



Oregon

Kate Brown, Governor

Department of Administrative Services

Procurement Policy and Services

General Services Building

1225 Ferry Street

Salem, OR 97301

PROCUREMENT STAFF TRAINING HB2375 IMPLEMENTATION

Procurement and contract oversight and accountability was a focus of the 2015 legislative session. Responding to legislative outreach, executive agencies including DAS offered recommendations from recent studies and current procurement improvement efforts. The result, House Bill 2375. The bill calls for training for Procurement Professionals.

What is changing and when it is happening

Before January 1, 2017 DAS will have completed a collaborative process to determine appropriate standards for education, training or experience that procurement professionals must meet to conduct procurements for the state. Training, and a process to validate education and experience, will be available before January 1, 2018 to enable employees to meet the standards for their position by December 31, 2018.

Development of standards will happen during 2016 and will involve input from across the procurement community. The benefit of the standards is that all agency procurement teams will have the skills and experience needed to successfully complete procurement processes.

How employees will be supported

Updates will be provided during the development of standards. Clear guidelines will be provided to inform employees which standards apply to their duties, and how to validate existing qualifications or experience that help them meet the requirements. Training will be available for procurement professionals that do not have sufficient existing credentials or experience, and a minimum of a year will be available for staff to complete the appropriate course for their position.

Options

Procurement employees will have a mix of options for meeting standards; from education (e.g. Certificate in Procurement); experience (e.g. five years as a Procurement and Contract Specialist) or training (e.g. DAS training on Principals of Public Contracting).

Questions

For information regarding this directive, contact: Dianne.Lancaster@oregon.gov



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CONTRACT ADMIN TRAINING HB2375 IMPLEMENTATION

Procurement and contract oversight and accountability was a focus of the 2015 legislative session. Responding to legislative outreach, executive agencies including DAS offered recommendations from recent studies and current procurement improvement efforts. The result, House Bill 2375. The bill calls for training for contract administrators.

What is changing and when it is happening

Before January 1, 2017 DAS will have completed a collaborative process to determine appropriate standards for education, training or experience that staff who administer contracts for the state must meet. Training, and a process to validate education and experience, will be available before January 1, 2018 to enable employees to meet the standards required for their work by December 31, 2018.

Development of standards will happen during 2016 and will involve input from across state government. The benefit of the standards is that all agencies will have the skills and experience needed to successfully administer contracts.

How employees will be supported

Updates will be provided during the development of standards. Clear guidelines will be provided to inform employees which standards apply to their duties, and how to validate existing qualifications or experience that help them meet the requirements. Training will be available for staff that do not have sufficient existing credentials or experience, and a minimum of a year will be available for staff to complete the appropriate course for their position.

Options

Contract administrators will have a mix of options for meeting standards; from education (e.g. Project Management Professional); experience (5 years as a Contract Administrator) or training (DAS training on Contract Administration).

Questions

For information regarding this directive, contact: Dianne.Lancaster@oregon.gov



TEMPLATES STRUCTURE AND TIMELINE

HB2375 IMPLEMENTATION

DAS and DOJ have developed this implementation process for the templates mandated by HB2375. Input was sought from the procurement community and the Enterprise Procurement Improvement templates team to construct a process that followed the intent of HB2375 and the needs of the procurement community.

Determination Process

DAS and DOJ will announce to agencies, through the Agency Designated Procurement Officers and the template library, the procurements for which template or form use will be required. The templates will be selected based on criteria in HB2375:

- the specifications for goods or services, the terms and conditions, the scope of work or other aspects of a procurement or a class of procurements do not vary significantly among state contracting agencies; or
- using a contract form or contract template is necessary for the state contracting agency to avoid unreasonable liabilities or other risks or would promote best practices in public contracting.

In creating a new form or template, DAS and DOJ will, unless circumstances require otherwise, provide a period of not less than 20 calendar days for Agencies to comment on the criteria for template use, the content of the template and to submit existing templates and details about their use, all of which will inform the template development process.

Changes to templates

DAS and DOJ understand that agencies may need to change templates, or use terms and conditions other than those in the HB2375 template for a procurement usually covered by the template. In these cases there are options:

Modification

Agency wants to create a deal-specific contract, based on the approved template but with appropriate alterations to the language. This is considered normal use of the template, but will need DOJ review if above \$150k. This does not apply to 'forms', which are not intended for modification.

Based on template	Appropriate alterations	One time use	Not tracked
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Exception

Agency wants to use a different contract, for a single, unique, procurement. The agency will need DOJ review and approval of the contract and their justification for using it instead of the template. This is anticipated in the bill (Section 2.2.c.).

Not based on template	Significantly different	One time use	Tracked
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Exemption

Agency wants approval for a re-usable contract, with significantly different terms from the template (e.g. too different to be incorporated as an option in the template document used by all agencies). The contract is either based on the template or developed independently. The agency will need DOJ review and approval of the contract and the agency's justification for why this type of procurement is outside the class of procurements required to use the template. Templates with an exemption will be maintained in the template library.

Template or other	Significantly different	Repeated use	Tracked (in library)
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HB2375 templates are only required to be used for procurements greater than \$10,000. Contracts below this value do not need review but best practice is to convert to the HB2375 template.

Template Library

Templates created and collected during the HB2375 template process will be organized into a library. This will enable DAS and DOJ to track and monitor updates, ensure the latest versions of templates are available to agencies, and share resources.

Template development and maintenance

An MOU between IGST and DOJ set out the process for development and maintenance of templates based on the Procurement Improvement Project enterprise templates. The principals of inclusive development and collaboration with agencies will continue in the development of HB2375 templates.

Initial Templates

The first templates introduced into the HB2375 template program will be those already in existence, developed either through the Enterprise Templates project, or by DOJ.

HB2375 Template implementation timeline

1 December 2015

- o Announcement of intended templates including a copy of the draft templates and which procurements each template must be used for
- o Shared with DPO community and posted in templates library
- o Start of twenty day period for comments

14 December 2015

- o DPO Council Meeting, remind about templates and encourage comments

21 December 2015

- o Template determination comment period ends, comments incorporated

28 December 2015

- o Distribution of final version of the templates, effective date January 1, 2016

1 January 2016

- o First set of templates implemented, Effective date of HB2375 for templates