

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0632.01 Nicole Myers x4326

HOUSE BILL 16-1431

HOUSE SPONSORSHIP

Winter and Wist,

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A SMALL BUSINESS ENDEAVOR
102 PROGRAM IN THE COLORADO OFFICE OF ECONOMIC
103 DEVELOPMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill creates the small business endeavor program (program) in the Colorado office of economic development (office) to encourage a larger and more diverse field of businesses to compete for state government contracts. In connection with the program, the office is required to:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! Determine the criteria necessary for a small business to be a participant in the program, taking into account the north American industry classification system codes and Colorado's unique market conditions;
- ! Determine the manner in which a business may apply to become a participant in the program; and
- ! Ensure that a list of the small businesses that have been approved to participate in the program is available on the office's website.

The office may allow a small business that has earned a small business certification from a local government in the state to be automatically recognized as a participant in the program by the office.

In connection with the program, the office is required to outline best practices for small businesses that are participants in the program when competing for state government contracts and to provide advice and recommendations to governmental bodies concerning the opportunities for small businesses that are participants in the program.

The bill requires the office to include in the annual report that it submits to the general assembly certain demographic information regarding small businesses that participate in the program and information regarding the contracts that governmental bodies awarded to such small businesses in the prior fiscal year.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-48.5-102.3
3 as follows:

4 **24-48.5-102.3. Small business endeavor program - training -**
5 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "GOVERNMENTAL BODY" MEANS ANY DEPARTMENT,
8 COMMISSION, COUNCIL, BOARD, BUREAU, COMMITTEE, INSTITUTION OF
9 HIGHER EDUCATION, AGENCY, GOVERNMENT CORPORATION, OR OTHER
10 ESTABLISHMENT OR OFFICIAL, OTHER THAN AN ELECTED OFFICIAL, OF THE
11 EXECUTIVE BRANCH OF STATE GOVERNMENT IN THE STATE.

12 (b) "PROGRAM" MEANS THE SMALL BUSINESS ENDEAVOR PROGRAM
13 CREATED IN THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT

1 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

2 (2) THE SMALL BUSINESS ENDEAVOR PROGRAM IS HEREBY
3 CREATED IN THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT FOR THE
4 PURPOSE OF ENCOURAGING A LARGER AND MORE DIVERSE FIELD OF
5 BUSINESSES TO COMPETE FOR STATE GOVERNMENT CONTRACTS. THE
6 OFFICE SHALL DETERMINE THE CRITERIA NECESSARY FOR A SMALL
7 BUSINESS TO BE A PARTICIPANT IN THE PROGRAM, TAKING INTO ACCOUNT
8 THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODES AND
9 COLORADO'S UNIQUE MARKET CONDITIONS. THE OFFICE SHALL DETERMINE
10 THE MANNER IN WHICH A BUSINESS MAY APPLY TO BECOME A PARTICIPANT
11 IN THE PROGRAM. THE OFFICE MAY ALLOW A SMALL BUSINESS THAT HAS
12 EARNED A SMALL BUSINESS CERTIFICATION FROM A LOCAL GOVERNMENT
13 IN THE STATE TO BE AUTOMATICALLY RECOGNIZED AS A PARTICIPANT IN
14 THE PROGRAM BY THE OFFICE UPON REQUEST OF THE SMALL BUSINESS.
15 THE OFFICE SHALL ENSURE THAT A LIST OF THE BUSINESSES THAT HAVE
16 BEEN APPROVED TO PARTICIPATE IN THE PROGRAM IS AVAILABLE ON THE
17 OFFICE'S WEBSITE.

18 (3) IN CONNECTION WITH THE PROGRAM, THE COLORADO OFFICE
19 OF ECONOMIC DEVELOPMENT SHALL:

20 (a) OUTLINE BEST PRACTICES FOR SMALL BUSINESSES THAT ARE
21 PARTICIPANTS IN THE PROGRAM WHEN THE BUSINESSES ARE COMPETING
22 FOR CONTRACT AWARDS FROM GOVERNMENTAL BODIES;

23 (b) PROVIDE TRAINING AND INFORMATION TO SMALL BUSINESSES
24 THAT ARE PARTICIPANTS IN THE PROGRAM ON THE TOOLS NECESSARY TO
25 SUCCESSFULLY CONDUCT BUSINESS WITH GOVERNMENTAL BODIES; AND

26 (c) PROVIDE ADVICE AND RECOMMENDATIONS TO GOVERNMENTAL
27 BODIES CONCERNING THE OPPORTUNITIES FOR SMALL BUSINESSES THAT

1 ARE PARTICIPANTS IN THE PROGRAM.

2 (4) BEGINNING IN NOVEMBER 2018, THE COLORADO OFFICE OF
3 ECONOMIC DEVELOPMENT SHALL INCLUDE IN THE ANNUAL REPORT
4 SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO SECTION
5 24-48.5-101 (7), THE FOLLOWING:

6 (a) DEMOGRAPHIC INFORMATION FOR SMALL BUSINESSES THAT
7 ARE PARTICIPANTS IN THE PROGRAM IN A FORM AND MANNER TO BE
8 DETERMINED BY THE OFFICE; AND

9 (b) DATA REGARDING THE CONTRACTS THAT GOVERNMENTAL
10 BODIES AWARDED TO SMALL BUSINESSES THAT ARE PARTICIPANTS IN THE
11 PROGRAM IN THE PRIOR FISCAL YEAR, INCLUDING:

12 (I) THE TOTAL NUMBER OF CONTRACTS THAT ALL GOVERNMENTAL
13 BODIES AWARDED TO SMALL BUSINESSES THAT ARE PARTICIPANTS IN THE
14 PROGRAM AND THE NUMBER OF SUCH CONTRACTS THAT EACH
15 GOVERNMENTAL BODY AWARDED;

16 (II) THE TOTAL DOLLAR AMOUNT OF CONTRACTS THAT ALL
17 GOVERNMENTAL BODIES AWARDED TO SMALL BUSINESSES THAT ARE
18 PARTICIPANTS IN THE PROGRAM AND THE PERCENTAGE THAT SUCH DOLLAR
19 AMOUNT BEARS TO THE TOTAL DOLLAR AMOUNT OF CONTRACTS AWARDED
20 BY ALL GOVERNMENTAL BODIES;

21 (III) THE TOTAL DOLLAR AMOUNT OF CONTRACTS THAT EACH
22 GOVERNMENTAL BODY AWARDED TO SMALL BUSINESSES THAT ARE
23 PARTICIPANTS IN THE PROGRAM AND THE PERCENTAGE THAT SUCH DOLLAR
24 AMOUNT BEARS TO THE TOTAL DOLLAR AMOUNT OF CONTRACTS AWARDED
25 BY THE GOVERNMENTAL BODY; AND

26 (IV) THE TOTAL NUMBER OF SMALL BUSINESSES THAT ARE
27 PARTICIPANTS IN THE PROGRAM THAT RESPONDED TO SOLICITATION FOR

1 BIDS OR PROPOSALS ISSUED BY ALL STATE AGENCIES AND THE TOTAL
2 NUMBER OF SUCH SMALL BUSINESSES THAT RESPONDED TO SOLICITATIONS
3 FOR BIDS OR PROPOSALS FOR EACH GOVERNMENTAL BODY.

4 **SECTION 2. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2016 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.