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75th LEGISLATIVE ASSEMBLY
2010 Special Session
SENATE COMMITTEE ON BUSINESS & TRANSPORTATION
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**Buy American [SB 1050]
Conceptual Amendment**

4 **“SECTION 1. (1) A contracting agency may not enter into a con-**
5 **tract for a public improvement for which the contract price exceeds**
6 **\$750,000 unless the solicitation documents and the contract for the**
7 **public improvement specify that the contractor must use materials**
8 **produced or components assembled within the United States for:**

9 **“(a) Structures or fittings made of iron, steel or wood;**

10 **“(b) Drywall or sheetrock;**

11 **“(c) Concrete;**

12 **“(d) Wiring;**

13 **“(e) Piping and plumbing;**

14 **“(f) Glass, including glass used for windows; and**

15 **“(g) Similar or related items the contracting agency specifies in**
16 **rules that the contracting agency adopts in accordance with this sec-**
17 **tion and ORS 279A.065.**

18 **“(2)(a) The Attorney General, the Director of the Oregon Depart-**
19 **ment of Administrative Services and the Director of Transportation**
20 **shall agree upon and shall specify in model rules adopted in accord-**
21 **ance with ORS 279A.065:**

22 **“(A) Standards and measures for determining whether a material**

1 or component proposed for use in a public improvement has been
2 produced or assembled within the United States; and

3 “(B) Additional materials or components that are subject to the
4 requirement set forth in subsection (1) of this section.

5 “(b) A contracting agency other than the Department of Justice,
6 the Oregon Department of Administrative Services and the Depart-
7 ment of Transportation shall adopt the rules described in paragraph
8 (a) of this subsection or, if the other contracting agency adopts rules
9 under ORS 279A.065, the other contracting agency shall agree with the
10 Attorney General, the Director of the Oregon Department of Admin-
11 istrative Services and the Director of Transportation upon the extent
12 to which the contracting agency’s rules may differ from the rules de-
13 scribed in paragraph (a) of this subsection.

14 “(3) Subsection (1) of this section does not apply to solicitation
15 documents or contracts for a public improvement if:

16 “(a) The contracting agency finds that materials or components
17 subject to the provisions of subsection (1) of this section or to rules
18 adopted under subsection (2) of this section are not produced or as-
19 sembled within the United States in quantities sufficient and reason-
20 ably available to meet or with quality sufficient to satisfy the
21 contracting agency’s specifications for the public improvement;

22 “(b) The contracting agency finds that applying the provisions of
23 subsection (1) of this section would:

24 “(A) Increase the cost or contract price of the public improvement
25 by more than 25 percent; or

26 “(B) Be inconsistent with federal law or regulation or the public
27 interest; or

28 “(c) The contracting agency is subject to or has sought a declara-
29 tion of a state of emergency under ORS 401.165.

30 “(4) If a contracting agency makes a finding or is otherwise subject

1 to a provision of subsection (3) of this section, the contracting agency
2 shall publish and make publicly available the finding or the reason for
3 not applying the provisions of subsection (1) of this section to the
4 public improvement.

5 **SECTION 2.** (1) Section 1 of this 2010 Act becomes operative on
6 July 1, 2011.

7 **(2)** Section 1 of this 2010 Act applies to a contract for a public im-
8 provement that is advertised or solicited or, if not advertised or solici-
9 ited, that is entered into on or after July 1, 2011.

10 **SECTION 3.** This 2010 Act being necessary for the immediate
11 preservation of the public peace, health and safety, an emergency is
12 declared to exist, and this 2010 Act takes effect on its passage.”

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