

SENATE COMMITTEE OF REFERENCE AMENDMENT  
Committee on Education.

HB25-1152 be amended as follows:

1 Amend reengrossed bill, page 3, after line 12 insert:

2       **"SECTION 2.** In Colorado Revised Statutes, 24-85-104, **add (5)**  
3 as follows:

4       **24-85-104. Procurement requirements - criteria -**  
5 **implementation - contract terms - definitions.** (5) (a) AS USED IN THIS  
6 SUBSECTION (5), UNLESS THE CONTEXT OTHERWISE REQUIRES:

7           (I) "CONTRACTOR" MEANS ANY PERSON HAVING A CONTRACT OR  
8 AGREEMENT WITH A STATE AGENCY OR PUBLIC ENTITY, EXCLUDING  
9 ANOTHER COLORADO STATE AGENCY, PUBLIC ENTITY, OR EMPLOYEE  
10 THEREOF.

11           (II) "PUBLIC ENTITY" HAS THE SAME MEANING SET FORTH IN  
12 SECTION 24-34-301.

13           (b) (I) A CONTRACT OR AGREEMENT THAT IS ENTERED INTO  
14 BETWEEN A STATE AGENCY OR PUBLIC ENTITY AND A CONTRACTOR MUST  
15 INCLUDE PROVISIONS PROVIDED IN SUBSECTION (5)(c) OF THIS SECTION,  
16 AND IF SUCH PROVISIONS ARE OMITTED, THE CONTRACT OR AGREEMENT IS  
17 DEEMED TO INCLUDE PROVISIONS PROVIDED IN SUBSECTION (5)(c) OF THIS  
18 SECTION, IF THE PRIMARY PURPOSE OF THE CONTRACT IS TO ACQUIRE  
19 SUPPLIES OR SERVICES, CONSTRUCTION, OR THE DISPOSAL OF SUPPLIES FOR  
20 THE BENEFIT OF THE STATE AGENCY OR PUBLIC ENTITY.

21           (II) NOTWITHSTANDING SUBSECTION (5)(b)(I) OF THIS SECTION,  
22 THIS SUBSECTION (5) DOES NOT APPLY TO PUBLIC SCHOOL CONTRACTS  
23 DESCRIBED IN SECTION 22-1-135, OR CONTRACTS OR AGREEMENTS FOR  
24 PROFESSIONAL SERVICES AS DEFINED IN SECTION 24-30-1402.

25           (c) (I) THE CONTRACTOR SHALL COMPLY WITH THE ACCESSIBILITY  
26 STANDARDS FOR AN INDIVIDUAL WITH A DISABILITY ADOPTED BY THE  
27 OFFICE OF INFORMATION TECHNOLOGY PURSUANT TO SECTION 24-85-103.

28           (II) THE CONTRACTOR SHALL INDEMNIFY, HOLD HARMLESS, AND  
29 ASSUME LIABILITY ON BEHALF OF THE STATE AGENCY OR PUBLIC ENTITY,  
30 AND THE STATE AGENCY'S OR PUBLIC ENTITY'S OFFICERS, EMPLOYEES, AND  
31 AGENTS, FOR ALL COSTS, EXPENSES, CLAIMS, DAMAGES, LIABILITIES,  
32 COURT AWARDS, ATTORNEY FEES AND RELATED COSTS, AND ANY OTHER  
33 AMOUNTS INCURRED BY THE STATE AGENCY OR PUBLIC ENTITY IN  
34 RELATION TO THE CONTRACTOR'S NONCOMPLIANCE WITH THE  
35 ACCESSIBILITY STANDARDS FOR AN INDIVIDUAL WITH A DISABILITY  
36 ADOPTED BY THE OFFICE OF INFORMATION TECHNOLOGY PURSUANT TO  
37 SECTION 24-85-103.

38           (d) THE STATE AGENCY OR PUBLIC ENTITY MAY REQUIRE THAT THE  
39 CONTRACTOR'S COMPLIANCE WITH ACCESSIBILITY STANDARDS FOR AN  
40 INDIVIDUAL WITH A DISABILITY ADOPTED BY THE OFFICE OF INFORMATION  
41 TECHNOLOGY PURSUANT TO SECTION 24-85-103 IS DETERMINED AND  
42 ATTESTED TO BY A QUALIFIED THIRD PARTY SELECTED BY THE STATE  
43 AGENCY OR PUBLIC ENTITY.".

44 Renumber succeeding section accordingly.

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