

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-1007.01 Sarah Lozano x3858

HOUSE BILL 21-1319

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A BILL FOR AN ACT

101 **CONCERNING TEMPORARY MODIFICATIONS TO GENERAL PREVAILING**
102 **RATE REQUIREMENTS FOR CERTAIN STATE CONTRACTS FOR**
103 **PUBLIC PROJECTS.**

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>.)

Senate Bill 19-196, enacted in 2019, requires that a state agency (agency) specify a general prevailing rate of wages and other payments provided to employees (prevailing rate) in certain contracts for public projects, and it applies to state solicitations issued for projects (solicitations) on or after July 1, 2021.

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

SENATE
3rd Reading Unamended
June 1, 2021

SENATE
2nd Reading Unamended
May 28, 2021

HOUSE
3rd Reading Unamended
May 24, 2021

HOUSE
2nd Reading Unamended
May 21, 2021

For solicitations issued on July 1, 2021, through December 31, 2021, only, the bill requires that the agency obtain the general prevailing rate directly from the United States department of labor. For solicitations issued on or after January 1, 2022, the agency must obtain the general prevailing rate from the director of the Colorado department of personnel and administration (department).

For solicitations issued on July 1, 2021, through December 31, 2021, only, the bill requires that the agency keep a schedule of the prevailing rate on file for the life of the project. Beginning on January 1, 2022, the director of the department is required to keep a schedule of the customary prevailing rate in his or her office.

The bill also permits the department to include only solicitations issued on or after January 1, 2022, rather than solicitations issued on or after July 1, 2021, in its annual reports detailing the amount of apprenticeship training contributions paid.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-92-203, **amend**
3 (1); and **add** (1.5) as follows:

4 **24-92-203. Prevailing rate of wages and other payments -**
5 **specifications in solicitations and contract - repeal.** (1) FOR
6 SOLICITATIONS ISSUED FOR PUBLIC PROJECTS ON OR AFTER JANUARY 1,
7 2022, before awarding any contract for a public project in the amount of
8 five hundred thousand dollars or more, an agency of government shall
9 obtain from the director the general prevailing rate, as determined by the
10 director pursuant to section 24-92-205, of the regular, holiday, and
11 overtime wages paid and the general prevailing payments on behalf of
12 employees to lawful welfare, pension, vacation, apprentice training, and
13 educational funds in the state, for each employee needed to execute the
14 contract for the public project. Payments to the funds must constitute an
15 ordinary business expense deduction for federal income tax purposes by
16 contractors and subcontractors.

17 (1.5) (a) FOR SOLICITATIONS ISSUED FOR PUBLIC PROJECTS ON OR

1 AFTER JULY 1, 2021, BUT PRIOR TO JANUARY 1, 2022, BEFORE AWARDING
2 ANY CONTRACT FOR A PUBLIC PROJECT IN THE AMOUNT OF FIVE HUNDRED
3 THOUSAND DOLLARS OR MORE, AN AGENCY OF GOVERNMENT SHALL
4 OBTAIN DIRECTLY FROM THE UNITED STATES DEPARTMENT OF LABOR THE
5 GENERAL PREVAILING RATE OF THE REGULAR, HOLIDAY, AND OVERTIME
6 WAGES PAID AND THE PAYMENTS ON BEHALF OF EMPLOYEES TO THE
7 WELFARE, PENSION, VACATION, APPRENTICE TRAINING, AND EDUCATION
8 FUNDS IN THE STATE FOR EACH EMPLOYEE NEEDED TO EXECUTE THE
9 CONTRACT FOR THE PUBLIC PROJECT.

10 (b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JUNE 30, 2025.

11 **SECTION 2.** In Colorado Revised Statutes, 24-92-205, **amend**
12 (1); and **add** (1.5) as follows:

13 **24-92-205. Investigation and determination of prevailing**
14 **wages - filing of schedule - repeal.** (1) In determining the applicable
15 prevailing wage for public projects pursuant to section 24-92-204, the
16 director shall use appropriate wage determinations issued by the United
17 States department of labor in accordance with the "Davis-Bacon Act", 40
18 U.S.C. sec. 3141, et seq., to establish the prevailing wage rates for the
19 applicable trades or occupation for the geographic locality of the public
20 project. BEGINNING ON JANUARY 1, 2022, the director shall keep a
21 schedule on file in his or her office of the customary prevailing rate of
22 wages and payments made to or on behalf of the employees, which shall
23 be open to public inspection.

24 (1.5) (a) FOR SOLICITATIONS ISSUED FOR PUBLIC PROJECTS ON OR
25 AFTER JULY 1, 2021, BUT PRIOR TO JANUARY 1, 2022, THE AGENCY OF
26 GOVERNMENT SHALL KEEP A SCHEDULE ON FILE FOR THE LIFE OF THE
27 PROJECT OF THE CUSTOMARY PREVAILING RATE OF WAGES AND PAYMENTS

1 MADE TO OR ON BEHALF OF THE EMPLOYEES, WHICH SHALL BE OPEN TO
2 PUBLIC INSPECTION.

3 (b) THE DIRECTOR SHALL NOTIFY THE REVISOR OF STATUTES IN
4 WRITING OF THE DATE WHEN ALL THE PUBLIC PROJECTS COVERED BY
5 SUBSECTION (1.5)(a) OF THIS SECTION HAVE BEEN COMPLETED BY
6 E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US. THIS
7 SUBSECTION (1.5) IS REPEALED EFFECTIVE UPON THE DATE IDENTIFIED IN
8 THE NOTICE OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE
9 DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

10 **SECTION 3.** In Colorado Revised Statutes, 24-92-208, **amend**
11 (4) as follows:

12 **24-92-208. Apprenticeship contribution rate.** (4) To the extent
13 feasible, the department of personnel shall publish an annual report
14 detailing the amount of apprenticeship training contribution paid pursuant
15 to subsections (2)(a), (2)(b), and (2)(c) of this section from information
16 reported by the contracting agencies of government. AN ANNUAL REPORT
17 ISSUED BY THE DEPARTMENT OF PERSONNEL PURSUANT TO THIS
18 SUBSECTION (4) IS ONLY REQUIRED TO INCLUDE SOLICITATIONS ISSUED FOR
19 PUBLIC PROJECTS ON OR AFTER JANUARY 1, 2022.

20 **SECTION 4. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.