

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 24-0281.01 Richard Sweetman x4333

HOUSE BILL 24-1307

HOUSE SPONSORSHIP

Lieder and Hamrick, Amabile, Boesenecker, Brown, Clifford, Daugherty, Duran, English, Froelich, Jodeh, Joseph, Lindstedt, Mabrey, Marshall, Marvin, Ortiz, Ricks, Rutinel, Snyder, Titone, Valdez, Velasco, Willford, Woodrow

SENATE SPONSORSHIP

Marchman and Danielson,

House Committees

Education
Appropriations

Senate Committees

Business, Labor, & Technology

A BILL FOR AN ACT

101 **CONCERNING HVAC INFRASTRUCTURE IMPROVEMENT PROJECTS IN**
102 **SCHOOLS.**

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://leg.colorado.gov>.)

The bill requires a school district board of education, a charter school, an institute charter school, a board of cooperative services, or the Colorado school for the deaf and the blind (school administrative entity) to satisfy certain requirements concerning installation, inspection, and maintenance of heating, ventilation, and air conditioning (HVAC) systems in schools if the school administrative entity undertakes HVAC

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
May 6, 2024

HOUSE
3rd Reading Unamended
April 26, 2024

HOUSE
Amended 2nd Reading
April 25, 2024

infrastructure improvements using money made available by a federal government source or by a federal government source in combination with a state government source specifically for such purpose.

The requirements established in the bill concern:

- Ventilation verification assessments, which include assessments of an HVAC system's filtration, ventilation exhaust, economizers, demand control ventilation, air distribution and building pressurization, general maintenance requirements, operational controls, and carbon dioxide output;
- The preparation of HVAC assessment reports;
- The review of HVAC assessment reports by mechanical engineers, who make recommendations regarding necessary repairs and improvements and estimate associated costs;
- HVAC adjustments, repairs, upgrades, and replacements;
- The preparation of HVAC verification reports and the submission of the reports to the state board of education; and
- Periodic inspections and ongoing maintenance.

The bill establishes mandatory criteria that an HVAC contractor must satisfy in order to perform work described in the bill. A school administrative entity that undertakes HVAC infrastructure improvements using money made available by a federal government source or by a federal government source in combination with a state government source must do so using only contractors on the certified contractor list established by the department of labor and employment.

The bill allows a school administrative entity to apply for grants to pay for HVAC infrastructure improvement projects and establishes requirements for school administrative entities that apply for grants from federal and state government sources.

The bill allows the governor's office to expend money from the "Infrastructure Investment and Jobs Act" cash fund to provide grant writing support and project planning support to school administrative entities that are undertaking HVAC infrastructure improvement projects.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Students and staff in Colorado's public schools deserve access
5 to clean, healthy air along with proper heating and cooling to improve

1 their opportunities to learn;

2 (b) Indoor air quality is one of several toxic threats to students in
3 schools;

4 (c) The condition of inadequate school facilities can expose
5 students and staff to mold and legacy toxins such as lead, asbestos, and
6 industrial products and chemicals known as PCBs; poor air quality and
7 temperature control; inadequate lighting; and excessive noise; and

8 (d) Improving the air quality in schools can result in higher
9 attendance, better cognitive function, less asthma and other respiratory
10 health problems, and improved academic performance.

11 (2) The general assembly further finds that:

12 (a) In Colorado, many of the conditions that cause unhealthy
13 indoor air and environmental quality impact Colorado school buildings;

14 (b) Various Colorado schools have been featured in news stories
15 profiling funding shortages, heating and cooling issues, and the need for
16 facility improvements;

17 (c) The department of education's own Facility Insight Dashboard
18 reports the average age of school infrastructure to be forty years; and

19 (d) State school buildings receive a poor score on the department
20 of education's Facility Condition Index.

21 (3) The general assembly further finds that:

22 (a) Despite efforts by state agencies and school districts to
23 improve indoor environmental quality in classrooms and other school
24 buildings, many of Colorado's school districts lack the funding and staff
25 to improve facility conditions and thereby improve school health
26 outcomes;

27 (b) According to the American Society of Civil Engineers' 2020

1 infrastructure report card, Colorado schools have an approximately \$14
2 billion funding gap between the need for infrastructure replacements,
3 repairs, or upgrades and money available from regular funding and budget
4 processes;

5 (c) The current funding sources for schools do not equitably
6 distribute funds, leaving many schools in rural and disproportionately
7 impacted communities unable to pay for necessary retrofits and updates;

8 (d) The passage of the federal "Inflation Reduction Act of 2022"
9 and "Bipartisan Infrastructure Law", which was enacted in the federal
10 "Infrastructure Investment and Jobs Act", have made billions of dollars
11 in federal money available to combine with current and planned state or
12 local funding that can help public schools improve air quality, improve
13 student performance and staff retention, and realize significant energy
14 savings for school districts;

15 (e) Accessing this federal money would not only improve air
16 quality in schools but also bring billions of dollars in economic
17 investments in quality projects to Colorado communities and workers;
18 and

19 (f) Unfortunately, many of the schools with the most pressing
20 infrastructure improvement needs lack the staff capacity to track, apply
21 for, and manage grant funding available at the state and federal level.

22 (4) Therefore, the general assembly declares that, in order to help
23 schools address health concerns and energy efficiency needs, this act:

24 (a) Makes local education providers, including the Colorado
25 school for the deaf and the blind, eligible to receive grants from the
26 "Infrastructure Investment and Jobs Act" cash fund created in Senate Bill
27 22-215, which was enacted in 2022;

1 (b) Authorizes the governor's office to coordinate with outside
2 entities to provide local education providers, including the Colorado
3 school for the deaf and the blind, with project planning, grant writing, and
4 other technical assistance, such as school ventilation and energy
5 efficiency verification, as needed;

6 (c) Ensures that school districts' federal funding applications
7 remain competitive by requiring the use of certified contractors or the
8 negotiation of a project labor agreement to complete HVAC infrastructure
9 improvement projects receiving federal funding and requiring compliance
10 with the labor standards outlined in federal funding opportunities; ___

11 (d) Will save schools money by ensuring that facility improvement
12 projects are completed by a highly skilled workforce and result in
13 measurable energy efficiency improvements and health improvements for
14 students and staff; and

15 (e) Allows Colorado's school districts to choose to undergo an
16 HVAC assessment and find a pathway to fund any improvements
17 identified without mandating that any school must undergo an assessment
18 or HVAC improvements.

19 **SECTION 2.** In Colorado Revised Statutes, **add** 22-32-152 as
20 follows:

21 **22-32-152. School ventilation and energy efficiency**
22 **verification and repair - definitions - applicability of section -**
23 **ventilation verification assessment - filtration - HVAC assessment**
24 **report - mechanical engineer review - adjustments, repairs, upgrades,**
25 **and replacements - HVAC verification report - periodic inspections**
26 **and ongoing maintenance - certified contractors - grants.**

27 (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT

1 OTHERWISE REQUIRES:

2 (a) "ANAB" MEANS THE AMERICAN NATIONAL STANDARDS
3 INSTITUTE NATIONAL ACCREDITATION BOARD.

