

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

DOT 4-2023

CHAPTER 731

DEPARTMENT OF TRANSPORTATION

FILED

11/13/2023 2:20 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: General provisions related to Public Improvement Contracts for Construction Services

EFFECTIVE DATE: 11/13/2023

AGENCY APPROVED DATE: 11/09/2023

CONTACT: Guy Britnell
503-930-5090
guy.a.britnell@odot.oregon.gov

355 Capitol Street NE
Salem, OR 97301

Filed By:
Lauri Kunze
Rules Coordinator

AMEND: 731-149-0010

NOTICE FILED DATE: 08/08/2023

RULE SUMMARY: Updated general provisions related to Public Improvement Contracts for Construction Services.

CHANGES TO RULE:

731-149-0010
Application ¶

~~(1) The Oregon Department of Transportation adopts OAR 137-049-0100 through 137-049-0910 (effective January 1, 2014), the Department of Justice Model Rules, General Provisions Related to Public Contracts for Construction Services for any Public Improvement Contract procurements conducted pursuant to OAR chapter 731, division 149, except for any Department of Justice Model Rules applicable to procurements of construction manager/general contractor services adopted pursuant to ORS 279A.065(3) and ORS 279C.337(1). The adoption of the Department of Justice Model Rules by this rule does not apply to any ePublic Improvement Contracts that are subject to procurement pursuant to OAR chapter 731, division 5 or 7. The following exceptions apply to these 731-149 rules. ¶~~

~~(2) This rule applies retroactively to January 1, 2014. The following sentence is adopted instead of the first sentence of OAR 137-049-0330(1): Receipt. ODOT shall electronically or mechanically time-stamp or hand-mark each Offer and any modification or other submittals upon receipt, or provide a self-time-stamping device for use by Offerors for these purposes. ¶~~

~~(2) OAR 137-049-0610 through 137-049-0690 related to Alternative Contracting Methods for Public Improvement Contracts, except for any DOJ Model Rules applicable to procurements of construction manager/general contractor services adopted pursuant to ORS 279A.065(3) and ORS 279C.337(1), are adopted by the Oregon Department of Transportation. See OAR 731-007-0340. ¶~~

~~(3) The Oregon Department of Transportation does not adopt any Oregon Department of Justice Division 49 rule related to diesel engine requirements pursuant to ORS 279C.537. The Oregon Department of Transportation has adopted OAR 731-005-0800 and OAR 731-149-0020 to implement ORS 279C.537. ¶~~

~~(4) In the event of a conflict between the ODOT Rules and the Department of Justice Model Rules referenced above for Alternative Contracting Methods for Public Improvement Contracts, the Department of Justice Model Rules for Alternative Contracting Methods for Public Improvement Contracts control.~~

Statutory/Other Authority: ~~ORS 184.616, 184.619, 279A.065~~

Statutes/Other Implemented: ORS 279A.065