

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 11, 2017  
Date

Committee on Transportation.

After consideration on the merits, the Committee recommends the following:

HB17-1242 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend reengrossed bill, page 5, strike lines 17 through 27.

2 Strike page 6.

3 Page 7, strike lines 1 through 9 and substitute:

4           **"SECTION 2.** In Colorado Revised Statutes, 24-75-219, **repeal**  
5 **as added by Senate Bill 17-262** (2)(c.3)(I) and (2)(c.7)(I); and **add**  
6 (2)(c.8) as follows:

7           **24-75-219. Transfers - transportation - capital construction -**  
8 **definitions.** (2) (c.3) On June 30, 2019, the state treasurer shall transfer:  
9           (I) ~~One hundred sixty million dollars from the general fund to the~~  
10 ~~highway users tax fund; and~~

11           (c.7) On June 30, 2020, the state treasurer shall transfer:

12           (I) ~~One hundred sixty million dollars from the general fund to the~~  
13 ~~highway users tax fund; and~~

14           (c.8) ON JUNE 30 OF EACH STATE FISCAL YEAR COMMENCING ON  
15 OR AFTER JULY 1, 2018, BUT BEFORE JULY 1, 2038, THE STATE TREASURER  
16 SHALL TRANSFER ONE HUNDRED MILLION DOLLARS FROM THE GENERAL  
17 FUND TO THE STATE HIGHWAY FUND CREATED IN SECTION 43-1-219.

18           **SECTION 3.** In Colorado Revised Statutes, 24-92-103.5, **add**  
19 (3.5) as follows:

20           **24-92-103.5. Construction of public projects - competitive**  
21 **sealed best value bidding.** (3.5) NOTWITHSTANDING SUBSECTION (3)(c)  
22 OF THIS SECTION OR ANY OTHER PROVISION OF THIS ARTICLE 92, IF A

1 CONTRACT FOR A TRANSPORTATION PROJECT HAS A TOTAL ESTIMATED  
2 COMPLETION COST OF FIFTY MILLION DOLLARS OR LESS AND THE  
3 DEPARTMENT OF TRANSPORTATION USES A COMPETITIVE SEALED BEST  
4 VALUE BIDDING CONTRACT AWARD PROCESS FOR THE PROJECT, THE  
5 DEPARTMENT, WHEN DETERMINING WHICH OF THE BIDDERS IS PROVIDING  
6 THE BEST VALUE, SHALL NOT PENALIZE ANY DESIGN-BUILD FIRM THAT  
7 SATISFIES THE LEVEL OF PREQUALIFICATION REQUIRED FOR THE PROJECT  
8 FOR A LACK OF EXPERIENCE IN COMPLETING PROJECTS AWARDED ON A  
9 BEST VALUE BASIS.

10 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-92-107 as  
11 follows:

12 **24-92-107. Prequalification of contractors - limitation on**  
13 **shortlisting.** Prospective contractors may be prequalified for particular  
14 types of construction, and the method of compiling a list of and soliciting  
15 from such potential contractors shall be pursuant to rules. IN ORDER TO  
16 LOWER CONTRACTING COSTS AND ENSURE FAIR ACCESS TO CONTRACTING  
17 OPPORTUNITIES FOR LOCAL CONTRACTORS AND WORKERS AND  
18 DISADVANTAGED AND WOMEN-OWNED BUSINESS ENTERPRISES, RULES OF  
19 THE DEPARTMENT OF TRANSPORTATION THAT GOVERN THE  
20 CONSIDERATION OF SUBMITTALS FOR ANY LEGALLY AUTHORIZED MEANS  
21 OF CONTRACT PROCUREMENT FOR A PROJECT MUST LIMIT THE USE OF  
22 SHORTLISTING BY REQUIRING THE DEPARTMENT TO CONSIDER, AT A  
23 MINIMUM, THE LESSER OF ALL BIDS OR PROPOSALS SUBMITTED BY  
24 PREQUALIFIED CONTRACTORS OR FIVE BIDS OR PROPOSALS SUBMITTED BY  
25 PREQUALIFIED CONTRACTORS."

