

## CHAPTER 266

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**TRANSPORTATION**

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**SENATE BILL 98-148**

BY SENATORS Powers, Arnold, and Tebedo;  
also REPRESENTATIVE Entz.

**AN ACT**

CONCERNING PUBLIC PROJECTS SUPERVISED BY THE DEPARTMENT OF TRANSPORTATION THAT ARE EXEMPT FROM THE REQUIREMENTS OF THE "CONSTRUCTION BIDDING FOR PUBLIC PROJECTS ACT".

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

**SECTION 1.** 24-92-102 (8), Colorado Revised Statutes, is amended to read:

**24-92-102. Definitions.** As used in this article, unless the context otherwise requires:

(8) (a) "Public project" means any construction, alteration, repair, demolition, or improvement of any land, building, structure, facility, road, highway, bridge, or other public improvement suitable for and intended for use in the promotion of the public health, welfare, or safety and any maintenance programs for the upkeep of such projects. ~~except that~~

(b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (8), "public project" does not include any project for which appropriation or expenditure of funds may be reasonably expected not to exceed fifty thousand dollars in the aggregate for any fiscal year.

(c) "PUBLIC PROJECT" DOES NOT INCLUDE ANY PROJECT UNDER THE SUPERVISION OF THE DEPARTMENT OF TRANSPORTATION FOR WHICH APPROPRIATION OR EXPENDITURE OF FUNDS MAY BE REASONABLY EXPECTED NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS IN THE AGGREGATE OF ANY FISCAL YEAR.

**SECTION 2.** 24-92-109 (1), Colorado Revised Statutes, is amended to read:

**24-92-109. Agency of government to submit cost estimate.** (1) Whenever an

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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.*

agency of government proposes to undertake the construction of a public project reasonably expected to cost in excess of fifty thousand dollars by any means or method other than by a contract awarded by competitive bid, it shall prepare and submit a cost estimate in the same manner as other bidders; EXCEPT THAT, FOR PROJECTS UNDER THE SUPERVISION OF THE DEPARTMENT OF TRANSPORTATION UNDERTAKEN BY SUCH MEANS OR METHOD, THE DEPARTMENT SHALL PREPARE AND SUBMIT A COST ESTIMATE IF THE PROJECT IS REASONABLY EXPECTED TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS. COST ESTIMATES IN EXCESS OF FIFTY THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED FIFTY THOUSAND DOLLARS SHALL BE SUBMITTED TO THE COLORADO TRANSPORTATION COMMISSION ON AT LEAST A QUARTERLY BASIS FOR ITS REVIEW AND APPROVAL. Such agency of government itself may not undertake the proposed project unless it shows the lowest cost estimate.

**SECTION 3. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

**SECTION 4. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 27, 1998