4 (b) "ASHRAE" MEANS THE AMERICAN SOCIETY OF HEATING,
5 REFRIGERATION AND AIR-CONDITIONING ENGINEERS.

6 (c) "CERTIFIED CONTRACTOR" MEANS A CONTRACTOR ON THE
7 CERTIFIED CONTRACTOR LIST.

8 (d) "CERTIFIED CONTRACTOR LIST" MEANS THE CERTIFIED
9 CONTRACTOR LIST CREATED BY THE DEPARTMENT OF LABOR AND
10 EMPLOYMENT PURSUANT TO SECTION 40-3.2-105.6 (3)(a).

11 (e) "CERTIFIED TAB TECHNICIAN" MEANS A TECHNICIAN
12 CERTIFIED TO PERFORM TESTING, ADJUSTING, AND BALANCING OF HVAC
13 SYSTEMS BY:

14 (I) THE ASSOCIATED AIR BALANCE COUNCIL;

15 (II) THE NATIONAL ENVIRONMENTAL BALANCING BUREAU;

16 (III) THE TESTING, ADJUSTING AND BALANCING BUREAU; OR

17 (IV) A SUCCESSOR ORGANIZATION OF AN ORGANIZATION NAMED
18 IN SUBSECTION (1)(e)(I), (1)(e)(II), OR (1)(e)(III) OF THIS SECTION.

19 (f) "CO2" MEANS CARBON DIOXIDE.

20 (g) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
21 CREATED IN SECTION 24-1-115.

22 (h) "HVAC" MEANS HEATING, VENTILATION, AND AIR
23 CONDITIONING.

24 (i) "HVAC ASSESSMENT REPORT" MEANS THE HVAC ASSESSMENT
25 REPORT DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

26 (j) "INTERNATIONAL MECHANICAL CODE" MEANS THE 2021
27 INTERNATIONAL MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL

1 CODE COUNCIL OR THE MOST RECENT VERSION ADOPTED BY THE OFFICE
2 OF THE STATE ARCHITECT CREATED IN SECTION 24-30-1302.5.

3 (k) "ISO/IEC 17024 PERSONNEL CERTIFICATION STANDARD"
4 MEANS THE ISO/IEC 17024 PERSONNEL CERTIFICATION ACCREDITATION
5 STANDARD DEVELOPED BY THE INTERNATIONAL ORGANIZATION FOR
6 STANDARDIZATION AND THE INTERNATIONAL ELECTROTECHNICAL
7 COMMISSION FOR THE PURPOSE OF CERTIFYING PERSONNEL.

8 (l) "LOCAL EDUCATION PROVIDER" MEANS:

9 (I) A LOCAL EDUCATION PROVIDER, AS DEFINED IN SECTION
10 22-16-103 (4); AND

11 (II) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND
12 CREATED IN SECTION 22-80-102.

13 (m) "MECHANICAL ENGINEER" MEANS A PROFESSIONAL ENGINEER
14 WHO IS LICENSED PURSUANT TO PART 2 OF ARTICLE 120 OF TITLE 12 AND
15 HAS PROFESSIONAL EXPERIENCE WITH HVAC SYSTEMS.

16 (n) "MERV" MEANS MINIMUM EFFICIENCY REPORTING VALUE, AS
17 ESTABLISHED BY ANAB/ASHRAE STANDARD 52.2-2017, "METHOD OF
18 TESTING GENERAL VENTILATION AIR-CLEANING DEVICES FOR REMOVAL
19 EFFICIENCY BY PARTICLE SIZE".

20 (o) "NOX" HAS THE MEANING SET FORTH IN SECTION 25-7-1502
21 (8).

22 (p) "OCCUPIED AREAS" MEANS THE CLASSROOMS, AUDITORIUMS,
23 GYMNASIUMS, CAFETERIAS, NURSES' OFFICES, RESTROOMS, AND OFFICES
24 OF A SCHOOL.

25 (q) "PPM" MEANS PARTS PER MILLION.

26 (r) "PROJECT LABOR AGREEMENT" HAS THE MEANING SET FORTH
27 IN 48 CFR 52.222-34.

1 (s) "QUALIFIED ADJUSTING PERSONNEL" MEANS:

2 (I) A CERTIFIED TAB TECHNICIAN; OR

3 (II) A WORKER WHO IS UNDER THE DIRECT SUPERVISION OF A
4 CERTIFIED TAB TECHNICIAN.

5 (t) "QUALIFIED PERSONNEL" MEANS QUALIFIED TESTING
6 PERSONNEL, QUALIFIED ADJUSTING PERSONNEL, OR OTHER WORKFORCE
7 THAT IS HIRED BY AND UNDER THE DIRECT SUPERVISION OF A CERTIFIED
8 CONTRACTOR FOR THE PURPOSE OF PERFORMING HVAC WORK.

9 (u) "QUALIFIED TESTING PERSONNEL" MEANS:

10 (I) A CERTIFIED TAB TECHNICIAN; OR

11 (II) AN INDIVIDUAL CERTIFIED TO PERFORM VENTILATION
12 ASSESSMENTS OF HVAC SYSTEMS BY THE INTERNATIONAL CERTIFICATION
13 BOARD OR THROUGH AN EQUIVALENT CERTIFICATION PROGRAM OR BODY
14 ACCREDITED UNDER THE ISO/IEC 17024 PERSONNEL CERTIFICATION
15 STANDARD.

16 (v) "REGISTERED APPRENTICESHIP PROGRAM" HAS THE MEANING
17 SET FORTH IN SECTION 8-15.7-101 (13).

18 (w) "SCHOOL" MEANS AN EDUCATIONAL FACILITY OPERATED BY
19 A LOCAL EDUCATION PROVIDER.

20 ==

21 ■

22 (x) "TAB" MEANS TESTING, ADJUSTING, AND BALANCING OF AN
23 HVAC SYSTEM.

24 (2) **Applicability of section.** (a) ON AND AFTER THE EFFECTIVE
25 DATE OF THIS SECTION, IF A LOCAL EDUCATION PROVIDER UNDERTAKES
26 HVAC INFRASTRUCTURE IMPROVEMENTS AT A SCHOOL USING MONEY
27 MADE AVAILABLE BY A FEDERAL GOVERNMENT SOURCE OR BY A FEDERAL

1 GOVERNMENT SOURCE IN COMBINATION WITH A STATE GOVERNMENT
2 SOURCE SPECIFICALLY FOR SUCH PURPOSE, THE LOCAL EDUCATION
3 PROVIDER SHALL COMPLY WITH THE PROCEDURES SET FORTH IN THIS
4 SECTION IN IMPLEMENTING THE HVAC INFRASTRUCTURE IMPROVEMENTS.

