

Stats. Implemented: ORS

ORS 279 ABC; ORS 200.065, ORS 200.075, ORS 279.015, ORS 305.385, ORS 351.086, ORS 468A.720, ORS 646.725, ORS 646.730, ORS 701.005, ORS 701.055, ORS 701.420., HB 2763, HB 2867

Need for the Rule(s):

Since 2005, the Department of Administrative Services (DAS) has developed and amended rules (Rules) to put into practice the Public Contracting Code, ORS 279ABC (Code). The Rules apply to state agencies subject to DAS procurement authority (Agencies). In 2009, the Legislature made changes to select sections of the Code. In addition to the legislative changes, Agencies requested changes to specific Rules. Now, in response to the legislative changes and requests, DAS needs to adopt, amend and repeal select Rules.

Documents Relied Upon, and where they are available:

ORS 279ABC

Attorney General's Model Public Contract Rules

*Continued on next page*

**Continuation of ... STATEMENT OF NEED AND FISCAL IMPACT**

**Fiscal and Economic Impact:**

Agencies will be affected by the new and modified Rules. The Department is unable to determine whether these proposed rule changes will have a fiscal impact

**Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

The public is not directly governed by these Rules. The Agencies and vendors may experience some savings from streamlining of the public procurement processes. The Department is unable to determine the cost to Agencies to comply with the cost analysis process and exceptions of HB 2867.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:**

No small businesses appear to be affected by these proposed rule changes. The Rules impose no new requirements upon small businesses. The proposed Rules modify procurement processes and standards. The proposed Rules appear to impose no additional reporting, recordkeeping or administrative requirements upon small businesses.

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

None

**c. Equipment, supplies, labor and increased administration required for compliance:**

None

**How were small businesses involved in the development of this rule?**

The Administrative Rule Advisory Committee included vendor representatives, and small businesses will receive the proposed Rules for public comment through this notice process and the availability of the proposed Rules on the website of the State Procurement Office at

<http://procurement.oregon.gov/DAS/SSD/SPO/ors279-menu.shtml>.

Administrative Rule Advisory Committee consulted?:

Yes  No

If not, why?:

Empty text box for providing reasons if the committee was not consulted.

12/15/2009 5:00 pm	Yvonne Hanna	yvonne.hanna@das.state.or.us	11/03/2009
Last Day (m/d/yyyy) and Time for Public Comment	Printed Name	Email Address	Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy