

CHAPTER 82

GOVERNMENT - STATE

HOUSE BILL 04-1093

BY REPRESENTATIVE(S) McFadyen, Miller, Rose, Salazar, Tochtrop, Brophy, Carroll, Coleman, Frangas, Garcia, Hodge, Madden, Marshall, McGihon, Paccione, Plant, Ragsdale, Romanoff, Stafford, Vigil, and Weissmann;
also SENATOR(S) Hillman, Entz, Isgar, Chlouber, Gordon, Groff, Grossman, Hagedorn, Hanna, Johnson S., Kester, Phillips, Sandoval, Tapia, Taylor, Tupa, Veiga, and Windels.

AN ACT**CONCERNING A PREFERENCE FOR THE PURCHASE OF COLORADO AGRICULTURAL PRODUCTS BY GOVERNMENTAL ENTITIES.**

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

SECTION 1. 8-18-101 (1) (a), Colorado Revised Statutes, is amended to read:

8-18-101. Bid preference - state contracts. (1) (a) Except as provided in paragraph (b) of this subsection (1) AND IN SECTION 8-18-103, when a contract for commodities or services is to be awarded to a bidder, a resident bidder as defined in section 8-19-102 (2) shall be allowed a preference against a nonresident bidder equal to the preference given or required by the state in which the nonresident bidder is a resident.

SECTION 2. Article 18 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

8-18-103. Preference for state agricultural products. (1) WHEN PURCHASING AGRICULTURAL PRODUCTS, A GOVERNMENTAL BODY, AS DEFINED IN SECTION 24-101-301 (10), C.R.S., SHALL GIVE PREFERENCE TO PRODUCTS PRODUCED IN THE STATE BY A RESIDENT BIDDER, AS DEFINED IN SECTION 8-19-102 (2), SUBJECT TO THE CONDITIONS IN SUBSECTION (2) OF THIS SECTION.

(2) THE PREFERENCE IN SUBSECTION (1) OF THIS SECTION SHALL APPLY ONLY IF THE FOLLOWING CONDITIONS ARE MET:

(a) THE QUALITY OF AVAILABLE PRODUCTS PRODUCED IN THE STATE IS EQUAL TO

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

THE QUALITY OF PRODUCTS PRODUCED OUTSIDE THE STATE;

(b) AVAILABLE PRODUCTS PRODUCED IN THE STATE ARE SUITABLE FOR THE USE REQUIRED BY THE PURCHASING ENTITY;

(c) THE RESIDENT BIDDER IS ABLE TO SUPPLY PRODUCTS PRODUCED IN THE STATE IN SUFFICIENT QUANTITY, AS INDICATED IN THE INVITATION FOR BIDS; AND

(d) THE RESIDENT BIDDER'S BID OR QUOTED PRICE FOR PRODUCTS PRODUCED IN THE STATE DOES NOT EXCEED THE LOWEST BID OR PRICE QUOTED FOR PRODUCTS PRODUCED OUTSIDE THE STATE.

(3) (a) FOR PURPOSES OF THIS SECTION, AN AGRICULTURAL PRODUCT IS PRODUCED IN THE STATE IF IT IS GROWN, RAISED, OR PROCESSED IN THE STATE.

(b) A RESIDENT BIDDER THAT SEEKS TO QUALIFY FOR THE PREFERENCE CREATED BY SUBSECTION (1) OF THIS SECTION SHALL CERTIFY TO THE GOVERNMENTAL BODY INVITING THE BID AND PROVIDE DOCUMENTATION CONFIRMING THAT THE RESIDENT BIDDER'S AGRICULTURAL PRODUCT WAS PRODUCED IN THE STATE. THE GOVERNMENTAL BODY MAY RELY IN GOOD FAITH ON SUCH CERTIFICATION AND DOCUMENTATION.

SECTION 3. 24-101-105 (3), Colorado Revised Statutes, is amended to read:

24-101-105. Application of this code. (3) The provisions of ~~section 8-18-101~~ SECTIONS 8-18-101 AND 8-18-103, C.R.S., which require a preference for resident bidders AND RESIDENT AGRICULTURAL PRODUCTS under certain circumstances, apply to the award of contracts under this code.

SECTION 4. Applicability. This act shall apply to contracts entered into on or after the effective date of this act.

SECTION 5. 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 (August 4, 2004, if adjournment sine die is on May 5, 2004); 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: April 5, 2004