A BILL FOR AN ACT

CONCERNING A REQUIREMENT THAT CONTRACTORS FOR PUBLIC
PROJECTS OVER FIVE HUNDRED THOUSAND DOLLARS THAT ARE
NOT FUNDED USING FEDERAL MONEY USE APPRENTICES FOR THE
PARTS OF THE PROJECT THAT ARE PERFORMED BY WORKERS IN
AN APPRENTICEABLE OCCUPATION.

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 bill requires the contractor for any public project that does not receive any federal money to use apprentices registered with an
apprenticeship program for at least 25% of the workforce in an apprenticeable occupation that is hired to work on the public project (apprenticeship requirements). The apprenticeship program must be registered with the United States department of labor, office of apprenticeship. For purposes of the bill, a public project is a project under the supervision of any state agency, including the department of transportation, that is likely to cost $500,000 or more in any fiscal year.

A government agency may consider a bid or proposal for a public project that does not receive any federal money only if the bid or proposal indicates that at least 25% of the project workforce that is in an apprenticeable occupation and that is hired by the contractor to work on the public project will be apprentices registered with an apprenticeship program.

Upon completion of a public project, the contractor is required to submit an affidavit to the government agency stating that the contractor has either complied with the apprenticeship requirements or has made a good faith effort to comply. If the contractor complied with the apprenticeship requirements, the affidavit must include the names of the registered apprentices, identify the specific apprenticeship programs with which the apprentices are registered, and specify the total number of people in the workforce for the public project who are in apprenticeable occupations. If the contractor did not comply with the apprenticeship requirements, the affidavit must include documentation of the contractor's good faith effort to comply. If the contractor fails to submit the affidavit or if the state agency finds that the affidavit does not reflect the contractor's compliance or good faith effort to comply with the apprenticeship requirements, the agency may retain any unallocated portion of the amount of the contract price that the agency is authorized to withhold until the contract is completed as liquidated damages.

The bill specifies that the apprenticeship requirements do not supersede existing statutory requirements for licensed apprenticeable occupations.

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

2 SECTION 1. In Colorado Revised Statutes, add 24-92-104.3 as follows:

3 24-92-104.3. Apprenticeship utilization requirements for public projects - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

4 (a) "APPRENTICEABLE OCCUPATION" MEANS AN OCCUPATION
SPECIFIED BY INDUSTRY THAT:

(I) INVOLVES SKILLS THAT ARE CUSTOMARILY LEARNED IN A PRACTICAL WAY THROUGH A STRUCTURED, SYSTEMATIC PROGRAM OF ON-THE-JOB SUPERVISED LEARNING;

(II) IS CLEARLY IDENTIFIED AND COMMONLY RECOGNIZED THROUGHOUT AN INDUSTRY;

(III) INVOLVES THE PROGRESSIVE ATTAINMENT OF MANUAL, MECHANICAL, OR TECHNICAL SKILLS AND KNOWLEDGE THAT, IN ACCORDANCE WITH THE INDUSTRY STANDARD FOR THE OCCUPATION, WOULD REQUIRE THE COMPLETION OF AT LEAST TWO THOUSAND HOURS OF ON-THE-JOB LEARNING TO ATTAIN; AND

(IV) REQUIRES RELATED INSTRUCTION TO SUPPLEMENT THE ON-THE-JOB LEARNING.

(b) "APPRENTICESHIP PROGRAM" MEANS AN APPRENTICESHIP PROGRAM THAT IS REGISTERED WITH THE UNITED STATES DEPARTMENT OF LABOR, OFFICE OF APPRENTICESHIP PURSUANT TO 29 CFR 29, OR THAT IS REGISTERED WITH A FEDERALLY RECOGNIZED STATE APPRENTICESHIP AGENCY.

(c) "PUBLIC PROJECT" HAS THE SAME MEANING AS DEFINED IN SECTION 24-92-102 (8); EXCEPT THAT "PUBLIC PROJECT" DOES NOT INCLUDE ANY PROJECT UNDER THE SUPERVISION OF THE DEPARTMENT OF TRANSPORTATION FOR WHICH APPROPRIATION OR EXPENDITURE OF FUNDS MAY BE REASONABLY EXPECTED NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS IN THE AGGREGATE FOR ANY FISCAL YEAR.