5 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
6 CONTRARY, A LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO SATISFY
7 THE REQUIREMENTS OF THIS SECTION UNLESS THE LOCAL EDUCATION
8 PROVIDER RECEIVES MONEY FROM A FEDERAL GOVERNMENT SOURCE OR
9 FROM A FEDERAL GOVERNMENT SOURCE IN COMBINATION WITH A STATE
10 GOVERNMENT SOURCE, WHICH MONEY IS MADE AVAILABLE FOR THE
11 SPECIFIC PURPOSE OF IMPLEMENTING HVAC SYSTEM IMPROVEMENTS.

12 (3) **Ventilation verification assessment.** QUALIFIED PERSONNEL
13 SHALL PERFORM ALL OF THE FOLLOWING:

14 (a) **Filtration.** MERV 13 OR BETTER FILTRATION MUST BE
15 INSTALLED IN A SCHOOL'S HVAC SYSTEM WHERE FEASIBLE. QUALIFIED
16 PERSONNEL SHALL:

17 (I) REVIEW SYSTEM CAPACITY AND AIRFLOW TO DETERMINE THE
18 HIGHEST MERV FILTRATION THAT CAN BE INSTALLED WITHOUT
19 ADVERSELY IMPACTING EQUIPMENT;

20 (II) REPLACE OR UPGRADE FILTERS WHERE NEEDED AND VERIFY
21 THAT FILTERS ARE INSTALLED CORRECTLY; AND

22 (III) ISSUE RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE,
23 FREQUENCY OF FILTER REPLACEMENTS, OR UPGRADES TO ALLOW FOR
24 MORE PROTECTIVE FILTRATION AND RECORD THE RECOMMENDATIONS IN
25 THE HVAC ASSESSMENT REPORT.

26 (b) **Ventilation and exhaust.** AFTER ASSESSING THE FILTRATION
27 AS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, QUALIFIED

1 PERSONNEL SHALL ASSESS THE VENTILATION RATES IN THE SCHOOL'S
2 OCCUPIED AREAS TO DETERMINE WHETHER THEY MEET THE MINIMUM
3 VENTILATION RATE REQUIREMENTS SET FORTH IN THE INTERNATIONAL
4 MECHANICAL CODE. ASSESSMENT OF THE VENTILATION AND EXHAUST
5 MUST INCLUDE ALL THE FOLLOWING:

6 (I) CALCULATION OF THE ESTIMATED MINIMUM OUTSIDE AIR
7 VENTILATION RATES FOR EACH OCCUPIED AREA BASED ON THE MAXIMUM
8 ANTICIPATED OCCUPANCY AND THE MINIMUM REQUIRED VENTILATION
9 RATE PER OCCUPANT. CALCULATIONS MUST BE BASED ON MAXIMUM
10 ANTICIPATED CLASSROOM OR OTHER OCCUPIED AREA OCCUPANCY RATES
11 AND DETERMINED BY THE INTERNATIONAL MECHANICAL CODE;

12 (II) MEASUREMENT OF OUTSIDE AIR AND VERIFICATION THAT THE
13 SYSTEM PROVIDES THE MINIMUM OUTSIDE AIR VENTILATION RATES
14 CALCULATED PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION;

15 (III) VERIFICATION OF COIL VELOCITIES AND UNIT DISCHARGE AIR
16 TEMPERATURES REQUIRED TO MAINTAIN DESIRED INDOOR CONDITIONS
17 AND TO AVOID MOISTURE CARRYOVER FROM COOLING COILS;

18 (IV) VERIFICATION THAT SEPARATION BETWEEN OUTDOOR AIR
19 INTAKES AND EXHAUST DISCHARGE OUTLETS MEETS THE REQUIREMENTS
20 OF THE INTERNATIONAL MECHANICAL CODE;

21 (V) CONFIRMATION THAT THE AIR HANDLING UNIT IS BRINGING IN
22 OUTDOOR AIR AND REMOVING EXHAUST AIR AS INTENDED BY THE SYSTEM
23 DESIGN; AND

24 (VI) MEASUREMENT OF ALL EXHAUST AIR VOLUME FOR EXHAUST
25 FANS, SUCH AS RESTROOM EXHAUST FANS, INCLUDING DOCUMENTATION
26 OF ANY DISCREPANCIES FROM SYSTEM DESIGN.

27 (c) **Economizers.** FOR HVAC SYSTEMS WITH ECONOMIZERS,

1 QUALIFIED PERSONNEL SHALL TEST SYSTEM ECONOMIZER DAMPERS FOR
2 PROPER OPERATION. ECONOMIZER DAMPERS AND CONTROLS THAT ARE
3 NOT PROPERLY FUNCTIONING SHALL BE REPAIRED BY A CERTIFIED
4 CONTRACTOR AND THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL.
5 QUALIFIED PERSONNEL SHALL RECORD RECOMMENDATIONS FOR
6 ADDITIONAL MAINTENANCE, REPLACEMENT, OR UPGRADES IN THE HVAC
7 ASSESSMENT REPORT.

8 (d) **Demand control ventilation.** (I) IF DEMAND CONTROL
9 VENTILATION SYSTEMS ARE INSTALLED, QUALIFIED PERSONNEL SHALL
10 VERIFY THEIR PROPER OPERATION.

11 (II) DEMAND CONTROL VENTILATION SYSTEMS THAT ARE NOT
12 PROPERLY FUNCTIONING SHALL BE REPAIRED BY A CERTIFIED CONTRACTOR
13 AND THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL.

14 (III) IF A DEMAND CONTROL VENTILATION SYSTEM IS
15 RECOMMENDED TO BE DISABLED OR IS UNABLE TO PROVIDE
16 RECOMMENDED VENTILATION RATES, THE HVAC SYSTEM MUST BE
17 CONFIGURED TO MEET THE MINIMUM VENTILATION RATE REQUIREMENTS
18 WITHOUT USE OF THE DEMAND CONTROL VENTILATION SYSTEM AND
19 TESTED AND ADJUSTED TO ACHIEVE THE ESTIMATED MINIMUM OUTSIDE
20 AIR VENTILATION RATE, AS DESCRIBED IN SUBSECTION (3)(b)(I) OF THIS
21 SECTION.

22 (IV) QUALIFIED PERSONNEL SHALL RECORD RECOMMENDATIONS
23 FOR ADDITIONAL MAINTENANCE, REPLACEMENT, OR UPGRADES IN THE
24 HVAC ASSESSMENT REPORT.

