

CHAPTER 286

GOVERNMENT - STATE

HOUSE BILL 07-1209

BY REPRESENTATIVE(S) Borodkin, Frangas, Labuda, Carroll T., and Todd;
also SENATOR(S) Sandoval, and Groff.

AN ACT

CONCERNING THE CREATION OF A PROGRAM TO OFFER TECHNICAL ASSISTANCE TO HISTORICALLY UNDERUTILIZED BUSINESSES IN ATTAINING THE PERFORMANCE BONDS REQUIRED TO BID ON STATE PROCUREMENT CONTRACTS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Article 49.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-49.5-105. Historically underutilized businesses - legislative declaration - definitions. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) BUSINESSES OWNED BY MINORITIES AND WOMEN ARE AMONG THE FASTEST GROWING IN THE STATE BUT ARE HISTORICALLY UNDERUTILIZED IN GOVERNMENT CONTRACTS.

(b) SECURING GOVERNMENT PROCUREMENT CONTRACTS IS A MAJOR DETERMINANT IN THE SUCCESS OF BUSINESSES OWNED BY MINORITIES AND WOMEN.

(c) THE OWNERS OF HISTORICALLY UNDERUTILIZED BUSINESSES CAN BENEFIT FROM SURETY TECHNICAL ASSISTANCE PROGRAMS THAT HELP THOSE BUSINESSES QUALIFY FOR THE PERFORMANCE BONDS THAT ARE REQUIRED FOR BUSINESSES TO BID ON PUBLIC PROJECTS.

(d) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ASSIST HISTORICALLY UNDERUTILIZED BUSINESSES BY CREATING A SURETY TECHNICAL ASSISTANCE PROGRAM.

(2) IN ADDITION TO THE RESPONSIBILITIES OF THE DIRECTOR OF THE MINORITY

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

BUSINESS OFFICE SPECIFIED IN SECTION 24-49.5-103, THE DIRECTOR SHALL ESTABLISH A PROGRAM TO PROVIDE SURETY TECHNICAL ASSISTANCE SERVICES FOR THE BENEFIT OF HISTORICALLY UNDERUTILIZED BUSINESSES AND MAY CONTRACT WITH INSURANCE COMPANIES, SURETY COMPANIES, AGENTS, OR BROKERS FOR THE PURPOSE OF IMPLEMENTING THE PROGRAM.

(3) THE DIRECTOR OF THE MINORITY BUSINESS OFFICE SHALL COMPILE A CENTRALIZED DIRECTORY OF ALL HISTORICALLY UNDERUTILIZED BUSINESSES THAT HAVE OBTAINED THE CONTRACT PERFORMANCE AND PAYMENT BONDS REQUIRED IN ORDER TO BE AWARDED A GOVERNMENT PROCUREMENT CONTRACT. THE DIRECTOR SHALL ENSURE THAT THE DIRECTORY IS ACCESSIBLE TO GOVERNMENTAL ENTITIES THAT ENTER INTO PROCUREMENT CONTRACTS.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "HISTORICALLY UNDERUTILIZED BUSINESS" MEANS AN ENTITY THAT QUALIFIES AS A SMALL BUSINESS PURSUANT TO 13 CFR 121 AND THAT IS A PROFIT-MAKING CORPORATION, SOLE PROPRIETORSHIP, PARTNERSHIP, OR JOINT VENTURE IN WHICH MORE THAN FIFTY PERCENT OF THE SHARES OF STOCK OR OTHER EQUITABLE SECURITIES ARE OWNED BY ONE OR MORE PERSONS WHO ARE MEMBERS OF THE FOLLOWING GROUPS:

(a) AFRICAN AMERICAN;

(b) HISPANIC AMERICAN, INCLUDING BUT NOT LIMITED TO ALL PERSONS OF MEXICAN, PUERTO RICAN, CUBAN, CENTRAL OR SOUTH AMERICAN, OR OTHER SPANISH OR PORTUGUESE CULTURE OR ORIGIN, REGARDLESS OF RACE;

(c) ASIAN AMERICAN, INCLUDING BUT NOT LIMITED TO PERSONS WHOSE ORIGINS ARE FROM JAPAN, CHINA, TAIWAN, KOREA, VIETNAM, LAOS, CAMBODIA, THE PHILIPPINES, SAMOA, THE UNITED STATES TERRITORIES OF THE PACIFIC, OR THE NORTHERN MARIANA ISLANDS; AND SUBCONTINENT ASIAN AMERICAN, INCLUDING BUT NOT LIMITED TO PERSONS WHOSE ORIGINS ARE FROM INDIA, PAKISTAN, BANGLADESH, SRI LANKA, BHUTAN, OR NEPAL;

(d) NATIVE AMERICAN, INCLUDING BUT NOT LIMITED TO PERSONS WHO ARE AMERICAN INDIANS, ESKIMOS, ALEUTS, OR HAWAIIANS OF POLYNESIAN DESCENT; OR

(e) WOMEN, INCLUDING WOMEN OF ANY GROUP SPECIFIED IN PARAGRAPHS (a) TO (d) OF THIS SUBSECTION (4).

SECTION 2. Appropriation - adjustment to the 2007 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the minority business office in the office of economic development, office of the governor, for technical assistance to historically underutilized businesses, for the fiscal year beginning July 1, 2007, the sum of twenty-nine thousand seventy-three dollars (\$29,073) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, the appropriation made in section 21 of the annual general appropriation act for the fiscal year beginning July 1, 2007, shall be

adjusted as follows: The general fund appropriation to the controlled maintenance trust fund is reduced by twenty-nine thousand seventy-three dollars (\$29,073).

SECTION 3. 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 8, 2007, if adjournment sine die is on May 9, 2007); 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 24, 2007