

CHAPTER 289

TRANSPORTATION

HOUSE BILL 01-1369

BY REPRESENTATIVE(S) Stafford, Cadman, Cloer, Coleman, Crane, Dean, Fairbank, Fritz, Hoppe, Johnson, Kester, King, Larson, Lee, Mace, Nuñez, Rhodes, Rippey, Schultheis, Scott, Snook, Spence, Spradley, Swenson, Webster, and Williams S.; also SENATOR(S) Tupa, Fitz-Gerald, and Hanna.

AN ACT

CONCERNING UNSOLICITED PROPOSALS FOR PUBLIC-PRIVATE INITIATIVES.

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

SECTION 1. 43-1-1203 (2) (d), Colorado Revised Statutes, is amended, and the said 43-1-1203 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

43-1-1203. Unsolicited and comparable proposals. (2) The department may consider an unsolicited proposal only if the proposal:

(d) Is not an advance proposal for a known department requirement that can be acquired by competitive methods UNLESS:

(I) THE DEPARTMENT HAS NOT ESTABLISHED A TIMETABLE FOR SATISFYING THE KNOWN REQUIREMENT IN EITHER THE STATE PLAN, AS SUCH TERM IS DEFINED IN SECTION 43-1-1102 (7), OR THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM THAT IS THE SHORT-RANGE ELEMENT OF THE STATE PLAN; OR

(II) THE PROPOSAL IS LIKELY TO SIGNIFICANTLY SHORTEN A TIMETABLE FOR SATISFYING THE KNOWN REQUIREMENT ESTABLISHED IN THE STATE PLAN OR THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM; and

(2.5) PARAGRAPHS (b) AND (c) OF SUBSECTION (2) OF THIS SECTION SHALL NOT BE DEEMED TO PROHIBIT THE DEPARTMENT FROM ENCOURAGING THE SUBMISSION OF UNSOLICITED PROPOSALS THAT ARE WELL-DEVELOPED AND CONSISTENT WITH THE DEPARTMENT'S GENERAL POLICY PRIORITIES BY PROVIDING WRITTEN OR ORAL INFORMATION TO ANY PERSON REGARDING THE POLICY PRIORITIES OR THE

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

REQUIREMENTS AND PROCEDURES FOR SUBMITTING AN UNSOLICITED PROPOSAL.

SECTION 2. 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: June 5, 2001