25 (e) **Air distribution and building pressurization.** (I) QUALIFIED
26 PERSONNEL SHALL:

27 (A) PERFORM SURVEY READINGS OF INLETS AND OUTLETS TO

1 VERIFY THAT ALL VENTILATION IS REACHING THE SERVED ZONES AND
2 THAT THERE IS ADEQUATE AIR DISTRIBUTION;

3 (B) VERIFY THAT INLETS AND OUTLETS ARE BALANCED WITHIN
4 TOLERANCE OF THE SYSTEM DESIGN; AND

5 (C) DOCUMENT READ VALUES AND DEFICIENCIES. IF THE ORIGINAL
6 SYSTEM DESIGN VALUES ARE NOT AVAILABLE, QUALIFIED PERSONNEL
7 SHALL DOCUMENT AVAILABLE INFORMATION AND NOTE THE
8 UNAVAILABILITY OF SYSTEM DESIGN VALUES IN THE HVAC ASSESSMENT
9 REPORT.

10 (II) QUALIFIED PERSONNEL SHALL VERIFY BUILDING AND SPACE
11 PRESSURE TO ENSURE THAT:

12 (A) THE PRESSURE DIFFERENTIAL IS WITHIN TOLERANCE OF
13 DESIGN, IF KNOWN;

14 (B) THE SCHOOL BUILDING IS NOT OVER PRESSURIZED; AND

15 (C) IF APPLICABLE, ROOMS DESIGNATED FOR TEMPORARY
16 OCCUPATION BY SICK STUDENTS OR STAFF MAINTAIN A NEGATIVE
17 PRESSURE, OR AS OTHERWISE DESIGNED.

18 (f) **General maintenance.** QUALIFIED PERSONNEL SHALL VERIFY
19 COIL CONDITION, CONDENSATE DRAINAGE, COOLING COIL AIR
20 TEMPERATURE DIFFERENTIAL (ENTERING AND LEAVING DRY BULB), HEAT
21 EXCHANGER AIR TEMPERATURE DIFFERENTIAL (ENTERING AND LEAVING
22 DRY BULB), AND DRIVE ASSEMBLY CONDITION. QUALIFIED PERSONNEL
23 SHALL RECORD RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE,
24 REPLACEMENT, OR UPGRADES IN THE HVAC ASSESSMENT REPORT.

25 (g) **Operational controls.** QUALIFIED PERSONNEL SHALL REVIEW
26 CONTROL SEQUENCES TO VERIFY THAT SYSTEMS WILL MAINTAIN INTENDED
27 VENTILATION, TEMPERATURE, AND HUMIDITY CONDITIONS DURING SCHOOL

1 OPERATION.

2 (h) **CO2 monitoring.** (I) AS AN INDICATOR OF PROPER
3 VENTILATION THROUGHOUT THE SCHOOL YEAR, OCCUPIED AREAS, AS
4 DETERMINED BY QUALIFIED PERSONNEL, MUST BE EQUIPPED WITH A CO2
5 MONITOR THAT:

6 (A) IS HARDWIRED, PLUG-IN, OR BATTERY OPERATED AND
7 MOUNTED TO THE WALL AT LEAST THREE FEET BUT LESS THAN SIX FEET
8 ABOVE THE FLOOR AND AT LEAST FIVE FEET AWAY FROM THE DOOR AND
9 ANY OPERABLE WINDOWS;

10 (B) DISPLAYS THE CO2 READINGS TO THE SCHOOL FACILITIES
11 MANAGER OR DESIGNATED STAFF MEMBER THROUGH A DISPLAY ON THE
12 DEVICE OR OTHER MEANS, SUCH AS A WEB-BASED APPLICATION OR CELL
13 PHONE APPLICATION;

14 (C) NOTIFIES THE SCHOOL FACILITIES MANAGER OR DESIGNATED
15 STAFF MEMBER THROUGH A VISUAL INDICATOR OR OTHER ALERT, SUCH AS
16 AN E-MAIL, A TEXT, OR A CELL PHONE APPLICATION, WHEN CO2 LEVELS IN
17 THE OCCUPIED AREAS, AS DETERMINED BY QUALIFIED PERSONNEL, HAVE
18 EXCEEDED ONE THOUSAND ONE HUNDRED PPM;

19 (D) MAINTAINS A RECORD OF PREVIOUS DATA, WHICH RECORD
20 INCLUDES AT LEAST THE MAXIMUM CO2 CONCENTRATION MEASURED;

21 (E) HAS A MEASUREMENT RANGE OF AT LEAST FOUR HUNDRED TO
22 FIVE THOUSAND PPM; AND

23 (F) IS CERTIFIED BY THE MANUFACTURER TO BE ACCURATE WITHIN
24 SEVENTY-FIVE PPM AT ONE THOUSAND PPM CO2 CONCENTRATION AND TO
25 REQUIRE CALIBRATION NO MORE FREQUENTLY THAN ONCE EVERY FIVE
26 YEARS.

27 (II) QUALIFIED PERSONNEL SHALL VERIFY THAT THE CO2

1 MONITORS ARE ACCURATE WITHIN SEVENTY-FIVE PPM AT ONE THOUSAND
2 PPM CO₂.

3 (III) IN SCHOOLS WHERE THERE IS LIMITED OR NO EXISTING
4 MECHANICAL VENTILATION, THE ASSESSMENT OF CO₂ MONITORING MUST
5 FOCUS ON DOCUMENTING EXISTING CONDITIONS AND PROVIDING THE
6 MECHANICAL ENGINEER WITH THE INFORMATION NEEDED TO PROVIDE
7 MECHANICAL VENTILATION UPGRADE RECOMMENDATIONS, IF NEEDED, TO
8 ENSURE PROPER VENTILATION AND INDOOR AIR QUALITY. OCCUPIED
9 AREAS WITH LIMITED OR NO EXISTING MECHANICAL VENTILATION MUST
10 HAVE CO₂ MONITORS INSTALLED.

11 (IV) IN THE HVAC ASSESSMENT REPORT, QUALIFIED PERSONNEL
12 SHALL INCLUDE VERIFICATION OF THE INSTALLATION OF CO₂ MONITORS
13 IN OCCUPIED AREAS, AS APPLICABLE.

