

CHAPTER 114

GOVERNMENT - STATE

HOUSE BILL 24-1143

BY REPRESENTATIVE(S) Catlin, Amabile, Bacon, Bird, Boesenecker, Duran, Epps, Froelich, Hamrick, Jodeh, Lindsay, Lindstedt, Lynch, Marshall, Mauro, Snyder, Soper, Taggart, Titone, Valdez, Velasco, McCluskie, Ricks, Weinberg; also SENATOR(S) Winter F. and Pelton B.

AN ACT**CONCERNING CONSTRUCTION BIDDING COST THRESHOLDS FOR DEPARTMENT OF TRANSPORTATION PROJECTS.**

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

SECTION 1. In Colorado Revised Statutes, 24-92-102, **amend** (8)(c) as follows:

24-92-102. Definitions. As used in this article 92, unless the context otherwise requires:

(8) (c) "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 ~~two hundred fifty~~ **THREE HUNDRED** thousand dollars in the aggregate of any fiscal year, ANNUALLY ADJUSTED FOR INFLATION AS PROVIDED IN SECTION 24-92-109 (1)(b).

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

24-92-109. Agency of government to submit cost estimate. (1) (a) Whenever an agency of government OTHER THAN THE DEPARTMENT OF TRANSPORTATION proposes to undertake the construction of a public project reasonably expected to cost in excess of fifty thousand dollars by any means or method other than by a contract awarded by competitive bid, it shall prepare and submit a cost estimate in the same manner as other bidders. ~~except that, for~~ **IF THE DEPARTMENT OF TRANSPORTATION PROPOSES TO UNDERTAKE THE CONSTRUCTION OF A PUBLIC PROJECT BY ANY SUCH MEANS OR METHOD, IT SHALL SUBMIT A COST ESTIMATE WHEN AND AS REQUIRED BY SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION. ANY**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

AGENCY OF GOVERNMENT SHALL NOT UNDERTAKE A PROPOSED PUBLIC PROJECT ITSELF UNLESS IT SHOWS THE LOWEST COST ESTIMATE.

(b) (I) ~~FOR PUBLIC projects under the supervision of the department of transportation undertaken THAT THE DEPARTMENT PROPOSES TO UNDERTAKE by such ANY means or method OTHER THAN BY A CONTRACT AWARDED BY COMPETITIVE BID, the department shall prepare and submit a cost estimate if the cost of the project is reasonably expected to exceed two hundred fifty THREE HUNDRED thousand dollars. THE DEPARTMENT MAY ADJUST THIS PROJECT COST CAP ANNUALLY FOR INFLATION AND MAY ROUND THE ADJUSTED AMOUNT UPWARD TO THE NEAREST FIVE THOUSAND DOLLARS.~~

(II) AS USED IN THIS SUBSECTION (1)(b), "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND FEDERAL HIGHWAY ADMINISTRATION'S NATIONAL HIGHWAY CONSTRUCTION COST INDEX OR A SUCCESSOR INDEX. THE DEPARTMENT SHALL PUBLISH ANNUALLY THE PROJECT COST CAP, ADJUSTED FOR INFLATION, ON ITS WEBSITE.

(c) Cost estimates for PUBLIC projects undertaken by the department of transportation that are reasonably expected to cost more than one hundred fifty thousand dollars but not more than ~~two hundred fifty thousand dollars~~ THE PROJECT COST CAP AS DETERMINED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION shall be submitted to the transportation commission on at least a quarterly basis for its review and approval. ~~An agency of government itself may not undertake a proposed project unless it shows the lowest cost estimate.~~

SECTION 3. In Colorado Revised Statutes, 24-92-116, **amend** (1); and **add** (1.5) as follows:

24-92-116. Department of transportation - reporting requirements. (1) The department of transportation shall annually identify in a report to the transportation commission and to the transportation legislation review committee of the general assembly ~~all EACH highway maintenance projects~~ PROJECT for the reporting year ~~costing~~ THAT COSTS more than one hundred fifty thousand dollars but not more than THE PROJECT COST CAP OF ~~two hundred fifty~~ THREE HUNDRED thousand dollars, ANNUALLY ADJUSTED FOR INFLATION, DESCRIBED IN SECTION 24-92-109 (1)(b), AND that MEETS ONE OR MORE OF THE FOLLOWING CONDITIONS:

- (a) The department is completing THE PROJECT using its own employees;
- (b) The department awarded THE PROJECT by invitation for bids pursuant to section 24-92-103 or by competitive sealed best value bidding pursuant to section 24-92-103.5; or
- (c) ~~For which~~ The department solicited but did not receive bids FOR THE PROJECT pursuant to section 24-92-103 or 24-92-103.5.

(1.5) THE ANNUAL REPORT REQUIRED IN SUBSECTION (1) OF THIS SECTION MUST ALSO IDENTIFY ANY PROGRAM EFFICIENCIES OR ADDITIONAL FUNDING ACCOUNTABILITY ACHIEVED BY THE DEPARTMENT OF TRANSPORTATION AS A RESULT OF INCREASING THE PROJECT COST CAP.

SECTION 4. Act subject to petition - effective date - applicability. (1) 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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to public projects proposed to be constructed by any means or method, other than by a contract awarded by competitive bid, on or after the applicable effective date of this act.

Approved: April 19, 2024