26 Renumber succeeding sections accordingly.

27 Page 7, line 21, strike "FIFTY-TWO ONE-HUNDREDTHS" and substitute  
28 "FOUR-TENTHS".

29 Page 8, line 13, strike "SIXTY-TWO one-hundredths" and substitute  
30 "~~one-hundredths~~ ONE-HALF OF ONE".

31 Page 9, line 5, strike "FIFTY-TWO ONE-HUNDREDTHS" and substitute  
32 "FOUR-TENTHS".

33 Page 10, line 5, strike "THE FIRST THREE".

34 Page 10, strike lines 6 and 7 and substitute "EIGHTY-FIVE PERCENT OF THE  
35 NET REVENUE COLLECTED".

1 Page 10, lines 12 and 13, strike "THE REMAINING THIRTY PERCENT OF THE  
2 REMAINDER" and substitute "FIFTEEN PERCENT".

3 Page 11, lines 15 and 16, strike "SIXTY-TWO one-hundredths" and  
4 substitute "~~one-hundredths~~ ONE-HALF OF ONE".

5 Page 12, line 10, after "**repeal**" insert "**as amended by House Bill**  
6 **17-1107**".

7 Page 12, after line 10 insert:

8 **"SECTION 12.** In Colorado Revised Statutes, 43-1-1104, **amend**  
9 (1)(b) and (2) as follows:

10 **43-1-1104. Transportation advisory committee.** (1)(b) No later  
11 than three months after May 20, 2009, the executive director, in  
12 consultation with the commission, shall appoint a ~~special interim~~ transit  
13 and rail advisory committee to specifically advise the commission and the  
14 executive director regarding the initial focus of the transit and rail  
15 division created in section 43-1-117.5 and to recommend a long-term  
16 advisory structure, including the advisory structure's purpose and role, in  
17 support of the transit and rail-related functions of the department. The  
18 ~~special interim~~ transit and rail advisory committee ~~shall~~ MUST include  
19 such representatives of industries and other groups interested in transit  
20 and rail issues and such other individuals as the executive director, in  
21 consultation with the commission, deems appropriate; except that the  
22 committee shall include, at a minimum, one or more:

- 23 (I) Representatives of transit operators;  
24 (II) Representatives of class I railroads;  
25 (III) Representatives of short line railroads; ~~and~~  
26 (IV) Representatives of entities or interest groups involved in the  
27 promotion, planning, or development of passenger rail systems;  
28 (V) REPRESENTATIVES OF METROPOLITAN PLANNING  
29 ORGANIZATIONS;  
30 (VI) REPRESENTATIVES OF LOCAL GOVERNMENTS;  
31 (VII) ADVOCATES FOR AFFORDABLE TRANSPORTATION OPTIONS;  
32 (VIII) PERSONS WITH DISABILITIES WHO ADVOCATE FOR PERSONS  
33 WITH ALL TYPES OF DISABILITIES; AND  
34 (IX) ADVOCATES FOR BICYCLISTS AND PEDESTRIANS.

35 (2) The committee shall provide advice to both the department and  
36 the commission on the needs of the transportation systems in Colorado,  
37 including but not limited to budgets, transportation improvement

1 programs, the statewide transportation improvement program,  
2 transportation plans, and state transportation policies, ~~and~~ shall review  
3 and provide comment to both the department and the commission on all  
4 regional transportation plans submitted for the transportation planning  
5 regions, AND SHALL OVERSEE THE ALLOCATION OF MONEY IN THE  
6 TRANSPORTATION OPTIONS ACCOUNT OF THE MULTIMODAL  
7 TRANSPORTATION OPTIONS FUND CREATED IN SECTION 43-4-1103 (1) AS  
8 SPECIFIED IN PART 11 OF ARTICLE 4 OF THIS TITLE 43. The activities of the  
9 committee ~~shall not be construed to~~ DO NOT constrain or replace the  
10 county hearing process.".

11 Renumber succeeding sections accordingly.

12 Page 13, strike line 7.

13 Page 13, line 8, strike "43-4-1104 (1)," and substitute "TRANSIT AND RAIL  
14 ADVISORY COMMITTEE CREATED IN SECTION 43-1-1104 (1),".

