

## CHAPTER 91

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**TRANSPORTATION**

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**SENATE BILL 16-122**

BY SENATOR(S) Baumgardner, Crowder, Grantham, Hill, Lambert, Lundberg, Neville T., Scheffel, Scott, Woods;  
also REPRESENTATIVE(S) Nordberg and Brown, Becker J., Becker K., Coram, DelGrosso, Kraft-Tharp, Landgraf, Lawrence,  
Priola, Saine, Sias, Van Winkle, Wilson, Wist.

**AN ACT****CONCERNING ADDITIONAL OVERSIGHT OF THE ACTIVITIES OF THE DEPARTMENT OF  
TRANSPORTATION.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** 2-3-122 as follows:

**2-3-122. Risk-based performance audit of department of transportation - repeal.** (1) NO LATER THAN JUNE 30, 2018, THE STATE AUDITOR SHALL CONDUCT OR CAUSE TO BE CONDUCTED A RISK-BASED PERFORMANCE AUDIT OF THE DEPARTMENT OF TRANSPORTATION.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018.

**SECTION 2.** In Colorado Revised Statutes, **add** 43-1-123 as follows:

**43-1-123. Project closure and project reporting requirements.** (1) THE DEPARTMENT SHALL CLOSE EACH TRANSPORTATION PROJECT AND RELEASE ANY MONEY BUDGETED FOR THE PROJECT AS QUICKLY AS FEASIBLE AND WITHIN ONE YEAR FOLLOWING THE SUBSTANTIAL COMPLETION OF THE PROJECT UNLESS A PENDING LEGAL CLAIM RELATING TO THE PROJECT OR AN UNUSUAL CIRCUMSTANCE BEYOND THE CONTROL OF THE DEPARTMENT UNAVOIDABLY REQUIRES A LONGER TIME TO CLOSE THE PROJECT.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW, FOR TRANSPORTATION PROJECTS FOR WHICH THE DEPARTMENT AWARDS A COMPETITIVELY BID CONTRACT ON OR AFTER JULY 1, 2016, THE DEPARTMENT SHALL REPORT ON ITS PUBLIC WEBSITE WITHIN THIRTY DAYS OF THE CONTRACT AWARD:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

- (a) THE IDENTITY OF THE WINNING BIDDER;
- (b) THE AMOUNT OF THE WINNING BID; AND
- (c) WHETHER OR NOT THE BID AWARDED WAS THE LOW BID, AND, IF NOT, WHY THE DEPARTMENT CHOSE THE BID OVER A LOWER BID.

(3) NO LATER THAN NOVEMBER 1, 2017, AND NO LATER THAN NOVEMBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE TRANSPORTATION COMMISSION REGARDING THE PERCENTAGES AND TOTAL AMOUNT OF MONEY BUDGETED AND EXPENDED DURING THE PRECEDING FISCAL YEAR FOR:

(a) PAYMENTS TO PRIVATE SECTOR CONTRACTORS FOR WORK ON TRANSPORTATION PROJECTS; AND

(b) TOTAL TRANSPORTATION PROJECT COSTS FOR PROJECTS COMPLETED BY DEPARTMENT EMPLOYEES, INCLUDING INDIRECT COST RECOVERIES AND EMPLOYEE SALARIES.

(4) ON OR AFTER JULY 1, 2016, AND ON AND AFTER JULY 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION 43-2-145(1) REGARDING ALL POLICY AMENDMENTS MADE TO THE STATEWIDE TRANSPORTATION IMPROVEMENT PLAN THAT WERE ADOPTED DURING THE MOST RECENTLY ENDED FISCAL YEAR AND THAT ADDED OR DELETED A PROJECT FROM THE PLAN OR MODIFIED THE FUNDING PRIORITY OF ANY PROJECT INCLUDED IN THE PLAN. THE REPORT SHALL INCLUDE AN EXPLANATION OF THE REASONS FOR EACH REPORTED POLICY AMENDMENT.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 14, 2016