

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0718.01 Jed Franklin x5484

HOUSE BILL 25-1228

HOUSE SPONSORSHIP

Barron,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SUSTAINABILITY OF STATE TRANSPORTATION**
102 **INFRASTRUCTURE.**

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>.)

Currently, "best value" for design-build transportation contracts administered by the department of transportation (department) means the overall maximum value of a proposal to the department after considering all of the evaluation factors described in the specifications for the transportation project or the request for proposals. The bill changes the definition of "best value" to mean a determination resulting from an

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.*

analysis of proposals by the department to identify the proposal that offers the greatest overall value to the state or community, considering factors including:

- The initial cost and long-term life-cycle cost of the project, including a full life-cycle analysis use stage assessment that is service-environment specific and considers corrosion, predictable service environment changes, maintenance, and replacement rate on economic and environmental impact;
- Balancing initial costs with long-term value, giving consideration to proposals that prioritize durability, minimal maintenance, and life cycle performance to achieve sustainable outcomes;
- Technical quality and project performance;
- Sustainability, including resource efficiency, waste reduction, and energy conservation;
- Environmental impact, specifically the assessment and reduction of carbon emissions throughout the project's life cycle;
- Impact on local communities, including job creation, social equity, and minimization of disruptions to residents;
- Long-term public asset value, including resilience against climate impacts and minimized maintenance burdens to reduce total costs over the asset's lifespan; and
- Resilience based on predictable risk.

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

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

4 (a) Colorado is committed to fostering sustainability and
5 addressing climate change; and

6 (b) Public infrastructure projects should not only prioritize
7 economic and environmental cost efficiency in the initial project but
8 should also consider the cost over the lifetime of the project, long-term
9 sustainability, and community impact.

10 (2) The general assembly further finds and declares that amending
11 the definition of "best value" for transportation contracts to include

1 considerations of sustainability, life-cycle cost, community impacts, and
2 carbon emissions will ensure that transportation projects align with
3 Colorado's climate and environmental objectives.

4 **SECTION 2.** In Colorado Revised Statutes, 43-1-1402, **amend**
5 the introductory portion and (2) as follows:

6 **43-1-1402. Definitions.** As used in this part 14, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (2) "Best value" means the ~~overall maximum value of a proposal~~
9 ~~to the department after considering all of the evaluation factors described~~
10 ~~in the specifications for the transportation project or the request for~~
11 ~~proposals, including but not limited to the time needed for performance~~
12 ~~of the contract, innovative design approaches, the scope and quality of the~~
13 ~~work, work management, aesthetics, project control, and the total cost of~~
14 ~~the transportation project~~ DETERMINATION RESULTING FROM AN ANALYSIS
15 OF PROPOSALS BY THE DEPARTMENT TO IDENTIFY THE PROPOSAL THAT
16 OFFERS THE GREATEST OVERALL VALUE TO THE STATE OR COMMUNITY
17 THAT WILL BE IMPACTED BY THE PROJECT, CONSIDERING FACTORS
18 INCLUDING:

19 (a) THE INITIAL COST AND LONG-TERM LIFE-CYCLE COST OF THE
20 PROJECT, INCLUDING CONSIDERATION OF MAINTENANCE, REPAIR
21 FREQUENCY, AND THE LONG-TERM DURABILITY OF MATERIALS;

22 (b) BALANCING INITIAL COSTS WITH LONG-TERM VALUE, GIVING
23 CONSIDERATION TO PROPOSALS THAT PRIORITIZE DURABILITY, MINIMAL
24 MAINTENANCE, AND LIFE CYCLE PERFORMANCE TO ACHIEVE SUSTAINABLE
25 OUTCOMES;

26 (c) TECHNICAL QUALITY AND PROJECT PERFORMANCE, INCLUDING
27 THE USE OF ADVANCED MATERIALS THAT MAXIMIZE DURABILITY,

1 CORROSION RESISTANCE, AND STRUCTURAL LONGEVITY WHILE MINIMIZING
2 LIFE CYCLE MAINTENANCE AND ENVIRONMENTAL IMPACTS;

3 (d) SUSTAINABILITY, INCLUDING RESOURCE EFFICIENCY, WASTE
4 REDUCTION, MATERIAL RECYCLABILITY, AND ENERGY CONSERVATION;

5 (e) ENVIRONMENTAL IMPACT, SPECIFICALLY THE ASSESSMENT AND
6 REDUCTION OF CARBON EMISSIONS THROUGHOUT THE PROJECT'S LIFE
7 CYCLE, AND THE USE OF MATERIALS THAT MINIMIZE HARMFUL
8 ENVIRONMENTAL RUNOFF, FLAKING, OR PARTICLE SHEDDING, INCLUDING
9 MATERIALS TO PREVENT PROBLEMS LIKE RUST, METAL LEACHING, AND
10 PAINT FLAKING AND OTHER PROBLEMS THAT CAN CONTAMINATE
11 SURROUNDING ECOSYSTEMS;

12 (f) IMPACT ON LOCAL COMMUNITIES, INCLUDING JOB CREATION,
13 SOCIAL EQUITY, AND MINIMIZATION OF DISRUPTIONS TO RESIDENTS;

14 (g) LONG-TERM PUBLIC ASSET VALUE, INCLUDING RESILIENCE
15 AGAINST CLIMATE IMPACTS AND MINIMIZED MAINTENANCE BURDENS TO
16 REDUCE TOTAL COSTS OVER THE ASSET'S LIFESPAN; AND

17 (h) RESILIENCE BASED ON PREDICTABLE RISK.

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2026 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.