14 (4) **HVAC assessment report.** QUALIFIED PERSONNEL SHALL
15 PREPARE AN HVAC ASSESSMENT REPORT FOR REVIEW BY A MECHANICAL
16 ENGINEER. THE HVAC ASSESSMENT REPORT MUST INCLUDE ALL OF THE
17 FOLLOWING INFORMATION:

18 (a) THE NAME AND ADDRESS OF THE SCHOOL AND THE CERTIFIED
19 CONTRACTOR COMPLETING THE WORK, INCLUDING THE NAME OF THE
20 QUALIFIED PERSONNEL PREPARING THE ASSESSMENT REPORT AND THE
21 NAME OF THE MECHANICAL ENGINEER CERTIFYING THE ASSESSMENT
22 REPORT;

23 (b) A DESCRIPTION OF ASSESSMENT, MAINTENANCE, ADJUSTMENT,
24 AND REPAIR ACTIVITIES AND OUTCOMES;

25 (c) DOCUMENTATION OF HVAC EQUIPMENT MODEL NUMBERS,
26 SERIAL NUMBERS, GENERAL CONDITION OF UNITS, AND ANY ADDITIONAL
27 INFORMATION THAT COULD BE USED TO ASSESS REPLACEMENT AND REPAIR

1 OPTIONS GIVEN THE POTENTIAL FOR INCREASED ENERGY EFFICIENCY
2 BENEFITS;

3 (d) VERIFICATION THAT EITHER:

4 (I) MERV 13 FILTERS HAVE BEEN INSTALLED; OR

5 (II) THE MAXIMUM MERV-RATED FILTER THAT THE SYSTEM IS
6 ABLE TO EFFECTIVELY HANDLE HAS BEEN INSTALLED, INCLUDING AN
7 INDICATION OF THE MERV RATING OF THAT FILTER;

8 (e) VERIFICATION THAT ALL REQUIREMENTS DESCRIBED IN THIS
9 SUBSECTION (4) HAVE BEEN SATISFIED, INCLUDING INSTALLATION OF CO2
10 MONITORS IN OCCUPIED AREAS;

11 (f) THE VERIFIED VENTILATION RATES FOR OCCUPIED AREAS AND
12 WHETHER THOSE RATES MEET THE ESTIMATED REQUIREMENTS SET FORTH
13 IN THE INTERNATIONAL MECHANICAL CODE;

14 (g) THE VERIFIED EXHAUST FOR OCCUPIED AREAS AND WHETHER
15 THOSE RATES MEET THE REQUIREMENTS OF THE SYSTEM'S DESIGN; AND

16 (h) DOCUMENTATION OF SYSTEM DEFICIENCIES AND
17 RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE, REPLACEMENT, OR
18 UPGRADES TO IMPROVE ENERGY EFFICIENCY, NOX EMISSIONS,
19 GREENHOUSE GAS EMISSIONS, SAFETY, OR PERFORMANCE, IF ANY.

20 (5) **Mechanical engineer review.** A MECHANICAL ENGINEER
21 SHALL:

22 (a) REVIEW THE HVAC ASSESSMENT REPORT;

23 (b) VERIFY OR ADJUST THE ESTIMATED MINIMUM OUTSIDE AIR
24 VENTILATION RATES;

25 (c) DETERMINE WHAT, IF ANY, ADDITIONAL ADJUSTMENTS,
26 REPAIRS, UPGRADES, OR REPLACEMENTS ARE NECESSARY TO MEET THE
27 MINIMUM VENTILATION AND FILTRATION REQUIREMENTS OF THE

1 INTERNATIONAL MECHANICAL CODE; [REDACTED]

2 (d) RECOMMEND A PATHWAY FOR REDUCING NOX EMISSIONS AND

3 GREENHOUSE GAS EMISSIONS; AND

4 (e) PROVIDE A COST ESTIMATE FOR ALL RECOMMENDED WORK.

5 (6) **Adjustments, repairs, upgrades, and replacements.** ALL

6 HVAC REPAIRS, UPGRADES, AND REPLACEMENTS SHALL BE PERFORMED

7 BY A CERTIFIED CONTRACTOR AND THE CERTIFIED CONTRACTOR'S

8 QUALIFIED PERSONNEL. ALL HVAC ADJUSTMENTS SHALL BE PERFORMED

9 BY QUALIFIED ADJUSTING PERSONNEL.

10 (7) **HVAC verification report.** (a) THE CERTIFIED CONTRACTOR

11 OR A MEMBER OF THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL

12 SHALL PREPARE AN HVAC VERIFICATION REPORT, AND THE LOCAL

13 EDUCATION PROVIDER SHALL SUBMIT THE HVAC VERIFICATION REPORT

14 TO THE DEPARTMENT WITHIN THIRTY DAYS AFTER COMPLETION OF ALL

15 WORK DESCRIBED IN SUBSECTIONS (3) TO (6) OF THIS SECTION.

16 (b) THE HVAC VERIFICATION REPORT MUST INCLUDE ALL OF THE

17 FOLLOWING INFORMATION:

18 (I) THE NAME AND ADDRESS OF THE SCHOOL AND THE PERSON

19 PREPARING AND CERTIFYING THE REPORT;

20 (II) A DESCRIPTION OF ASSESSMENT, MAINTENANCE, ADJUSTMENT,

21 REPAIR, UPGRADE, AND REPLACEMENT ACTIVITIES AND OUTCOMES;

22 (III) VERIFICATION THAT THE CERTIFIED CONTRACTOR OR THE

23 CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL HAS COMPLIED WITH ALL

24 REQUIREMENTS OF THIS SECTION;

25 (IV) VERIFICATION THAT EITHER:

26 (A) MERV 13 FILTERS HAVE BEEN INSTALLED; OR

27 (B) THE MAXIMUM MERV-RATED FILTER THAT THE SYSTEM IS

1 ABLE TO EFFECTIVELY HANDLE HAS BEEN INSTALLED, INCLUDING AN
2 INDICATION OF THE MERV RATING OF THAT FILTER;

3 (V) THE VERIFIED VENTILATION RATES FOR OCCUPIED AREAS AND
4 WHETHER THOSE RATES MEET THE REQUIREMENTS SET FORTH IN THE
5 INTERNATIONAL MECHANICAL CODE. IF VENTILATION RATES DO NOT MEET
6 APPLICABLE GUIDANCE, THEN THE HVAC VERIFICATION REPORT MUST
7 INCLUDE AN EXPLANATION OF WHY THE CURRENT SYSTEM IS UNABLE TO
8 MEET THOSE RATES.

