

CHAPTER 304

**GOVERNMENT - SPECIAL DISTRICTS**

HOUSE BILL 96-1360

BY REPRESENTATIVES Tucker and Young;  
also SENATOR Mutzebaugh.

**AN ACT**

**CONCERNING THE LIMITATION ON THE NUMBER OF VEHICLE HOURS THAT MAY BE AWARDED BY CONTRACT TO A PRIVATE PROVIDER TO PROVIDE BUS SERVICE WITHIN THE REGIONAL TRANSPORTATION DISTRICT.**

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

**SECTION 1.** 32-9-119.5 (3) (e), Colorado Revised Statutes, as amended, is amended to read:

**32-9-119.5. Competition to provide bus service within the regional transportation district.** (3) (e) (I) With respect to each request for proposals, the district shall award the contract to the technically qualified provider whose responsive proposal offers the lowest cost to the district. Except ~~that~~ AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (e), no one provider shall receive contracts covering more than fifty percent of the vehicle hours subject to such requests. ~~and~~ With respect to awards made ~~after January 1, 1994~~ ON OR AFTER THE EFFECTIVE DATE OF THIS ACT, the district shall NOT accept ~~no~~ A proposal from a provider, ~~providing~~ WHICH PROPOSAL COVERS fifty percent or more of the vehicle hours contracted by the district. Each contract shall be effective not later than ninety days after its award. If the district determines that no responsive proposals are received for a request for proposals or that the proposals submitted would not be in the best interests of the district to accept, the district may solicit new proposals for the designated service in accordance with the provisions of this section.

(II) IF THE DISTRICT DOES NOT RECEIVE A SUFFICIENT NUMBER OF PROPOSALS FROM TECHNICALLY QUALIFIED PROVIDERS TO AWARD CONTRACTS IN COMPLIANCE WITH THE FIFTY PERCENT LIMITATION PROVIDED FOR IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e) OR IF ALL PROPOSALS RECEIVED FROM TECHNICALLY QUALIFIED

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

PROVIDERS, OTHER THAN THE PROPOSAL SUBMITTED BY THE TECHNICALLY QUALIFIED PROVIDER THAT IS THE LOWEST BIDDER, CONTAIN BIDS THAT ARE FIVE PERCENT OR HIGHER THAN THE AMOUNT BID BY THE LOWEST BIDDER, THE DISTRICT MAY:

(A) AWARD A CONTRACT TO THE TECHNICALLY QUALIFIED PROVIDER THAT SUBMITS THE LOWEST BID FOR AN AGREED UPON NUMBER OF HOURS UP TO FIFTY PERCENT OF THE TOTAL NUMBER OF HOURS TO BE CONTRACTED BY THE DISTRICT AND REBID THE REMAINING HOURS; OR

(B) AWARD A CONTRACT TO THE TECHNICALLY QUALIFIED PROVIDER THAT SUBMITS THE LOWEST BID FOR AN AGREED UPON NUMBER OF HOURS UP TO FIFTY PERCENT OF THE TOTAL NUMBER OF HOURS TO BE CONTRACTED BY THE DISTRICT AND INCLUDE AN ADDENDUM TO THE CONTRACT AWARDED ALL OR AN ADDITIONAL AGREED UPON PERCENTAGE OF THE REMAINING NUMBER OF HOURS TO THAT PROVIDER ON SUCH TERMS AND CONDITIONS AS AGREED TO BY THE DISTRICT AND THE PROVIDER AND REBID THE REMAINING HOURS, IF ANY.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Became law without the Governor's signature: June 8, 1996