

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0700.01 Nicole Myers x4326

SENATE BILL 17-211

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SENATE SPONSORSHIP

Scott,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Transportation

House Committees

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A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT A STATE AGENCY ACCEPT THE  
102 FULL AMOUNT OF A BID SECURITY BOND ISSUED BY A SURETY  
103 COMPANY TO A PROSPECTIVE CONTRACTOR FOR A PUBLIC  
104 PROJECT.

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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://leg.colorado.gov>.)*

Prospective contractors for public projects are often required to obtain a bid security bond executed by a surety company as a prerequisite for responding to a competitive solicitation issued by a state agency. The

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.*

bill specifies that if such a bond is required, the state agency is required accept the full amount of the bond and shall not reduce the amount of the bond for the purposes of determining whether the contractor satisfies any prequalification criteria established by the state agency.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 24-92-107 as  
3 follows:

4 **24-92-107. Prequalification of contractors.** (1) Prospective  
5 contractors may be prequalified for particular types of construction, and  
6 the method of compiling a list of and soliciting from such potential  
7 contractors shall be pursuant to rules.

8 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, IF A  
9 PROSPECTIVE CONTRACTOR IS REQUIRED TO OBTAIN A BID SECURITY BOND  
10 EXECUTED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE  
11 STATE AS A PREREQUISITE FOR RESPONDING TO A COMPETITIVE  
12 SOLICITATION FOR A PUBLIC PROJECT ISSUED BY AN AGENCY OF  
13 GOVERNMENT, THE AGENCY OF GOVERNMENT IS REQUIRED TO ACCEPT THE  
14 FULL AMOUNT OF THE BOND AND SHALL NOT REDUCE THE AMOUNT OF THE  
15 BOND FOR THE PURPOSES OF DETERMINING WHETHER THE CONTRACTOR  
16 SATISFIES ANY PREQUALIFICATION CRITERIA ESTABLISHED BY THE AGENCY  
17 OF GOVERNMENT.

18 **SECTION 2. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly (August  
21 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
22 referendum petition is filed pursuant to section 1 (3) of article V of the  
23 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect  
2 unless approved by the people at the general election to be held in  
3 November 2018 and, in such case, will take effect on the date of the  
4 official declaration of the vote thereon by the governor.