

OFFICE OF THE SECRETARY OF STATE
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ARCHIVES DIVISION
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SALEM, OR 97310
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 125
DEPARTMENT OF ADMINISTRATIVE SERVICES

FILED
09/01/2020 7:43 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending rules to eliminate process language.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/16/2020 5:00 PM

The Agency 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.

CONTACT: Janet Chambers
971-720-0824
janet.chambers@oregon.gov

155 Cottage Street NE
Salem, OR 97301

Filed By:
Janet Chambers
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/16/2020

TIME: 11:00 AM - 12:00 PM

OFFICER: Bonnie Robbins

ADDRESS: Dept. of Administrative
Services

1225 Ferry Street

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Call in #: 503-446-4951

ID#394858021, Pin#:565184

NEED FOR THE RULE(S):

Make sure that the OAR's reflect current practices in updated OAR's and ORS's.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None.

FISCAL AND ECONOMIC IMPACT:

None.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. None

2. Effect on small businesses: (a) 0 ; (b) 0 ; (c) 0.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

None.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The rules were originally developed in the 1980's and never updated. The new rule language points to the OAR's and ORS's that apply in the current environment.

RULES PROPOSED:

125-150-0000, 125-150-0005, 125-150-0010

AMEND: 125-150-0000

RULE SUMMARY: Amending rule for minor corrections.

CHANGES TO RULE:

125-150-0000

Claims Against the State Liability Fund ¶¶

(1) The Department of Administrative Services, Risk Management ~~Division~~, administers the Liability Fund established by ORS 278.100 to cover the tort liability of the state and its officers, employees, or agents acting within the scope of their employment under ORS 30.260 to 30.300.¶¶

(2) An individual intending to make a claim against the Liability Fund must follow the notice requirements under ORS 30.275, as amended by Chapter 350, Oregon Laws 1981.¶¶

(3) Under ORS 30.275, formal notice of a claim against a state officer, employee, or agent may be given by mail or personal delivery to the Director of the Department of Administrative Services. By this policy, the Director delegates responsibility for receipt of liability claims to the Risk Management ~~Division~~, Department of Administrative Services.¶¶

(4) A claimant or representative may file a claim in the following manner:¶¶

(a) Send or deliver a written statement to the Risk Management ~~Division~~, including the following information:¶¶

(A) A statement that a claim for damages will be asserted against a named state agency, officer, employee, or agent;¶¶

(B) A description of the time, place and circumstances giving rise to the claim;¶¶

(C) The name of the claimant and the mailing address to which correspondence concerning the claim may be sent. Send or present the notice to: Claims Section, Risk Management ~~Division~~, Department of Administrative Services, 155 Cottage Street N.E., Salem, OR 97310.¶¶

(b) To give actual notice of a claim as provided under ORS 30.275, provide the same information as required above for formal notice, orally to: Claims Section, Risk Management ~~Division~~, (503) 373-7475.

Statutory/Other Authority: ORS 278, ~~283.405(4)~~

Statutes/Other Implemented: ORS 279A and 279B

AMEND: 125-150-0005

RULE SUMMARY: Amending rule to eliminate process language.

CHANGES TO RULE:

125-150-0005

Selection of Insurance Agent of Record ¶¶

(1) The Department of Administrative Services may appoint an Agent of Record to assist in the procurement of commercial insurance.¶¶

~~(2) Selection of an Agent(s) of Record will follow guidelines established by the Public Contract Review Board in OAR 127-010-0140.¶¶~~

~~(3) Prior to the selection of an Agent of Record, the Department shall make reasonable efforts to inform known insurance agents in the competitive market area of its intent to choose an Agent of Record.¶¶~~

~~(4) The Agent of Record will be selected according to the following procedure:¶¶~~

~~(a) Risk Management Division:¶¶~~

~~(A) Establishes bid specifications for Agent of Record;¶¶~~

~~(B) Places public advertisement in at least one local newspaper of general circulation and trade periodical soliciting open bids; and risk management consultative and/or professional services.¶¶~~

~~(C) Through Transportation, Purchasing & Print Services Division, distributes bid specifications to insurance agents requesting copies in competitive market area of applicable coverages.¶¶~~

~~(b) Commercial Insurance Agencies:¶¶~~

~~(A) Review bid specifications and prepare sealed bid presentation in accordance with bid procedure guidelines;¶¶~~

