

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0348.02 Jason Gelender x4330

HOUSE BILL 21-1056

HOUSE SPONSORSHIP

Pelton, Gray, Hooton, Young

SENATE SPONSORSHIP

Hansen, Pettersen

House Committees

Transportation & Local Government
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PUBLIC PROJECTS SUPERVISED BY THE DEPARTMENT OF**
102 **TRANSPORTATION THAT ARE SUBJECT TO THE "CONSTRUCTION**
103 **BIDDING FOR PUBLIC PROJECTS ACT".**

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>.)

Under current law, the requirements of the "Construction Bidding for Public Projects Act" (act) generally apply to a public project if the cost of the project is reasonably expected to exceed \$500,000 for any fiscal year; except that a public project supervised by the department of transportation (CDOT) is subject to the requirements of the act if the cost

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

of the project is reasonably expected to exceed \$150,000 for any fiscal year. The bill:

- Repeals the lower cost amount for CDOT projects, which means that the requirements of the act, including the requirement that CDOT prepare a bid estimate when it proposes to undertake a project itself rather than awarding the project to a contractor through competitive bidding, will apply to a CDOT project only if the cost of the project is reasonably expected to exceed \$500,000 for any fiscal year; and
- Increases from \$50,000 to \$100,000 the maximum cost for a CDOT project that is exempt from transportation commission approval.

The bill also limits the existing requirement that CDOT pay all employees performing work on any public project local prevailing wages in accordance with specified federal acts to projects that cost more than \$500,000.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-92-102, **amend**
3 the introductory portion and (8)(b); and **repeal** (8)(c) as follows:

4 **24-92-102. Definitions.** As used in this ~~article~~ ARTICLE 92, unless
5 the context otherwise requires:

6 (8) (b) ~~Except as provided in paragraph (c) of this subsection (8),~~
7 "Public project" does not include any project for which appropriation or
8 expenditure of ~~moneys~~ MONEY may be reasonably expected not to exceed
9 five hundred thousand dollars in the aggregate for any fiscal year.
10 Nothing in this ~~paragraph (b) shall affect~~ SUBSECTION (8)(b) AFFECTS the
11 requirements for the delivery of bonds or security pursuant to sections
12 24-105-202, 38-26-105, and 38-26-106. ~~C.R.S.~~

13 (c) ~~"Public project" does not include any project under the~~
14 ~~supervision of the department of transportation for which appropriation~~
15 ~~or expenditure of funds may be reasonably expected not to exceed one~~
16 ~~hundred fifty thousand dollars in the aggregate of any fiscal year.~~

1 **SECTION 2.** In Colorado Revised Statutes, 24-92-109, **amend**
2 (1) as follows:

3 **24-92-109. Agency of government to submit cost estimate.**

4 (1) Whenever an agency of government proposes to undertake the
5 construction of a public project, reasonably expected to cost in excess of
6 fifty thousand dollars by any means or method other than by a contract
7 awarded by competitive bid, it shall prepare and submit a cost estimate in
8 the same manner as other bidders; except that, for projects under the
9 supervision of the department of transportation undertaken by such means
10 or method, the department shall prepare and submit a cost estimate if the
11 COST OF THE project is reasonably expected to exceed ~~one hundred fifty~~
12 FIVE HUNDRED thousand dollars. Cost estimates ~~in excess of fifty~~
13 ~~thousand dollars but less than or equal to one hundred fifty~~ FOR PROJECTS
14 UNDERTAKEN BY THE DEPARTMENT OF TRANSPORTATION THAT ARE
15 REASONABLY EXPECTED TO COST MORE THAN ONE HUNDRED THOUSAND
16 DOLLARS BUT NOT MORE THAN FIVE HUNDRED THOUSAND dollars shall be
17 submitted to the transportation commission on at least a quarterly basis
18 for its review and approval. ~~Such~~ AN agency of government itself may not
19 undertake ~~the~~ A proposed project unless it shows the lowest cost estimate.

20 **SECTION 3.** In Colorado Revised Statutes, 24-92-202, **amend**
21 (2) as follows:

22 **24-92-202. Contractors subject to provisions - weekly payment**
23 **of employees - rules.** (2) This part 2 does not apply to the department of
24 transportation, regardless of the amount or funding source of the public
25 project; except that the department of transportation is required to pay
26 employees performing work on any public project THAT COSTS MORE
27 THAN FIVE HUNDRED THOUSAND DOLLARS, regardless of the ~~amount or~~

1 funding source of the public project, in accordance with the WAGE
2 requirements of the federal "Davis-Bacon Act", 40 U.S.C. sec. 3141 et
3 seq., AND RELATED FEDERAL ACTS.

4 **SECTION 4. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly; except that, if a referendum petition is filed pursuant
8 to section 1 (3) of article V of the state constitution against this act or an
9 item, section, or part of this act within such period, then the act, item,
10 section, or part will not take effect unless approved by the people at the
11 general election to be held in November 2022 and, in such case, will take
12 effect on the date of the official declaration of the vote thereon by the
13 governor.

14 (2) This act applies to any public project for which an invitation
15 for bids is made on or after the applicable effective date of this act.