

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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