15 Page 13, after line 15 insert:

16 "SECTION 14. In Colorado Revised Statutes, 43-1-123, **add**  
17 (2.5) as follows:

18 **43-1-123. Project closure and project reporting requirements.**

19 (2.5) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW AND IN  
20 ADDITION TO THE INFORMATION REQUIRED TO BE REPORTED PURSUANT TO  
21 SUBSECTION (2) OF THIS SECTION, FOR ANY TRANSPORTATION PROJECT FOR  
22 WHICH THE DEPARTMENT AWARDS A CONTRACT BASED ON BEST VALUE  
23 SELECTION ON OR AFTER JULY 1, 2018, THE DEPARTMENT, IN ORDER TO  
24 PROVIDE INFORMATION TO THE PUBLIC AND IMPROVE THE TRANSPARENCY  
25 OF ITS PROPOSAL SOLICITATION AND CONTRACT AWARD PROCESS FOR  
26 TRANSPORTATION PROJECTS, SHALL:

27 (a) REPORT ON ITS PUBLIC WEBSITE WITHIN THIRTY DAYS OF THE  
28 CONTRACT AWARD AND MAINTAIN ON ITS WEBSITE FOR AT LEAST ONE  
29 YEAR THEREAFTER AN EXECUTIVE SUMMARY OF ALL PROPOSALS  
30 SUBMITTED IN RESPONSE TO ITS SOLICITATION OF PROPOSALS FOR THE  
31 PROJECT;

32 (b) MAKE AVAILABLE FOR REVIEW AND REPRODUCTION AT THE  
33 DEPARTMENT'S HEADQUARTERS FOR A PERIOD OF AT LEAST ONE YEAR  
34 FOLLOWING THE DATE OF THE CONTRACT AWARD THE DEPARTMENT'S  
35 SCORING OF ALL PROPOSALS SUBMITTED IN RESPONSE TO ITS SOLICITATION  
36 OF PROPOSALS FOR THE PROJECT; AND

1 (c) MAKE AVAILABLE FOR REVIEW ONLY AT THE DEPARTMENT'S  
2 HEADQUARTERS FOR A PERIOD OF AT LEAST ONE YEAR FOLLOWING THE  
3 DATE OF THE CONTRACT AWARD THE STATEMENT OF QUALIFICATIONS AND  
4 PROPOSALS FOR EACH PERSON THAT SUBMITTED A PROPOSAL IN RESPONSE  
5 TO THE DEPARTMENT'S SOLICITATION OF PROPOSALS FOR THE PROJECT;  
6 EXCEPT THAT THE DEPARTMENT SHALL NOT MAKE ANY SPECIFIC  
7 CORPORATE FINANCIAL INFORMATION SUBMITTED AVAILABLE FOR  
8 REVIEW."

9 Renumber succeeding sections accordingly.

10 Page 14, after line 11 insert:

11 "SECTION 16. In Colorado Revised Statutes, 43-1-1406, **add** (6)  
12 as follows:

13 **43-1-1406. General procedures.** (6) NOTWITHSTANDING ANY  
14 OTHER PROVISION OF THIS PART 14, IF A DESIGN-BUILD CONTRACT FOR A  
15 TRANSPORTATION PROJECT HAS A TOTAL ESTIMATED COMPLETION COST OF  
16 FIFTY MILLION DOLLARS OR LESS AND THE DEPARTMENT USES EITHER A  
17 BEST VALUE OR ADJUSTED SCORE DESIGN-BUILD CONTRACT PROCESS, THE  
18 DEPARTMENT, WHEN DETERMINING WHICH OF THE DESIGN-BUILD FIRMS  
19 THAT HAVE SUBMITTED STATEMENTS OF QUALIFICATIONS ARE THE MOST  
20 HIGHLY QUALIFIED AND MAY RESPOND TO A REQUEST FOR PROPOSALS FOR  
21 THE TRANSPORTATION PROJECT OR WHEN DETERMINING WHICH  
22 DESIGN-BUILD FIRM THAT HAS MADE A RESPONSIVE PROPOSAL IS  
23 PROVIDING THE BEST VALUE, SHALL NOT PENALIZE ANY DESIGN-BUILD  
24 FIRM THAT SATISFIES THE LEVEL OF PREQUALIFICATION REQUIRED FOR THE  
25 PROJECT FOR A LACK OF EXPERIENCE IN COMPLETING PROJECTS AWARDED  
26 ON A DESIGN-BUILD BASIS."

