



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

February 18, 2022

RE: Rules Advisory Committee Invitation and RSVP Request

The Attorney General (“AG”) is forming a rules advisory committee (“RAC”) to assist with permanent rulemaking. Please consider this e-mail as our invitation to you to be a member of the RAC for adopting OAR 137-049-0805 (pertaining to diesel engine requirements in certain public improvement contracts) and amending OAR 137-049-0120 (definitions used in public contracts for construction services). You are receiving this invitation because 279A.065(1) requires your consultation, you have been identified as likely to be affected by this rulemaking under Section 1 of House Bill 2993 (2021) (“HB 2993”) or are otherwise knowledgeable about how this rulemaking may affect racial equity in the State of Oregon (“State”) within the meaning of Section 2 of HB 2993.

Last month, the AG modified the Model Public Contracting Rules (“Model Rules”) that specify procedures for public contracting under the Public Contracting Code by filing temporary rules adopting OAR 137-049-0805 and amending OAR 137-049-0120, pursuant to ORS 279C.537(4). Copies of these temporary rules are located on the AG’s website at: <https://www.doj.state.or.us/oregon-department-of-justice/client-resources/attorney-generals-model-public-contracting-rules-2022-revisions/>. The AG is now in the process of preparing permanent rules to replace both temporary rules, which expire in July of this year.

We generally expect participation in the RAC to include the following: (a) Attending one or more meetings of the RAC; (b) Providing comments on any particular changes to OAR 137-049-0805 and OAR 137-049-0120; (c) Determining whether our proposed changes to the Model Rules will have a fiscal impact on State agencies, local government entities, or the public, or will have a significant adverse impact on small businesses; and (d) Assessing whether this permanent rulemaking process will affect racial equity in the State. If you are willing to serve on the RAC, please confirm your participation by sending a response to the following e-mail address by February 24, 2022: 2022PCCCleanDieselRulemaking@odoj.onmicrosoft.com. If you are unable to serve and know of another suitable candidate who could provide valuable information on the proposed rules, please provide us with contact information for that person at your earliest convenience.

For those who elect to participate, we will be in contact soon with information about convening the RAC, conducting the RACs business and an anticipated schedule of RAC events.

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Thank you very much for your help. We look forward to working with you.

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