9 (VI) THE VERIFIED EXHAUST RATES FOR OCCUPIED AREAS AND
10 WHETHER THOSE RATES MEET THE REQUIREMENTS SET FORTH IN THE
11 SYSTEM'S DESIGN;

12 (VII) DOCUMENTATION OF REPAIRS, UPGRADES, OR
13 REPLACEMENTS PERFORMED IN RESPONSE TO:

14 (A) THE HVAC ASSESSMENT REPORT; AND

15 (B) THE MECHANICAL ENGINEER'S RECOMMENDATIONS MADE
16 PURSUANT TO SUBSECTION (5) OF THIS SECTION;

17 (VIII) DOCUMENTATION OF RECOMMENDATIONS FOR ADDITIONAL
18 MAINTENANCE, REPAIRS, REPLACEMENTS, OR UPGRADES TO IMPROVE
19 ENERGY EFFICIENCY, NOX EMISSIONS, GREENHOUSE GAS EMISSIONS,
20 SAFETY, OR PERFORMANCE;

21 (IX) DOCUMENTATION OF THE MECHANICAL ENGINEER'S
22 RECOMMENDED PATHWAY FOR REDUCING NOX EMISSIONS AND
23 GREENHOUSE GAS EMISSIONS;

24 (X) DOCUMENTATION OF INITIAL OPERATING VERIFICATIONS,
25 ADJUSTMENTS, AND FINAL OPERATING VERIFICATIONS AND
26 DOCUMENTATION OF ANY ADJUSTMENTS OR REPAIRS PERFORMED;

27 (XI) VERIFICATION OF INSTALLATION OF CO2 MONITORS,

1 INCLUDING THE NUMBER OF MONITORS INSTALLED AND VERIFIED AND THE
2 MAKE AND MODEL OF EACH MONITOR; AND

3 (XII) VERIFICATION THAT ALL WORK HAS BEEN PERFORMED BY A
4 CERTIFIED CONTRACTOR OR THE CERTIFIED CONTRACTOR'S QUALIFIED
5 PERSONNEL, INCLUDING THE CONTRACTOR'S NAME, THE NAMES OF
6 QUALIFIED PERSONNEL, CERTIFICATION NUMBERS OF ANY QUALIFIED
7 PERSONNEL, AND VERIFICATION THAT ALL CONSTRUCTION WORK HAS BEEN
8 PERFORMED BY A CERTIFIED CONTRACTOR AND THE CERTIFIED
9 CONTRACTOR'S QUALIFIED PERSONNEL.

10 (c) THE LOCAL EDUCATION PROVIDER SHALL MAINTAIN A COPY OF
11 THE HVAC VERIFICATION REPORT FOR AT LEAST FIVE YEARS AND MAKE
12 IT AVAILABLE TO THE PUBLIC UPON REQUEST.

13 (8) **Periodic inspections and ongoing maintenance.** (a) AT
14 LEAST ONCE EVERY FIVE YEARS, QUALIFIED PERSONNEL SHALL PERFORM
15 THE DUTIES CONCERNING ASSESSMENT, MAINTENANCE, ADJUSTMENT,
16 OPERATIONAL CONTROLS, AND CO2 MONITORS DESCRIBED IN
17 SUBSECTIONS (3) TO (6) OF THIS SECTION.

18 (b) FOR CO2 MONITORS INSTALLED IN OCCUPIED AREAS, AS
19 DETERMINED BY QUALIFIED PERSONNEL, IF THE CO2 CONCENTRATION
20 ALARM SET POINT IS EXCEEDED FOR MORE THAN FIFTEEN MINUTES MORE
21 THAN FOUR TIMES IN A MONTH, QUALIFIED ADJUSTING PERSONNEL SHALL
22 EITHER ADJUST THE OCCUPIED AREA'S VENTILATION RATES OR INSTALL A
23 DIRECT OUTSIDE AIRFLOW MEASUREMENT DEVICE AND VERIFY ITS
24 ACCURACY TO ENSURE PEAK CO2 CONCENTRATIONS IN THE OCCUPIED
25 AREA REMAIN BELOW THE SET POINT.

26 (c) EACH LOCAL EDUCATION PROVIDER SHALL:

27 (I) RECORD EACH INCIDENT IN WHICH A CO2 CONCENTRATION

1 ALARM SET POINT WAS BREACHED;

2 (II) RETAIN EACH RECORD FOR AT LEAST FIVE YEARS; AND

3 (III) MAKE THE RECORDS AVAILABLE TO THE PUBLIC UPON

4 REQUEST.

5 (9) **Certified contractors.** (a) IF A LOCAL EDUCATION PROVIDER

6 UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS AS DESCRIBED IN

7 THIS SECTION USING MONEY MADE AVAILABLE BY FEDERAL GOVERNMENT

8 SOURCES OR FEDERAL GOVERNMENT SOURCES IN COMBINATION WITH

9 STATE GOVERNMENT SOURCES SPECIFICALLY FOR SUCH PURPOSE, THE

10 LOCAL EDUCATION PROVIDER SHALL:

11 (I) OBTAIN AND MAKE USE OF THE CERTIFIED CONTRACTOR LIST TO

12 ASSIST IN CONTRACTOR SELECTION AND ENSURE COMPLIANCE WITH

13 FEDERAL FUNDING REQUIREMENTS; AND

14 (II) EMPLOY ONLY CERTIFIED CONTRACTORS OR CONTRACTORS

15 THAT USE PREVAILING WAGES AND APPRENTICES REGISTERED WITH THE

16 FEDERAL DEPARTMENT OF LABOR OR THE STATE APPRENTICESHIP AGENCY

17 CREATED IN SECTION 8-15.7-102 FOR THE PERFORMANCE OF THE HVAC

18 INFRASTRUCTURE IMPROVEMENTS.

19 (b) THE DEPARTMENT SHALL PUBLISH THE CERTIFIED CONTRACTOR

20 LIST ON ITS WEBSITE AND INCLUDE OR REFERENCE THE LIST IN ALL OF THE

21 RELEVANT MARKETING MATERIAL FOR SCHOOL INFRASTRUCTURE

22 IMPROVEMENT PROGRAMS TO ASSIST IN CONTRACTOR SELECTION AND

23 ENSURE COMPLIANCE WITH FEDERAL FUNDING REQUIREMENTS.

24 (c) THE REQUIREMENT DESCRIBED IN SUBSECTION (9)(a) OF THIS

25 SECTION DOES NOT APPLY TO MECHANICAL, PLUMBING, AND ELECTRICAL

26 WORK THAT IS PERFORMED PURSUANT TO A PROJECT LABOR AGREEMENT,

27 WHICH ALLOWS A CONTRACTOR AND ALL SUBCONTRACTORS TO COMPETE

1 FOR CONTRACTS AND SUBCONTRACTS WITHOUT REGARD TO WHETHER
2 THEY ARE PARTIES TO A COLLECTIVE BARGAINING AGREEMENT.

3 (10) **Grants.** (a) TO ACQUIRE MONEY TO PAY FOR HVAC
4 INFRASTRUCTURE IMPROVEMENT PROJECTS AS DESCRIBED IN THIS
5 SECTION, A LOCAL EDUCATION PROVIDER MAY:

6 (I) SEEK AND ACQUIRE GRANT WRITING SUPPORT AND PROJECT
7 PLANNING SUPPORT FROM THE OFFICE OF THE GOVERNOR, AS DESCRIBED
8 IN SECTION 24-75-232;

9 (II) APPLY FOR GRANTS FROM FEDERAL AND STATE GOVERNMENT
10 SOURCES;