27 Renumber succeeding sections accordingly.

28 Page 18, lines 2 and 3, strike "THREE HUNDRED SEVENTY-FIVE MILLION  
29 DOLLARS PER YEAR" and substitute "FORTY-ONE AND TWO-TENTHS  
30 PERCENT".

31 Page 20, line 25, strike "43-4-1104 (3)(c)" and substitute "43-4-1104  
32 (1)(c)".

33 Page 22, line 23, strike "43-4-1104 (3)(c)" and substitute "43-4-1104  
34 (1)(c)".

- 1 Page 26, line 14, after "BILLION" insert "FIVE HUNDRED MILLION".
- 2 Page 26, line 27, strike "FIFTY MILLION DOLLARS" and substitute "FROM  
3 THE MONEY TRANSFERRED FROM THE GENERAL FUND TO THE STATE  
4 HIGHWAY FUND ON JUNE 30 OF THE PRIOR FISCAL YEAR PURSUANT TO  
5 SECTION 24-75-219 (2)(c.8) UNTIL ALL OF THE MONEY TRANSFERRED IS  
6 PAID; NEXT,".
- 7 Page 27, line 3, strike "43-4-206 (4);" and substitute "43-4-206 (4) UNTIL  
8 FIFTY MILLION DOLLARS IS PAID;".
- 9 Page 27, lines 11 and 12, strike "SEVEN HUNDRED FIFTEEN MILLION ONE"  
10 and substitute "FIVE HUNDRED SEVENTY-SIX MILLION SEVEN".
- 11 Page 27, strike line 14 and substitute "INCLUDING FUNDING LOCAL CITY  
12 AND COUNTY PRIORITIES, MUNICIPAL AND COUNTY ROADS, STATE  
13 HIGHWAYS, INTERSTATE HIGHWAYS, INCLUDING BUT NOT LIMITED TO I-25  
14 AND I-70,".
- 15 Page 27, line 19, strike "0.62%" and substitute "0.50% WITH THE  
16 EXCEPTION OF FOOD, MEDICINE, UTILITIES, AND GAS, WHICH WILL BE  
17 EXEMPT,".
- 18 Page 27, line 21, strike "\$5,000,000,000" and substitute  
19 "\$5,500,000,000".
- 20 Page 27, line 27, strike "0.62%" and substitute "0.50%".
- 21 Page 28, line 4, strike "THIRTY" and substitute "FORTY-FIVE".
- 22 Page 32, line 7, after "OPTIONS," insert "AT LEAST ONE OF WHOM IS A  
23 REPRESENTATIVE OF THE TRUCKING INDUSTRY,".
- 24 Page 32, strike lines 24 and 25.
- 25 Page 36, strike lines 18 and 19 and substitute:
- 26 "(3) "COMMITTEE" MEANS THE TRANSIT AND RAIL ADVISORY  
27 COMMITTEE APPOINTED PURSUANT TO SECTION 43-1-1104 (1)(b).".
- 28 Page 39, line 4, strike "43-4-1104 (3)(c)" and substitute "43-4-1104  
29 (1)(c)".

- 1 Page 41, strike lines 3 through 27.
- 2 Strike page 42.
- 3 Page 43, strike lines 1 through 5 and substitute:
  - 4 **"43-4-1104. Allocation of fund by transit and rail advisory**
  - 5 **committee - annual reporting requirement. (1) THE COMMITTEE SHALL**
  - 6 **EQUITABLY,".**
- 7 Renumber succeeding subsections accordingly.
- 8 Page 43, line 9, strike "THE PERFORMANCE OF ITS FUNCTION," and
- 9 substitute "THAT PURPOSE,".
- 10 Page 44, line 11, strike "AND FUND".
- 11 Page 44, line 14, strike "WHEN".
- 12 Page 44, strike lines 15 through 27.
- 13 Renumber succeeding subsection accordingly.
- 14 Page 45, line 19, strike "(4)(a)" and substitute "(2)(a)".
- 15 Page 46, line 24, strike "16" and substitute "21".
- 16 Page 46, line 27, strike "Section 16" and substitute "Sections 21, 28, and
- 17 29".

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