

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on December 1, 2011 by the

Oregon Department of Justice	137	
Agency and Division	Administrative Rules Chapter Number	
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to become effective January 1, 2012. Rulemaking Notice was published in the October 2011 Oregon Bulletin.
Date upon filing or later Month and Year

RULE CAPTION

Amends Attorney General's Model Public Contract Rules, Divisions 46-49

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

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: 137-048-0270

AMEND:

137-046-0110; 137-046-0300; 137-047-0257; 137-047-0260; 137-047-0261; 137-047-0310; 137-047-0430; 137-047-0460; 137-047-0600; 137-047-0620; 137-047-0800; 137-048-0100; 137-048-0110; 137-048-0120; 137-048-0130; 137-048-0200; 137-048-0210; 137-048-0220; 137-048-0230; 137-048-0240; 137-048-0250; 137-048-0260; 137-048-0300; 137-048-0310; 137-048-0320; 137-049-0380; 137-049-0650; 137-049-0860.

REPEAL: 137-047-0262; 137-047-0263

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 279A.065; 279B.055; 279B.060; Or Laws 2011, ch 237; Or Laws 2011, ch 458

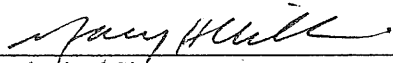
Other Auth.:

Stats. Implemented: ORS 279A.065; 279A.120; 279A.128; 279B.055; 279B.060; 279C.110; 279C.115; 279C.120; 279C.125; 279C.100-279C.125; 279C.307; 279C.335; 279C.400-279C.410; 279C.527; 279C.800-279C.870; Or Laws 2011, ch 237; Or Laws 2011, ch 265; Or Laws 2011, ch 458

RULE SUMMARY

The rule changes amend the Attorney General's model public contract rules applicable to state and local contracting agencies to respond to 2011 legislative changes and clarify and improve procurement processes. Revisions to Divisions 46 and 47: add a discretionary preference for goods fabricated or processed in Oregon or services or personal services performed in Oregon, under amendments to ORS 279A.128 made by HB 3000 (2011); provide more flexibility in selection processes for multistep and multi-tiered bidding and proposals; clarify when contracts may be amended; and clarify requirements related to inclusion of contractual terms and conditions in solicitation documents. Revisions to Division 48: add "Photogrammetric Mapping, Transportation Planning or" to any references to "Architectural, Engineering and Land Surveying Services" to address the expansion of qualifications-based selection processes under HB 3316 (2011); clarify defined terms; clarify selection procedures applicable to local contracting agencies as well as state contracting agencies under HB 3316; clarify the procurement procedures for "mixed" contract situations; add provisions for procurement of services in the context of expert testimony for a claim, lawsuit or alternative dispute resolution proceeding; clarify provisions pertaining to contracting agencies' public disclosure of proposals; modify direct appointment, informal and formal selection procedures; and clarify that the process for breaking ties cannot be based on pricing information. A new rule describes use of price agreements and work orders. The revisions to Division 49: clarify when

discussions with proposers are permitted; clarify when negotiations or discussions with proposers may be terminated; and incorporate changes to ORS 279C.830 made by SB 178 (2011) relating to prevailing rate of wage.



Mary H. Williams

November 28 2011

Authorized Signer

Printed name

Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.

ARC 930-2005

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