~~(B) Submits bid to Department of Administrative Services, Transportation, Purchasing & Print Services Division, in accordance with bid specifications.¶¶~~

~~(c) Risk Management Division:¶¶~~

~~(A) Review bids at time stipulated in bid notice;¶¶~~

~~(B) May invite acceptable bid applicants for oral presentation of proposal;¶¶~~

~~(C) Evaluates written bids and oral presentations, grading bid proposals upon standards previously established in bid specifications;¶¶~~

~~(D) Makes final selection of Agent of Record;¶¶~~

~~(E) Informs all applicants (bidders) of successful awarding of contract for Agent of Record selection;¶¶~~

~~(F) Prepares and issues Agent of Record contract;¶¶~~

~~(G) Retains information for Public Contract Review Board on: Agent of Record selected; names of agents submitting bids; summary of evaluations of each applicant~~Selection of an Agent(s) of Record will follow guidelines established by the Public Contracting code based on; ORS 279A and 279B et. seq. as codified in OAR Chapter 125, Division 247.

Statutory/Other Authority: ORS 28378.405(4)

Statutes/Other Implemented: ORS 279A and 279B

AMEND: 125-150-0010

RULE SUMMARY: Amending rule to eliminate process language.

CHANGES TO RULE:

125-150-0010

Purchase of Professional Services ¶¶

(1) The Department is authorized under ORS 278.130405(4) to purchase necessary technical and professional services.¶¶

(2) Examples of services that may be required include, but are not limited to, claims adjusting, property appraisal and Risk Management and actuarial audits to augment services provided by the Risk Management Division.¶¶

(3) Services will be acquired by one of the following methods:¶¶

(a) Services valued over \$5,000:¶¶

(A) Service requirements that are continuous or for which the amount of the contract is over \$5,000, shall be open for competitive bids according to procedures outlined by the Public Contract Review Board (PCRB);¶¶

(B) OAR 125-150-0005, Agent of Record, provides specific guidelines for the purchase of commercial insurance and related services;¶¶

(C) The Risk Management Division will make a reasonable effort to notify all independent contractors known by the Division to be qualified to provide the required services. The Division shall also place at least one public advertisement in a west coast insurance trade publication;¶¶

(D) Contractors interested in submitting a proposal should request a copy of the bid specifications from the Division;¶¶

(E) The Risk Management Division will evaluate the proposals of all respondents. Selection will be based on the experience and qualifications of contractor and scope, completeness and schedule of work plan. Among equally qualified contractors and work plans, selection will be based on the lowest cost;¶¶

(F) The Risk Management Division reserves the right to reject any and all proposals.¶¶

(b) Services valued under \$5,000:¶¶

(A) One-time or emergency services will be secured as situations require. A minimum of two independent contractors, known by the Risk Management Division to be qualified and available to offer such services, will be contacted and asked to quote a fee for the required services either by a written letter or telephone conversation;¶¶

(B) A record of contractors contacted, service requirements, and corresponding quotes will be retained on file by the Risk Management Division, open to public inspection during regular business hours, 8 a.m. to 5 p.m., Monday through Friday;¶¶

(C) Of those independent contractors participating, selection will be based on experience, professional qualifications, work plan and time schedule. Among equally qualified contractors and work plans, selection will be based on the lowest cost;¶¶

(D) The Risk Management Division reserves the right to reject any and all proposals.¶¶

(4) The following procedure should be followed:¶¶

(a) Risk Management Division:¶¶

(A) Recognizes need for additional technical or professional expertise;¶¶

(B) Composes bid specifications or obtains at least two estimates;¶¶

(C) Notifies appropriate technical and/or professional vendors of intention to secure proposals or estimates.¶¶

(b) Independent Contractors: Prepare and submit proposals according to established procedure of Department;¶¶

(c) Risk Management Division: Awards contract to selected independent contractor according to rules specified by Department of Administrative Services, Transportation, Purchasing & Print Services Division and Public Contract Review Board following guidelines established by the Public Contracting code based on: ORS 279A and 279B et. seq. as codified in OAR Chapter 125, Division 247.

Statutory/Other Authority: ORS 28378.405(4)

Statutes/Other Implemented: ORS 279A and 279B

