

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB26-074 be amended as follows:

1 Amend reengrossed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 38-26-107, **amend**
3 (1) as follows:

4 **38-26-107. Supplier may file statement - notice - withholding**
5 **funds.**

6 (1) Any person, as defined in section 2-4-401 (8), ~~C.R.S.~~, that has
7 furnished labor, materials, EQUIPMENT, SERVICES, sustenance, or other
8 supplies used or consumed by a contractor or ~~his or her~~ THEIR
9 subcontractor in or about the performance of the work contracted to be
10 done or that supplies laborers, rental machinery, tools, or equipment to
11 the extent used in the prosecution of the work whose claim therefor has
12 not been paid by the contractor or the subcontractor may, at any time up
13 to and including the time of final settlement for the work contracted to be
14 done, file with the board, officer, person, or other contracting body by
15 whom the contract was awarded a verified statement of the amount due
16 and unpaid on account of the claim, WHETHER THE AMOUNT IS DISPUTED
17 OR UNDISPUTED. NOTHING IN THIS ARTICLE 26 PROHIBITS THE INCLUSION
18 OF COSTS OTHERWISE ALLOWED UNDER A CONTRACT IN A VERIFIED
19 STATEMENT OF CLAIM, INCLUDING COSTS INCURRED AS A RESULT OF
20 DELAY, LOST PRODUCTIVITY, OR OTHER DISRUPTION TO THE WORK. If the
21 amount of the contract awarded to the contractor exceeds one hundred
22 fifty thousand dollars, the board, officer, person, or other contracting
23 body by whom the contract was awarded shall, no later than ten days
24 before the final settlement is made, publish a notice of the final settlement
25 at least twice in a newspaper of general circulation in any county where
26 the work was contracted for or performed or in an electronic medium
27 approved by the executive director of the department of personnel. It is
28 unlawful for any person to divide a public works contract into two or
29 more separate contracts for the sole purpose of evading or attempting to
30 evade the requirements of this subsection (1).".

31 Renumber succeeding section accordingly.

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