(2) A CONTRACTOR FOR A PUBLIC PROJECT THAT DOES NOT RECEIVE ANY FEDERAL MONEY IS REQUIRED TO USE APPRENTICES REGISTERED WITH AN APPRENTICESHIP PROGRAM FOR AT LEAST
TWENTY-FIVE PERCENT OF THE PROJECT WORKFORCE THAT IS IN AN
APPRENTICEABLE OCCUPATION AND THAT IS HIRED TO WORK ON THE
PUBLIC PROJECT.

(3) An agency of government may consider a bid or
proposal for a public project for which appropriation or
expenditure of money may be reasonably expected not to exceed
five hundred thousand dollars in the aggregate for any fiscal
year and that does not receive any federal money, only if the
bid or proposal indicates that at least twenty-five percent of
the workforce in an apprenticeable occupation that will be
hired by the contractor to work on the public project will be
apprentices registered with an apprenticeship program.

(4) (a) Upon completion of a public project, a contractor
shall submit an affidavit to the applicable agency of
government stating that the contractor either complied with
the requirements of this section or made a good faith effort to
comply with the requirements of this section but was unable to
comply.

(b) (I) If the contractor complied with the requirements
of this section, the affidavit must include the names of the
registered apprentices who worked on the public project,
identify the specific apprenticeship programs with which the
apprentices are registered, and specify the total number of
people in the workforce for the public project who are in
apprenticeable occupations.

(II) If the contractor was unable to comply with the
requirements of this section, the affidavit must also include
DOCUMENTATION OF THE CONTRACTOR'S GOOD FAITH EFFORTS TO COMPLY
AND THE REASON WHY COMPLIANCE WAS NOT POSSIBLE.

(c) BEFORE THE AGENCY OF GOVERNMENT MAKES FINAL PAYMENT
ON THE WITHHELD PERCENTAGE OF THE CONTRACT PRICE PURSUANT TO
SECTION 24-91-103, THE AGENCY OF GOVERNMENT SHALL ENSURE THAT
THE AFFIDAVIT REFLECTS THE CONTRACTOR'S COMPLIANCE OR GOOD FAITH
EFFORT TO COMPLY WITH THIS SECTION. IF THE CONTRACTOR FAILS TO
SUBMIT AN AFFIDAVIT OR IF THE AGENCY OF GOVERNMENT DETERMINES
THAT THE AFFIDAVIT DOES NOT REFLECT THE CONTRACTOR'S COMPLIANCE
OR GOOD FAITH EFFORT TO COMPLY WITH THIS SECTION, THE AGENCY OF
GOVERNMENT MAY RETAIN ANY PORTION OF THE WITHHELD PERCENTAGE
OF THE CONTRACT PRICE THAT WAS NOT ALLOCATED FOR OTHER
CONTRACT PURPOSES AS LIQUIDATED DAMAGES.

(5) A CONTRACTOR THAT IS AWARDED A CONTRACT BY AN AGENCY
OF GOVERNMENT SHALL REQUIRE, THROUGH PRIVATE CONTRACT, THAT
ANY SUBCONTRACTOR THAT THE CONTRACTOR USES TO FULFILL THE
TERMS OF THE CONTRACT COMPLIES WITH THE REQUIREMENTS OF THIS
SECTION. THE CONTRACTOR MAY REQUIRE, THROUGH PRIVATE CONTRACT,
THAT A SUBCONTRACTOR PROVIDE NECESSARY INFORMATION TO THE
CONTRACTOR TO ALLOW THE CONTRACTOR TO COMPLY WITH SUBSECTION
(4) OF THIS SECTION.

(6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO SUPERSEDE
THE REQUIREMENTS FOR APPRENTICEABLE OCCUPATIONS THAT ARE
LICENSED PURSUANT TO TITLE 12, INCLUDING SECTIONS 12-23-105,

SECTION 2. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.