

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 24-0994.01 Rebecca Bayetti x4348

SENATE BILL 24-204

SENATE SPONSORSHIP

Ginal and Rich, Hinrichsen, Priola

HOUSE SPONSORSHIP

Bradley and McLachlan, Epps

Senate Committees
Finance

House Committees
Finance

A BILL FOR AN ACT

101 **CONCERNING TECHNICAL REVISIONS TO THE PROCUREMENT CODE.**

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/>.)

Statutory Revision Committee. The bill makes the following technical revisions to the procurement code (code):

- Provides the correct cross-reference to the definition of information technology (**section 1** of the bill);
- Updates the terminology used in the definition of solicitation to refer to "an electronic procurement system" instead of "an electronic bidding system" to remain consistent with other provisions of the code (**section 1**);

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

HOUSE
2nd Reading Unamended
May 3, 2024

SENATE
3rd Reading Unamended
April 22, 2024

SENATE
2nd Reading Unamended
April 19, 2024

- Updates terminology in the statute authorizing delegation of the executive director of the department of personnel's purchasing authority to clarify that delegation is to a "governmental body", as defined in the code, instead of to a "department" or an "agency", and, in conformity with that change, that an "official" is an "elected" official (**section 2**);
- Clarifies the method of compiling and soliciting from lists of potential contractors (**section 3**);
- Updates references to the United States department of veterans affairs to instead be "the appropriate United States agency" (**section 4**); and
- Changes a reference from "public procurement unit" to "local public procurement unit" in a list in the cooperative purchasing statute that already includes "public procurement unit" (**section 5**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-101-301, **amend**
 3 the introductory portion, (28), and (43) as follows:

4 **24-101-301. Definitions.** The terms defined in this section ~~shall~~
 5 have the following meanings whenever they appear in this code, unless
 6 the context in which they are used clearly requires a different meaning or
 7 a different definition is prescribed for a particular article or portion
 8 thereof:

9 (28) "Procurement" means buying, purchasing, renting, leasing,
 10 or otherwise acquiring any supplies, services, or construction.
 11 "Procurement" includes all functions that pertain to the obtaining of any
 12 supply, service, or construction, including description of requirements,
 13 selection and solicitation of sources, preparation and award of contract,
 14 and all phases of contract administration. "Procurement" also includes the
 15 procurement of information technology as defined in ~~section 24-37.5-102~~
 16 ~~(11)~~ SECTION 24-37.5-102 (12).

1 (43) "Solicitation" means all documents and related information,
2 whether attached or incorporated by reference, published on an electronic
3 ~~bidding~~ PROCUREMENT system in connection with a procurement prior to
4 the response deadline.

5 **SECTION 2.** In Colorado Revised Statutes, 24-102-202, **amend**
6 (3) as follows:

7 **24-102-202. Authority of the executive director and chief**
8 **procurement officer - delegation of authority - rules.** (3) Subject to
9 rules, the executive director may delegate ~~his or her~~ THE EXECUTIVE
10 DIRECTOR'S purchasing authority to designees or to any ~~department,~~
11 ~~agency,~~ GOVERNMENTAL BODY or ELECTED official.

12 **SECTION 3.** In Colorado Revised Statutes, **amend** 24-103-402
13 as follows:

14 **24-103-402. Prequalification of suppliers.** Prospective suppliers
15 may be prequalified for particular types of supplies, services, and
16 construction, and the method of compiling and soliciting from lists of
17 potential contractors may be USED pursuant to rules.

18 **SECTION 4.** In Colorado Revised Statutes, 24-103-905, **amend**
19 (1)(a)(II) and (3) as follows:

20 **24-103-905. Service-disabled veteran-owned small businesses**
21 **- state procurement preference - definitions.** (1) As used in this
22 section, unless the context otherwise requires:

23 (a) "Service-disabled veteran-owned small business" means a
24 business that is:

25 (II) Officially registered and verified as a service-disabled
26 veteran-owned small business by the center for verification and
27 evaluation within the APPROPRIATE United States ~~department of veterans~~

1 ~~affairs~~ AGENCY.

2 (3) When a state agency intends to award a contract to a business
3 in furtherance of the three percent goal specified in subsection (2) of this
4 section, the state agency shall, prior to awarding the contract, require the
5 business to submit to the agency documentation from the APPROPRIATE
6 United States ~~department of veterans affairs~~ AGENCY that verifies that the
7 business is a service-disabled veteran-owned small business.

8 **SECTION 5.** In Colorado Revised Statutes, 24-110-201, **amend**
9 (4)(c) as follows:

10 **24-110-201. Cooperative purchasing authorized.** (4) Unless
11 otherwise approved by the chief procurement officer, the procurement
12 official shall comply with the following order of priority for the use of
13 cooperative purchasing agreements:

14 (c) Third, LOCAL public procurement unit or external public
15 procurement unit cooperative purchasing agreements.

16 **SECTION 6. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly; except
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V
20 of the state constitution against this act or an item, section, or part of this
21 act within such period, then the act, item, section, or part will not take
22 effect unless approved by the people at the general election to be held in
23 November 2024 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.