

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 16-0901.01 Jason Gelender x4330

SENATE BILL 16-122

SENATE SPONSORSHIP

Baumgardner,

HOUSE SPONSORSHIP

Nordberg and Brown,

Senate Committees

Transportation

House Committees

Transportation & Energy

A BILL FOR AN ACT

101 **CONCERNING ADDITIONAL OVERSIGHT OF THE ACTIVITIES OF THE**
102 **DEPARTMENT OF TRANSPORTATION.**

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://www.leg.state.co.us/bills summaries>.)

The bill requires additional oversight of the department of transportation (CDOT) as follows:

- ! **Section 1** requires the state auditor to conduct a risk-based performance audit of CDOT no later than June 30, 2018.
- ! **Section 2** limits CDOT's existing authority to enter into a

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

HOUSE
Amended 2nd Reading
March 24, 2016

SENATE
3rd Reading Unamended
February 29, 2016

SENATE
Amended 2nd Reading
February 26, 2016

lease-purchase agreement that requires total payments exceeding \$500,000 without specific prior authorization by a bill enacted by the general assembly to lease-purchase agreements for the lease and purchase of personal property only.

! **Section 3** requires CDOT:

! To close each transportation project and release any money budgeted for the project as quickly as feasible and within one year following the substantial completion of the project unless a pending legal claim related to the project or an unusual circumstance beyond the control of CDOT unavoidably requires a longer time to close the project;

! To report on its public website within 2 weeks of a competitively bid transportation contract award, the identity of the winning bidder, the amount of the winning bid, and whether or not the bid awarded was the low bid, and, if not, why CDOT chose the bid over a lower bid;

! To annually report to the transportation commission regarding the percentages and total amount of money budgeted and expended during the preceding fiscal year for payments to private sector contractors for work on transportation projects and total transportation project costs for projects completed by CDOT employees, including indirect cost recoveries and employee salaries; and

! On or after July 1, 2016, and on and after July 1 of each year thereafter, to report to the transportation legislation review committee regarding amendments made to the statewide transportation improvement plan that were adopted during the most recently ended fiscal year and that added or deleted a project from the plan or modified the funding priority of any project included in the plan. The report must include an explanation of the reasons for each reported policy amendment and administrative action amendment.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 2-3-122 as

1 follows:

2 **2-3-122. Risk-based performance audit of department of**
3 **transportation - repeal.** (1) NO LATER THAN JUNE 30, 2018, THE STATE
4 AUDITOR SHALL CONDUCT OR CAUSE TO BE CONDUCTED A RISK-BASED
5 PERFORMANCE AUDIT OF THE DEPARTMENT OF TRANSPORTATION.

6 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018.

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8 **SECTION 2.** In Colorado Revised Statutes, **add** 43-1-123 as
9 follows:

10 **43-1-123. Project closure and project reporting requirements.**

11 (1) THE DEPARTMENT SHALL CLOSE EACH TRANSPORTATION PROJECT AND
12 RELEASE ANY MONEY BUDGETED FOR THE PROJECT AS QUICKLY AS
13 FEASIBLE AND WITHIN ONE YEAR FOLLOWING THE SUBSTANTIAL
14 COMPLETION OF THE PROJECT UNLESS A PENDING LEGAL CLAIM RELATING
15 TO THE PROJECT OR AN UNUSUAL CIRCUMSTANCE BEYOND THE CONTROL
16 OF THE DEPARTMENT UNAVOIDABLY REQUIRES A LONGER TIME TO CLOSE
17 THE PROJECT.

18 (2) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW, FOR
19 TRANSPORTATION PROJECTS FOR WHICH THE DEPARTMENT AWARDS A
20 COMPETITIVELY BID CONTRACT ON OR AFTER JULY 1, 2016, THE
21 DEPARTMENT SHALL REPORT ON ITS PUBLIC WEBSITE WITHIN THIRTY DAYS
22 OF THE CONTRACT AWARD:

23 (a) THE IDENTITY OF THE WINNING BIDDER;

24 (b) THE AMOUNT OF THE WINNING BID; AND

25 (c) WHETHER OR NOT THE BID AWARDED WAS THE LOW BID, AND,
26 IF NOT, WHY THE DEPARTMENT CHOSE THE BID OVER A LOWER BID.

27 (3) NO LATER THAN NOVEMBER 1, 2017, AND NO LATER THAN

1 NOVEMBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL
2 REPORT TO THE TRANSPORTATION COMMISSION REGARDING THE
3 PERCENTAGES AND TOTAL AMOUNT OF MONEY BUDGETED AND EXPENDED
4 DURING THE PRECEDING FISCAL YEAR FOR:

5 (a) PAYMENTS TO PRIVATE SECTOR CONTRACTORS FOR WORK ON
6 TRANSPORTATION PROJECTS; AND

7 (b) TOTAL TRANSPORTATION PROJECT COSTS FOR PROJECTS
8 COMPLETED BY DEPARTMENT EMPLOYEES, INCLUDING INDIRECT COST
9 RECOVERIES AND EMPLOYEE SALARIES.

10 (4) ON OR AFTER JULY 1, 2016, AND ON AND AFTER JULY 1 OF
11 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE
12 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
13 43-2-145 (1) REGARDING ALL POLICY AMENDMENTS ■ ■ MADE TO THE
14 STATEWIDE TRANSPORTATION IMPROVEMENT PLAN THAT WERE ADOPTED
15 DURING THE MOST RECENTLY ENDED FISCAL YEAR AND THAT ADDED OR
16 DELETED A PROJECT FROM THE PLAN OR MODIFIED THE FUNDING PRIORITY
17 OF ANY PROJECT INCLUDED IN THE PLAN. THE REPORT SHALL INCLUDE AN
18 EXPLANATION OF THE REASONS FOR EACH REPORTED POLICY AMENDMENT.

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20 **SECTION 3. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.