11 (III) UTILIZE THE REGIONAL GRANT NAVIGATOR PROGRAM
12 ADMINISTERED THROUGH THE GOVERNOR'S OFFICE; AND

13 (IV) COORDINATE WITH THIRD PARTIES WITH EXPERTISE
14 PERTAINING TO FEDERAL FUNDING APPLICATION TECHNICAL ASSISTANCE,
15 INCLUDING ASSISTANCE CONCERNING:

16 (A) SCHOOL VENTILATION AND ENERGY EFFICIENCY VERIFICATION;

17 (B) SUSTAINABILITY PROJECT PLANNING;

18 (C) GRANT WRITING;

19 (D) TECHNICAL ASSISTANCE, SUCH AS ENGINEERING OR
20 FEASIBILITY STUDIES, NEEDED TO IMPROVE OR MAKE THE CASE FOR A
21 GRANT APPLICATION;

22 (E) COMPLIANCE WITH FEDERAL LABOR STANDARDS;

23 (F) INCENTIVES FOR TAX CREDITS;

24 (G) PROCUREMENT MATERIALS ASSOCIATED WITH THE FEDERAL
25 "BUILD AMERICA, BUY AMERICA ACT", SECTION 70901 ET SEQ., OF THE
26 FEDERAL "INFRASTRUCTURE INVESTMENT AND JOBS ACT", PUB.L. 117-58;

27 (H) PROJECT FINANCING EXPERTISE, SUCH AS CREATING AN

1 ON-BILL FINANCING AND REPAYMENT PROGRAM;

2 (I) COMPLIANCE WITH LABOR STANDARDS OUTLINED IN FEDERAL
3 FUNDING GUIDANCE; AND

4 (J) COMMUNITY BENEFIT PLAN DEVELOPMENT AND COMMUNITY
5 BENEFIT AGREEMENT NEGOTIATION AND IMPLEMENTATION, SUCH AS BEST
6 PRACTICES OR CONSULTANT FUNDS FOR COMMUNITY MEMBERS.

7 (b) IN APPLYING FOR A GRANT AS DESCRIBED IN SUBSECTION
8 (10)(a)(II) OF THIS SECTION, A LOCAL EDUCATION PROVIDER SHALL
9 ENSURE THAT EACH GRANT APPLICATION INCLUDES A STATEMENT
10 ACKNOWLEDGING THAT THE LOCAL EDUCATION PROVIDER MUST COMPLY
11 WITH APPLICABLE LABOR STANDARDS REQUIRED IN ORDER FOR THE LOCAL
12 EDUCATION PROVIDER TO REMAIN COMPETITIVE FOR FEDERAL FUNDING
13 SOURCES, SPECIFICALLY GRANTS PROGRAMS UNDER THE FEDERAL
14 "INFRASTRUCTURE INVESTMENT AND JOBS ACT", PUB.L. 117-58, AND
15 RECEIVE FULL PREFERENCE POINTS FOR PROGRAMS UNDER THE FEDERAL
16 "INFLATION REDUCTION ACT," INCLUDED THEREIN, INCLUDING
17 STANDARDS PERTAINING TO:

18 (I) THE FEDERAL "DAVIS-BACON ACT OF 1931", PUB.L. 71-798;

19 (II) REGISTERED APPRENTICESHIP PROGRAMS AND OTHER LABOR
20 MANAGEMENT PARTNERSHIPS;

21 (III) PROJECT LABOR AGREEMENTS;

22 (IV) COMMUNITY WORKFORCE AGREEMENTS;

23 (V) COMMUNITY BENEFIT AGREEMENTS; AND

24 (VI) PREVENTION OF WORKER MISCLASSIFICATION.

25 (11) **Notices of receipt of federal grant funding.** A LOCAL
26 EDUCATION PROVIDER THAT RECEIVES FEDERAL GRANT FUNDING FOR
27 HVAC IMPROVEMENTS SHALL NOTIFY THE DEPARTMENT OF THE RECEIPT

1 OF THE FUNDING. THE DEPARTMENT SHALL PUBLISH ON ITS PUBLIC
2 WEBSITE NOTIFICATIONS OF ALL FEDERAL GRANT FUNDING THAT IS
3 AWARDED TO LOCAL EDUCATION PROVIDERS FOR HVAC IMPROVEMENTS.

4 **SECTION 3.** In Colorado Revised Statutes, **add** 22-5-123 as
5 follows:

6 **22-5-123. BOCES - ventilation and energy efficiency**
7 **verification and repair.** ON AND AFTER THE EFFECTIVE DATE OF THIS
8 SECTION, IF A BOCES UNDERTAKES HVAC INFRASTRUCTURE
9 IMPROVEMENTS USING MONEY MADE AVAILABLE BY A FEDERAL
10 GOVERNMENT SOURCE OR BY A FEDERAL GOVERNMENT SOURCE IN
11 COMBINATION WITH A STATE GOVERNMENT SOURCE SPECIFICALLY FOR
12 SUCH PURPOSE, THE BOCES SHALL COMPLY WITH THE REQUIREMENTS
13 DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE HVAC
14 INFRASTRUCTURE IMPROVEMENTS.

15 **SECTION 4.** In Colorado Revised Statutes, **add** 22-30.5-121 as
16 follows:

17 **22-30.5-121. Charter schools - ventilation and energy**
18 **efficiency verification and repair.** ON AND AFTER THE EFFECTIVE DATE
19 OF THIS SECTION, IF A CHARTER SCHOOL UNDERTAKES HVAC
20 INFRASTRUCTURE IMPROVEMENTS USING MONEY MADE AVAILABLE BY A
21 FEDERAL GOVERNMENT SOURCE OR BY A FEDERAL GOVERNMENT SOURCE
22 IN COMBINATION WITH A STATE GOVERNMENT SOURCE SPECIFICALLY FOR
23 SUCH PURPOSE, THE CHARTER SCHOOL SHALL COMPLY WITH THE
24 REQUIREMENTS DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE
25 HVAC INFRASTRUCTURE IMPROVEMENTS.

26 **SECTION 5.** In Colorado Revised Statutes, **add** 22-30.5-531 as
27 follows:

1 **22-30.5-531. Institute charter schools - ventilation and energy**
2 **efficiency verification and repair.** ON AND AFTER THE EFFECTIVE DATE
3 OF THIS SECTION, IF AN INSTITUTE CHARTER SCHOOL UNDERTAKES HVAC
4 INFRASTRUCTURE IMPROVEMENTS USING MONEY MADE AVAILABLE BY A
5 FEDERAL GOVERNMENT SOURCE OR BY A FEDERAL GOVERNMENT SOURCE
6 IN COMBINATION WITH A STATE GOVERNMENT SOURCE SPECIFICALLY FOR
7 SUCH PURPOSE, THE INSTITUTE CHARTER SCHOOL SHALL COMPLY WITH THE
8 REQUIREMENTS DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE
9 HVAC INFRASTRUCTURE IMPROVEMENTS.

