

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form.

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [upon filing] by the  
Date prior to or same as filing date

Office for Oregon Health Policy and Research, Oregon Prescription Drug Program 409  
Agency and Division Administrative Rules Chapter Number

Zarie Haverkate 1225 Ferry St SE, 1<sup>st</sup> Floor, Salem, OR 97301 (503) 373-1574  
Rules Coordinator Address Telephone

to become effective [ April 21, 2010 ] through [ October 17, 2010 ].  
Date upon filing or later A maximum of 180 days including the effective date

**RULE CAPTION**

Contracted Services for the Oregon Prescription Drug Program

**RULEMAKING ACTION**

AMEND: 409-030-0065

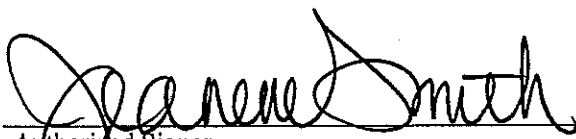
Stat. Auth.: ORS 409.050 & 414.312

Other Auth.:

Stats. Implemented: ORS 414.312, 414.314, 414.316 & 414.318

**RULE SUMMARY**

The Oregon Prescription Drug Program (OPDP) is temporarily amending OAR 409-030-0065 related to rules of procedure for contracted services. OPDP is deleting language adopting the Department of Justice's model public contracting rules effective July 1, 2009 because those model rules are no longer current. OPDP will rely on ORS 279A.065 (4) which states. "A contracting agency that has not adopted its own rules of procedure...is subject to the model rules adopted by the Attorney General under this section, including all modifications to the model rules that the Attorney General may adopt."

  
Authorized Signer

Jeanene Smith, MD, OHPR Administrator  
Printed name

4/20/10  
Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Office for Oregon Health Policy and Research, Oregon Prescription Drug Program  
Agency and Division

409  
Administrative Rules Chapter Number

In the Matter of:  
The temporary amendment of OAR 409-030-0065.

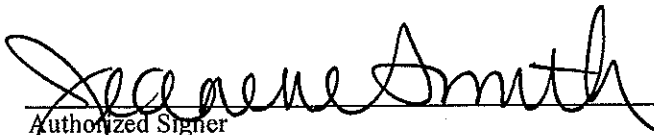
Rule Caption:  
Contracted Services for the Oregon Prescription Drug Program

Statutory Authority: ORS 409.050 & 414.312  
Other Authority:  
Stats. Implemented: ORS 414.312, 414.314, 414.316 & 414.318

Need for the Temporary Rule(s):  
The Oregon Prescription Drug Program (OPDP) needs to amend OAR 409-030-0065 which references Department of Justice model public contracting rules that were effective July 1, 2009. OPDP needs to rely on current DOJ rules to meet a request for proposal deadline of April 23, 2010. Amending this rule will allow OPDP to rely on ORS 279A.065(4) which allows contracting agencies that have not adopted their own rules of procedure to be subject to the model rules adopted by the Attorney General, including all modifications.

Documents Relied Upon, and where they are available:  
ORS 279A.065 (4): "A contracting agency that has not adopted its own rules of procedure...is subject to the model rules adopted by the Attorney General under this section, including all modifications to the model rules that the Attorney General may adopt."

Justification of Temporary Rule(s):  
OPDP finds that failure to act promptly will result in serious prejudice to the public interest, the Department, and entities responding to the request for proposal. These rules need to be adopted promptly so that OPDP will be in compliance with current public contracting statutes.



Authorized Signer

Jeanene Smith, MD, OHPR Administrator

Printed name

4/20/10

Date

**CHAPTER 409**  
**OFFICE FOR OREGON HEALTH POLICY AND RESEARCH**

**DIVISION 30**  
**OREGON PRESCRIPTION DRUG PROGRAM**

**409-030-0065**

**Contracted Services**

(1) The Administrator may procure goods and services to perform any of the functions of OPDP.

~~(2) OPDP adopts the DOJ model public contract rules in OAR chapter 137, division 46 (General Provisions Related to Public Contracting) and division 47 (Public Procurements for Goods or Services), effective July 1, 2009, as the contracting rules that shall apply to its procurements.~~

~~(3)~~ The Administrator shall delegate procurement authority to the Department's Designated Procurement Officer for OPDP goods and services, except as the Administrator determines to retain such authority in a particular case and as otherwise provided in section ~~(54)~~ of this rule.

~~(4)~~ The Administrator shall act as the Department's representative for each contract. The Administrator may delegate in writing the representative's responsibilities to a designee. The agency's representative may participate with the Department's Designated Procurement Officer in all aspects of procurement.

~~(5)~~ OPDP's mechanism for and administration of the enrollment of participating groups shall not constitute procurements subject to this rule.

Stat. Auth.: ORS 409.050 & 414.312 ~~—414.320~~

Stats. Implemented: ORS 414.312, 414.314, 414.316 & 414.318, ~~OL 2007 (SB 362)~~