

## CHAPTER 305

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**GOVERNMENT - STATE**

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## HOUSE BILL 21-1319

BY REPRESENTATIVE(S) Duran, Bacon, Benavidez, Bennett, Bird, Cutter, Exum, Gonzales-Gutierrez, Herod, Jackson, Mullica, Ortiz, Ricks, Snyder, Valdez D., Garnett;  
also SENATOR(S) Lee, Danielson, Moreno, Story.

**AN ACT****CONCERNING TEMPORARY MODIFICATIONS TO GENERAL PREVAILING RATE REQUIREMENTS FOR CERTAIN STATE CONTRACTS FOR PUBLIC PROJECTS.**

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

**SECTION 1.** In Colorado Revised Statutes, 24-92-203, **amend** (1); and **add** (1.5) as follows:

**24-92-203. Prevailing rate of wages and other payments - specifications in solicitations and contract - repeal.** (1) FOR SOLICITATIONS ISSUED FOR PUBLIC PROJECTS ON OR AFTER JANUARY 1, 2022, before awarding any contract for a public project in the amount of five hundred thousand dollars or more, an agency of government shall obtain from the director the general prevailing rate, as determined by the director pursuant to section 24-92-205, of the regular, holiday, and overtime wages paid and the general prevailing payments on behalf of employees to lawful welfare, pension, vacation, apprentice training, and educational funds in the state, for each employee needed to execute the contract for the public project. Payments to the funds must constitute an ordinary business expense deduction for federal income tax purposes by contractors and subcontractors.

(1.5) (a) FOR SOLICITATIONS ISSUED FOR PUBLIC PROJECTS ON OR AFTER JULY 1, 2021, BUT PRIOR TO JANUARY 1, 2022, BEFORE AWARDING ANY CONTRACT FOR A PUBLIC PROJECT IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS OR MORE, AN AGENCY OF GOVERNMENT SHALL OBTAIN DIRECTLY FROM THE UNITED STATES DEPARTMENT OF LABOR THE GENERAL PREVAILING RATE OF THE REGULAR, HOLIDAY, AND OVERTIME WAGES PAID AND THE PAYMENTS ON BEHALF OF EMPLOYEES TO THE WELFARE, PENSION, VACATION, APPRENTICE TRAINING, AND EDUCATION FUNDS IN THE STATE FOR EACH EMPLOYEE NEEDED TO EXECUTE THE CONTRACT FOR THE

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*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.*

PUBLIC PROJECT.

(b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JUNE 30, 2025.

**SECTION 2.** In Colorado Revised Statutes, 24-92-205, **amend** (1); and **add** (1.5) as follows:

**24-92-205. Investigation and determination of prevailing wages - filing of schedule - repeal.** (1) In determining the applicable prevailing wage for public projects pursuant to section 24-92-204, the director shall use appropriate wage determinations issued by the United States department of labor in accordance with the "Davis-Bacon Act", 40 U.S.C. sec. 3141, et seq., to establish the prevailing wage rates for the applicable trades or occupation for the geographic locality of the public project. BEGINNING ON JANUARY 1, 2022, the director shall keep a schedule on file in his or her office of the customary prevailing rate of wages and payments made to or on behalf of the employees, which shall be open to public inspection.

(1.5) (a) FOR SOLICITATIONS ISSUED FOR PUBLIC PROJECTS ON OR AFTER JULY 1, 2021, BUT PRIOR TO JANUARY 1, 2022, THE AGENCY OF GOVERNMENT SHALL KEEP A SCHEDULE ON FILE FOR THE LIFE OF THE PROJECT OF THE CUSTOMARY PREVAILING RATE OF WAGES AND PAYMENTS MADE TO OR ON BEHALF OF THE EMPLOYEES, WHICH SHALL BE OPEN TO PUBLIC INSPECTION.

(b) THE DIRECTOR SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE WHEN ALL THE PUBLIC PROJECTS COVERED BY SUBSECTION (1.5)(a) OF THIS SECTION HAVE BEEN COMPLETED BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US. THIS SUBSECTION (1.5) IS REPEALED EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

**SECTION 3.** In Colorado Revised Statutes, 24-92-208, **amend** (4) as follows:

**24-92-208. Apprenticeship contribution rate.** (4) To the extent feasible, the department of personnel shall publish an annual report detailing the amount of apprenticeship training contribution paid pursuant to subsections (2)(a), (2)(b), and (2)(c) of this section from information reported by the contracting agencies of government. AN ANNUAL REPORT ISSUED BY THE DEPARTMENT OF PERSONNEL PURSUANT TO THIS SUBSECTION (4) IS ONLY REQUIRED TO INCLUDE SOLICITATIONS ISSUED FOR PUBLIC PROJECTS ON OR AFTER JANUARY 1, 2022.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 23, 2021