

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 501

In the Matter of a Rulemaking to Establish )  
Personal Services Contract Procedures for ) **ORDER**  
the Public Utility Commission. )

**DISPOSITION: RULE ADOPTED**

The 2003 Oregon Legislative Assembly established a new Public Contracting Code (Code), which became effective on March 1, 2005. *See* ORS 279A.005. The Code requires agencies with contracting authority to adopt either the Department of Administrative Services (DAS) Purchasing Rules or the Attorney General's Model Rules. The Commission is a contracting agency and has informally used the DAS procedures for entering into personal services contracts.

On September 13, 2005, the Public Utility Commission opened this rulemaking proceeding to formally identify the personal services contracting process to be adopted by the Commission. Under this proposed rule, the Commission adopts DAS Purchasing Rules with two exceptions. The exceptions allow the Commission to revise the DAS contract forms and to approve contracts as they relate to personal services.

Notice of the Proposed Rulemaking was filed with the Secretary of State on September 15, 2005, and notice was subsequently provided to all interested persons on the Commission's rule changes list. The notice set out the new rule proposed by Commission Staff, and included a Statement of Need, Statutory Authority, and Fiscal and Economic Impact. The notice was published in the October 2005 *Oregon Bulletin*.

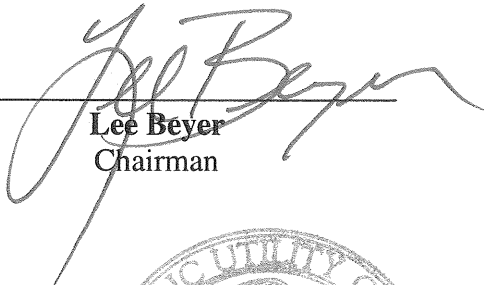
There were no written comments nor was there a request for a public hearing as a result of the notice.

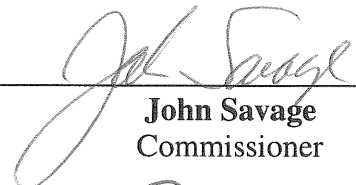
At its public meeting on November 22, 2005, the Commission adopted the proposed rule as set forth in Appendix A.

**ORDER**

IT IS ORDERED that Oregon Administrative Rule 860-011-0036, as set forth in Appendix A, is adopted. The rule shall become effective upon filing with the Secretary of State.

Made, entered, and effective NOV 22 2005.

  
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**Lee Beyer**  
Chairman

  
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**John Savage**  
Commissioner

  
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**Ray Baum**  
Commissioner



A person may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.

**860-011-0036**

**Personal Services Contracts**

**(1) The Commission may enter into personal services contracts as required or appropriate for the discharge of its duties.**

**(2) The model rules adopted by the Attorney General do not apply to the Commission.**

**(3) Department of Administrative Services Public Contracting Rules for Personal Services Contracts OAR Chapter 125, Divisions 246, 247 and 248 apply to all personal services contracts, except as specified in section (4) of this rule.**

**(4) The following public contracting rules do not apply to personal services contracts used by the Commission: OARs 125-246-0345(2), 125-246-0350, 125-246-0351, and 125-246-0352.**

**Stat. Auth.: ORS 756.036**

**Stats. Implemented: ORS 756.036 & 279A.050**

**Hist.: New**