

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 17-0373.01 Nicole Myers x4326

**HOUSE BILL 17-1068**

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**HOUSE SPONSORSHIP**

**Benavidez,**

**SENATE SPONSORSHIP**

**Moreno,**

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**House Committees**  
Transportation & Energy

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A REQUIREMENT THAT THE DEPARTMENT OF**  
102            **TRANSPORTATION CONSIDER ONLY PROPOSALS FOR**  
103            **PUBLIC-PRIVATE INITIATIVES THAT WILL PAY PREVAILING**  
104            **WAGES FOR CONSTRUCTION LABOR.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The state department of transportation (department) is currently authorized to solicit proposals and consider unsolicited proposals for public-private initiatives for certain public projects. The bill specifies that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 2nd Reading  
February 6, 2017

the department may consider proposals, whether solicited or unsolicited, for a public-private initiative only if the proposal includes labor costs for construction that use no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area set by the United States department of labor as directed by the federal "Davis-Bacon Act".

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 43-1-1202, **add** (1.5)  
3 as follows:

4           **43-1-1202. Department powers.** (1.5) THE DEPARTMENT MAY  
5 CONSIDER A PROPOSAL FOR A PUBLIC-PRIVATE INITIATIVE THAT  
6 ANTICIPATES USING FEDERAL MONEYS, WHETHER SOLICITED OR  
7 UNSOLICITED, THAT IS SUBMITTED PURSUANT TO THIS PART 12 ONLY IF THE  
8 PROPOSAL INCLUDES LABOR COSTS FOR CONSTRUCTION THAT USE NO LESS  
9 THAN THE LOCALLY PREVAILING WAGES AND FRINGE BENEFITS FOR  
10 CORRESPONDING WORK ON SIMILAR PROJECTS IN THE AREA SET BY THE  
11 UNITED STATES DEPARTMENT OF LABOR AS DIRECTED BY THE FEDERAL  
12 "DAVIS-BACON ACT", 40 U.S.C. 3141 ET SEQ.

13           **SECTION 2.** In Colorado Revised Statutes, **add** 43-4-809.5 as  
14 follows:

15           **43-4-809.5. Labor costs for construction.** THE DEPARTMENT,  
16 THE BRIDGE ENTERPRISE, OR THE TRANSPORTATION ENTERPRISE MAY  
17 CONSIDER A PROPOSAL FOR A PUBLIC-PRIVATE INITIATIVE THAT  
18 ANTICIPATES USING FEDERAL MONEYS, WHETHER SOLICITED OR  
19 UNSOLICITED, THAT IS SUBMITTED PURSUANT TO THIS PART 8 ONLY IF THE  
20 PROPOSAL INCLUDES LABOR COSTS FOR CONSTRUCTION THAT USE NO LESS  
21 THAN THE LOCALLY PREVAILING WAGES AND FRINGE BENEFITS FOR  
22 CORRESPONDING WORK ON SIMILAR PROJECTS IN THE AREA SET BY THE

1 UNITED STATES DEPARTMENT OF LABOR AS DIRECTED BY THE FEDERAL  
2 "DAVIS-BACON ACT", 40 U.S.C. 3141 ET SEQ.

3 **SECTION 3. Act subject to petition - effective date -**  
4 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
5 the expiration of the ninety-day period after final adjournment of the  
6 general assembly (August 9, 2017, if adjournment sine die is on May 10,  
7 2017); except that, if a referendum petition is filed pursuant to section 1  
8 (3) of article V of the state constitution against this act or an item, section,  
9 or part of this act within such period, then the act, item, section, or part  
10 will not take effect unless approved by the people at the general election  
11 to be held in November 2018 and, in such case, will take effect on the  
12 date of the official declaration of the vote thereon by the governor.

13 (2) This act applies to unsolicited proposals received and  
14 proposals solicited on or after the applicable effective date of this act.