**137-046-0140**

**Solicitation Document Templates; Contract Forms and Contract Templates; Accountability for Advice**

(1) The Attorney General and the Director of the Oregon Department of Administrative Services will make available to state agencies Solicitation Document templates, Contract forms, and Contract templates as described in ORS 279A.157. State agencies shall use approved Solicitation Document templates, Contract forms or Contract templates as required by ORS 279A.157.

(2) The Attorney General, in cooperation with the Oregon Department of Administrative Services, will develop and make available to state agencies the process the Attorney General and the department will use to approve and designate Solicitation Document templates, Contract forms and Contract templates for required use, including the process for revising, updating or approving agency-specific variations of the approved Solicitation Document templates, Contract forms, and Contract templates.

(3) Contract forms and Contract templates include amendments to Contracts, including change orders, purchase orders, and other ordering instruments issued under Contracts, when the amendments, change orders, purchase orders, or other ordering instruments provide for payment in excess of the threshold set forth in ORS 279A.157.

(4) The Attorney General may exempt from required use a Solicitation Document template, Contract form, or Contract template that is approved by the Attorney General, subject to any conditions the Attorney General may impose on the continued use of the exempted and approved Solicitation Document template, Contract form or Contract template.

(5) The Attorney General, in cooperation with the Department of Administrative Services, shall specify how state agencies may access the approved Solicitation Document templates, Contract forms or Contract templates and shall also provide a list of the Solicitation Document templates, Contract forms or Contract templates that are exempt from the required use.

(6) Before a State Contracting Agency executes a Contract with a Contract Price that exceeds the threshold set forth in ORS 279A.161 and the Attorney General’s Rules for the Review of Public Contracts, the State Contracting Agency must designate in Writing the state employee who will oversee a specific Contract, or specifically identified Contracts, or a specifically identified category of Contracts. The Written designation must identify the employee as the “Contract Administrator” for the Contract or Contracts. The director or other head of the State Contracting Agency (or that officer’s designee under ORS 279A.161 must verify that the Contract Administrator has read and understands all advice and recommendations given, if any advice or recommendations have been given, with respect to the Contract and Procurement. The director or other head of the State Contracting Agency (or that officer’s designee) shall sign and preserve as an Agency record a statement acknowledging that the officer reviewed the advice and recommendations, if any advice or recommendations have been given, and made the verification, in accordance with ORS 279A.161.

(7) As used in ORS 279A.161, “advice and recommendations” means material advice and recommendations from the Oregon Department of Justice or the Oregon Department of Administrative Services to a State Contracting Agency with respect to a specific Contract and amendments to the Contract, or a Procurement that resulted in the Contract. The term does not include advice or recommendations provided to a State Contracting Agency that were not directed to a specific Contract or Procurement. For example, programmatic advice or recommendations that address the general scope of authority or required procedures of a State Contracting Agency program do not constitute advice and recommendations. Material advice or recommendations are Written communications that address: (i) subject matter that modifies or influences the meaning, performance, administration, or means of enforcement of a Contract; or (ii) the allocation of significant liabilities or risk under a Contract.

**Statutory/Other Authority**: ORS 279A.065, OL 2015 & ch 646 (HB 2375)

**Statutes/Other Implemented**: OL 2015 & ch 646 (HB 2375)