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FILED
01/02/2023 12:06 PM
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DOC 1-2023
CHAPTER 291
DEPARTMENT OF CORRECTIONS

FILING CAPTION: DOC Procurements for Institutions and Administration

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

AMEND: 291-159-0010

RULE TITLE: Application

RULE SUMMARY: Amends rule to correct an error in the rule references to electronic procurements and amendments to contracts, respectively.

RULE TEXT:
(1) Procurements conducted under ORS 179.040 and 279A.050(6)(i):
(a) OAR 291-159 rules apply to procurements of goods and services for Oregon Department of Corrections (DOC) institutions conducted under ORS 179.040 and 279A.050(6)(i) except as set forth in subsections (2)(b) and (2)(c) of this rule.
(b) For procurements conducted under subsection (1)(a) of this rule, DOC adopts:
(A) OAR 137-046-0100 through 137-046-0480 in effect as of January 1, 2023; and
(B) OAR 137-047-0000 through 137-047-0810 in effect as of January 1, 2023, with the exception of OAR 137-047-0330 and 137-047-0800. As applied to these procurements, references to OAR 137-047-0330 are replaced by OAR 291-159-0110 and references to OAR 137-047-0800 are replaced by OAR 291-159-0120.
(2) Other Procurements:
(a) OAR Chapter 291 Division 160 applies to Procurements of Goods and Services for the following programs conducted under ORS 421.438:
(A) Prison work and on-the-job training programs;
(B) Forest and work camps;
(C) Farm and agricultural operations and programs;
(D) Food Services Operations and Programs; and
(E) Facility or property maintenance operations and programs.
(b) OAR Chapter 125 Divisions 246, 247, 248, and 249, apply to:
(A) Procurements of Goods and Services for DOC institutions that DOC elects to conduct under OAR 125-247-0288 (Special Procurements; by Rule, including but not limited to client services);
(B) Procurements of Goods and Services not otherwise specified in this rule; and
(C) Intergovernmental and interagency agreements, but only to the extent they are specifically governed by OAR

Chapter 125 Divisions 246, 247, 248, and 249.

(c) Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services and Related Services. For Procurements of Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, and Land Surveying Services and Related Services, DOC adopts OAR Chapter 125 Divisions 246, 247, 248, and 249 in effect as of January 1, 2023.

(3) In the event a conflict arises between these Division 159 rules and OAR Chapter 137 Division 46, the conflict will be resolved in the following order of precedence:

(a) The Public Contracting Code, ORS 279A, 279B, and 279C;

(b) OAR Chapter 291 Division 159;

(c) OAR Chapter 137 Division 46.

(4) For the convenience of the user, pointer rules pertaining to preferences are found at OAR 291-159-0050 through 291-159-0070. A pointer rule pertaining to protests is found at OAR 291-159-0140.

(5) These Division 159 rules apply to Procurements that DOC first advertises or otherwise solicits on or after January 1, 2023, or, if DOC does not advertise or solicit the Procurement, to Contracts that DOC enters into on or after January 1, 2023.

STATUTORY/OTHER AUTHORITY: ORS 179.040, 279A.050(6)(h) - (6)(i), 279A.065, 279A.140(1), 421.438

STATUTES/OTHER IMPLEMENTED: ORS 179.040, 279A.050(6)(h) - (6)(i), 279A.065, 279A.140(1), 421.438, 279.030