

OFFICE OF THE SECRETARY OF STATE

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 170  
**OREGON STATE TREASURY**

**FILED**

04/08/2026 10:38 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Clarification of State Treasurer's contracting authority related to federal programs

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/05/2026 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.*

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Filed By:  
Kevin Willingham  
Rules Coordinator

HEARING(S)

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

DATE: 06/01/2026

TIME: 10:30 AM

OFFICER: Kevin Willingham

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 833-213-7399

CONFERENCE ID: 901853837

SPECIAL INSTRUCTIONS:

Press the "#" button after the Conference ID number when phoning into the hearing.

NEED FOR THE RULE(S)

To purchase goods and services through federal programs, ORS 279A.180 requires the State Treasurer to adopt an administrative rule setting forth the procedures for such purchases.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 279A.180 - [https://www.oregonlegislature.gov/bills\\_laws/ors/ors279A.html](https://www.oregonlegislature.gov/bills_laws/ors/ors279A.html)

NPPGov - <https://nppgov.com/uncover-the-true-costs-of-rfps/>

OpenPayrolls -

<https://openpayrolls.com/state/oregon#:~:text=The%20average%20employee%20salary%20for,86%2C794%20empl%20records%20for%20Oregon.>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The rule is required under OAR 279A.180 for the State Treasurer to purchase goods and services through federal procurement programs and does not regulate the general public. Because the rule does not regulate the general public

nor establish criteria for inclusion in or exclusion from a regulated program, the rule does not negatively nor positively impact racial equality in Oregon.

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#### FISCAL AND ECONOMIC IMPACT:

The rule will significantly eliminate the requirement to conduct independent and separate procurement processes by relying on the federal governments competitive procurement process. Without consideration for procurements of less than \$250,000, the use of the federal GSA list produces significant savings. The NPPGov non-profit organization's estimates for a competitive procurement process is approximately 138 personnel hours. Assuming the average hourly salary for a state employee is (\$76,157 divided by 2080 hours) is \$36.60, the average cost is roughly calculated at \$5,050.00. Assuming 10 competitive procurements per year of Information Technology goods and services, the State Treasurer can save approximately \$50,500.00 per year.

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#### 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. The rule does not regulate state agencies, units of local government, or members of the public.
  2. The rule does not impact small business but clarifies the State Treasurer's ability to implement an authority granted by the Oregon Legislature.
    - a. Because no small businesses are impacted by the rule, there is no cost of compliance impact on those businesses.
    - b. The rule does not include any reporting, recordkeeping and administrative activities requirements for small businesses.
    - c. The rule does not regulate small business and does not include any increased costs to comply with the rule.
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#### DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Because the rule does not regulate small businesses, representatives were not included in the development of the rule.

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

The rule does not regulate the general public or businesses. It implements an authority granted by the Oregon Legislature in the manner required.

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ADOPT: 170-002-0147

RULE SUMMARY: Clarifies the State Treasurer's authority to purchase goods and services through a federal program

#### CHANGES TO RULE:

##### 170-002-0147

##### Purchases Through Federal Programs

(1) The Treasurer may purchase goods and services through federal programs described in ORS 279A.180 without competitive sealed bidding, competitive sealed proposals or other competition required under ORS 279B.050 to 279B.085, provided that the Treasurer follows the procedures set forth in this rule.¶

(2) Procedures. To purchase through a federal program, the Treasurer must document in its procurement file that:¶

(a) The Treasurer has complied with OAR 137-045-0010 to 137-045-0090, and if it is required, obtained a legal sufficiency review or exemption from the Department of Justice; and¶

(b) The Treasurer is informed of the federal program procurement process, including:¶

(A) Voluntary and Direct Contract. The Treasurer and contractors participate voluntarily. The contractors make

direct deliveries to the Treasurer and retain the right to decline orders on a case-by-case basis, for any reason, within a five-day period of receipt of that order;¶

(B) Funding Fee. The price of a federal program contract includes a GSA industrial funding fee to cover GSA administrative costs to operate the federal program;¶

(C) New Contract. When a contractor accepts an order from the Treasurer, a new contract is formed. The contract's terms and conditions are incorporated by reference; and¶

(D) Additional Terms and Conditions. The Treasurer may add to its contract such significant, substantial contract terms and conditions as are required by state statutes or rules, if such additions do not conflict with the federal program's contract terms and conditions. Examples of such terms and conditions include, but are not limited to:¶

(i) Prompt Payment. The Treasurer may apply the terms and conditions of Oregon's prompt payment law to its contracts, but if the Treasurer fails to make this addition, then the Treasurer may be subject to the Federal Prompt Payment Act, 31 U.S.C. sec. 3901 et seq., as implemented at subpart 32.9 of the Federal Acquisition Regulation (FAR);¶

(ii) Commercial Terms. Patent indemnity and other commercial terms and conditions may be added if they do not conflict with the federal program's terms and conditions; and¶

(iii) Conflict Resolution. The Treasurer may revise the contract's dispute resolution provision to use Alternative Dispute Resolution to the extent authorized by law.

Statutory/Other Authority: ORS 178.050, ORS 279A.025(2)(p)

Statutes/Other Implemented: ORS 279A.025(2)(p), OAR 279A.180