10 **SECTION 6.** In Colorado Revised Statutes, **add** 22-80-120 as
11 follows:

12 **22-80-120. Ventilation and energy efficiency verification and**
13 **repair.** ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF THE
14 SCHOOL UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS USING
15 MONEY MADE AVAILABLE BY A FEDERAL GOVERNMENT SOURCE OR BY A
16 FEDERAL GOVERNMENT SOURCE IN COMBINATION WITH A STATE
17 GOVERNMENT SOURCE SPECIFICALLY FOR SUCH PURPOSE, THE SCHOOL
18 SHALL COMPLY WITH THE REQUIREMENTS DESCRIBED IN SECTION
19 22-32-152 IN IMPLEMENTING THE HVAC INFRASTRUCTURE
20 IMPROVEMENTS.

21 **SECTION 7.** In Colorado Revised Statutes, 24-75-232, **amend**
22 (1)(d) and (2)(d); and **add** (1)(d.5) and (5)(e) as follows:

23 **24-75-232. "Infrastructure Investment and Jobs Act" cash**
24 **fund - creation - allowable uses - report - legislative declaration -**
25 **definitions - repeal.** (1) The general assembly finds and declares that:

26 (d) In order for the state to be competitive for the highest range of
27 funding available to it under the federal act, it is necessary for

1 departments to have funds available as a nonfederal match, although due
2 to still-evolving federal guidance the amounts needed and specific types
3 of projects may not be known in time for this money to be appropriated
4 in the annual general appropriation act; and

5 (d.5) WITH THE PASSAGE OF THE "INFLATION REDUCTION ACT OF
6 2022" AND THE "BIPARTISAN INFRASTRUCTURE LAW" BILLIONS OF
7 DOLLARS IN FEDERAL MONEY ARE AVAILABLE TO HELP PUBLIC SCHOOLS
8 IMPROVE AIR QUALITY IN SCHOOLS, STUDENT PERFORMANCE, AND STAFF
9 RETENTION; AND

10 (2) As used in this section, unless the context otherwise requires:

11 (d) "Local government" means a county, a municipality, a city and
12 county, A LOCAL EDUCATION PROVIDER, or a special district.

13 (5) (e) (I) THE OFFICE SHALL USE EXISTING RESOURCES FUNDED BY
14 THE FUND TO PROVIDE GRANT WRITING SUPPORT, ADMINISTRATIVE
15 SUPPORT, AND PROJECT PLANNING PURSUANT TO SUBSECTION (1)(e)(V) OF
16 THIS SECTION TO SCHOOL DISTRICTS, BOCES, THE COLORADO SCHOOL
17 FOR THE DEAF AND THE BLIND, CHARTER SCHOOLS, AND INSTITUTE
18 CHARTER SCHOOLS, INCLUDING SUCH ENTITIES THAT ARE UNDERTAKING
19 HVAC INFRASTRUCTURE IMPROVEMENTS AS DESCRIBED IN SECTION
20 22-32-152.

21 (II) AS PART OF THE REPORT ISSUED PURSUANT TO SUBSECTION
22 (7)(a) OF THIS SECTION, THE OFFICE SHALL SUBMIT A REPORT TO THE JOINT
23 BUDGET COMMITTEE AND THE CAPITAL DEVELOPMENT COMMITTEE
24 CONCERNING THE NUMBER OF APPLICANTS FOR MATCHING FUNDS FROM
25 LOCAL EDUCATION PROVIDERS REVIEWED BY THE OFFICE BEFORE
26 OCTOBER 2, 2025. THE REPORT MUST INCLUDE THE AMOUNT OF
27 REQUESTED MATCHING FUNDS, THE RECOMMENDED AMOUNT OF

1 MATCHING FUNDS, AND AN EXPLANATION FOR THE DIFFERENCE, IF ANY,
2 BETWEEN THE REQUESTED AMOUNTS AND THE RECOMMENDED AMOUNTS.

3 (III) FOR THE PURPOSES OF THIS SUBSECTION (5)(e), THE OFFICE
4 MAY USE EXISTING MONEY APPROPRIATED FROM THE FUND TO PROVIDE
5 GRANT WRITING SUPPORT, ADMINISTRATIVE SUPPORT, AND PROJECT
6 PLANNING PURSUANT TO SUBSECTION (1)(e)(V) OF THIS SECTION TO
7 REVIEW THE WORK OF APPLICANTS AND TO CONNECT APPLICANTS WITH
8 THIRD PARTIES WITH EXPERTISE PERTAINING TO FEDERAL FUNDING
9 APPLICATION TECHNICAL ASSISTANCE, INCLUDING ASSISTANCE
10 CONCERNING:

11 (A) SCHOOL VENTILATION AND ENERGY EFFICIENCY VERIFICATION;

12 (B) SUSTAINABILITY PROJECT PLANNING;

13 (C) GRANT WRITING;

14 (D) TECHNICAL ASSISTANCE, SUCH AS ENGINEERING OR
15 FEASIBILITY STUDIES, NEEDED TO IMPROVE OR MAKE THE CASE FOR A
16 GRANT APPLICATION;

17 (E) COMPLIANCE WITH FEDERAL LABOR STANDARDS;

18 (F) INCENTIVES FOR TAX CREDITS;

19 (G) PROCUREMENT MATERIALS ASSOCIATED WITH THE FEDERAL
20 "BUILD AMERICA, BUY AMERICA ACT", SECTION 70901 ET SEQ., OF THE
21 FEDERAL "INFRASTRUCTURE INVESTMENT AND JOBS ACT", PUB.L. 117-58;

22 (H) PROJECT FINANCING EXPERTISE, SUCH AS CREATING AN
23 ON-BILL FINANCING AND REPAYMENT PROGRAM;

24 (I) COMPLIANCE WITH LABOR STANDARDS OUTLINED IN FEDERAL
25 FUNDING GUIDANCE; AND

26 (J) COMMUNITY BENEFIT PLAN DEVELOPMENT AND COMMUNITY
27 BENEFIT AGREEMENT NEGOTIATION AND IMPLEMENTATION, SUCH AS BEST

1 PRACTICES OR CONSULTANT FUNDS FOR COMMUNITY MEMBERS.

2 (IV) IF THERE ARE APPROVED APPLICATIONS FOR HVAC
3 INFRASTRUCTURE IMPROVEMENT PROJECTS AT SCHOOL PROJECTS AS
4 DESCRIBED IN SECTION 22-32-152, THE OFFICE MAY SEEK A
5 SUPPLEMENTAL APPROPRIATION FROM THE FUND.

6 **SECTION 8. Safety clause.** The general assembly finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety or for appropriations for
9 the support and maintenance of the departments of the state and state
10 institutions.