

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

April 23, 2019

Committee on State, Veterans, & Military Affairs.

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

SB19-196 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 5, line 11, after "SECTION." add "If A  
2 CONTRACTING AGENCY OF GOVERNMENT DETERMINES THAT A  
3 MECHANICAL, ELECTRICAL, OR PLUMBING SUBCONTRACTOR HAS  
4 WILLFULLY FALSIFIED DOCUMENTATION OR WILLFULLY MISREPRESENTED  
5 THEIR QUALIFICATIONS REQUIRED TO COMPLY WITH THIS SECTION IN THE  
6 CONTRACT, THE AGENCY OF GOVERNMENT SHALL DIRECT THE  
7 CONTRACTOR TO TERMINATE THE SUBCONTRACTOR CONTRACT  
8 IMMEDIATELY AND THE SUBCONTRACTOR WILL BE IMMEDIATELY REMOVED  
9 FROM THE PUBLIC PROJECT. AT THE DISCRETION OF THE DIRECTOR OF THE  
10 DEPARTMENT OF PERSONNEL, THE STATE MAY INITIATE THE PROCESS TO  
11 DEBAR THE CONTRACTOR PURSUANT TO SECTION 24-109-105, AND MAY  
12 PURSUE ANY OTHER REMEDY PROVIDED BY LAW."

13 Page 5, strike lines 12 through 25 and substitute:

14 "(4) UPON EVALUATION OF THE SUBMITTED BIDS, THE  
15 CONTRACTING AGENCY OF GOVERNMENT MAY WAIVE THE REQUIREMENTS  
16 OF THIS SECTION FOR A PUBLIC PROJECT IF THE AGENCY OF GOVERNMENT  
17 DETERMINES THAT THERE IS SUBSTANTIAL EVIDENCE THAT THERE WERE  
18 NO RESPONSIVE, ELIGIBLE SUBCONTRACTORS AVAILABLE TO FULFILL THE  
19 MECHANICAL, ELECTRICAL, OR PLUMBING PORTIONS OF THE CONTRACT.  
20 EACH AGENCY OF GOVERNMENT THAT HAS CONTRACTS FOR PUBLIC  
21 PROJECTS SUBJECT TO THE REQUIREMENTS OF THIS SECTION SHALL MAKE  
22 PUBLIC ALL WAIVERS AND THE SPECIFIC RATIONALE FOR GRANTING THE

1 WAIVER. THE AGENCY OF GOVERNMENT SHALL POST NOTICE OF THE  
2 WAIVER AND A JUSTIFICATION FOR THE WAIVER ON ITS WEBSITE."

3 Page 7, strike lines 22 through 25 and substitute:

4 "(4) "EMPLOYEES" MEANS WORKERS WHO ARE EMPLOYEES  
5 PURSUANT TO SECTION 8-4-101 (5), AND WHO ARE ENGAGED BY  
6 CONTRACTORS OR SUBCONTRACTORS TO PERFORM JOBS ON VARIOUS TYPES  
7 OF PUBLIC PROJECTS INCLUDING MECHANICS, LABORERS, AND OTHER  
8 CONSTRUCTION WORKERS."

9 Page 11, strike lines 16 through 18.

10 Reletter succeeding paragraphs accordingly.

11 Page 11, line 25, strike "MANNER;" and substitute "MANNER AS REQUIRED  
12 BY THE STATE CONTRACT;".

13 Page 13, line 5, strike "(1)(e)" and substitute "(1)(d)".

14 Page 13, strike lines 8 through 10 and substitute "STATE AND THE  
15 PROCEEDS DEPOSITED IN THE UNCLAIMED PROPERTY TRUST FUND CREATED  
16 IN SECTION 38-13-116.6. NOTHING IN THIS SUBSECTION (1) SHALL BE".

17 Page 13, strike lines 14 through 27.

18 Page 14, strike lines 1 through 6.

19 Page 15, strike lines 19 through 22 and substitute:

20 "(3) CONTRACTS FOR PUBLIC WORKS PROJECTS SHALL CONTAIN  
21 THE SPECIFIC OBLIGATIONS OF THE CONTRACTOR UNDER THIS SECTION  
22 INCLUDING PROVISIONS REGARDING THE POSTING OF POSTERS ON THE JOB  
23 SITE AS REQUIRED BY THIS SECTION AND THE DEPARTMENT'S PROCEDURES  
24 FOR THE CONTRACTOR TO RECEIVE THE POSTERS."

25 Page 17, strike line 12 and substitute "COMPLAINT FROM AN EMPLOYEE,  
26 A FORMER EMPLOYEE, OR A CONTRACTING AGENCY DERIVED FROM AN  
27 ANALYSIS OF CERTIFIED PAYROLL RECORDS, A".

28 Page 18, line 24, strike "DAYS," and substitute "DAYS FROM THE DATE OF

1 THE INITIAL DETERMINATION BY THE DEPARTMENT THAT A WILLFUL  
2 VIOLATION OCCURRED,".

3 Page 18, line 27, strike "MAY" and substitute "SHALL".

4 Page 19, line 3, strike "MAY" and substitute "SHALL".

5 Page 19, line 4, strike "SECTION." and substitute "SECTION AND AN  
6 ADMINISTRATIVE PROCESS FOR AN EMPLOYEE OR FORMER EMPLOYEE OF  
7 A CONTRACTOR OR SUBCONTRACTOR TO FILE A COMPLAINT FOR A  
8 VIOLATION OF THIS PART 2.".

9 Page 20, line 6, strike "TWO TIMES".

10 Page 21, after line 7 insert:

11 "SECTION 3. In Colorado Revised Statutes, 24-109-105, **amend**  
12 (2)(e) and (2)(f); and **add** (2)(g) as follows:

13 **24-109-105. Debarment and suspension.** (2) A person may be  
14 debarred for any of the following reasons:

15 (e) The person is currently under debarment by any other  
16 governmental entity which is based upon a settlement agreement or a final  
17 administrative or judicial determination issued by a federal, state, or local  
18 governmental entity; or

19 (f) The department of labor and employment has imposed three  
20 fines on a contractor within five years pursuant to section 8-17-104,  
21 C.R.S., for failure to satisfy Colorado labor requirements; OR

22 (g) THE PERSON WILLFULLY FALSIFIED DOCUMENTATION OR  
23 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS REQUIRED TO  
24 COMPLY WITH THE CONTRACT.".

25 Renumber succeeding section accordingly.

26 Page 21, line 19, strike "education," and substitute "education and the  
27 Auraria higher education center created in article 70 of title 23, Colorado  
28 Revised Statutes,".

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