

CHAPTER 181

GOVERNMENT - STATE

HOUSE BILL 21-1056

BY REPRESENTATIVE(S) Pelton, Gray, Hooton, Young, Bird, Bockenfeld, Catlin, Exum, Kipp, Pico, Snyder, Woodrow;
also SENATOR(S) Hansen, Pettersen, Lee, Moreno.

AN ACT

CONCERNING PUBLIC PROJECTS SUPERVISED BY THE DEPARTMENT OF TRANSPORTATION THAT ARE SUBJECT TO THE "CONSTRUCTION BIDDING FOR PUBLIC PROJECTS ACT".

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

SECTION 1. In Colorado Revised Statutes, 24-92-102, **amend** the introductory portion and (8)(c) as follows:

24-92-102. Definitions. As used in this ~~article~~ ARTICLE 92, unless the context otherwise requires:

(8) (c) "Public project" does not include any project under the supervision of the department of transportation for which appropriation or expenditure of funds may be reasonably expected not to exceed ~~one~~ **two** hundred fifty thousand dollars in the aggregate of any fiscal year.

SECTION 2. In Colorado Revised Statutes, 24-92-109, **amend** (1) as follows:

24-92-109. Agency of government to submit cost estimate. (1) Whenever an agency of government proposes to undertake the construction of a public project, reasonably expected to cost in excess of fifty thousand dollars by any means or method other than by a contract awarded by competitive bid, it shall prepare and submit a cost estimate in the same manner as other bidders; except that, for projects under the supervision of the department of transportation undertaken by such means or method, the department shall prepare and submit a cost estimate if the COST OF THE project is reasonably expected to exceed ~~one hundred fifty~~ **two** HUNDRED FIFTY thousand dollars. Cost estimates ~~in excess of fifty thousand dollars but less than or equal to one hundred fifty~~ FOR PROJECTS UNDERTAKEN BY THE DEPARTMENT OF TRANSPORTATION THAT ARE REASONABLY EXPECTED TO COST MORE THAN ONE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

HUNDRED FIFTY THOUSAND DOLLARS BUT NOT MORE THAN TWO HUNDRED FIFTY THOUSAND dollars shall be submitted to the transportation commission on at least a quarterly basis for its review and approval. ~~Such~~ AN agency of government itself may not undertake ~~the~~ A proposed project unless it shows the lowest cost estimate.

SECTION 3. In Colorado Revised Statutes, **add** 24-92-116 as follows:

24-92-116. Department of transportation - reporting requirements. (1) THE DEPARTMENT OF TRANSPORTATION SHALL ANNUALLY IDENTIFY IN A REPORT TO THE TRANSPORTATION COMMISSION AND TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE OF THE GENERAL ASSEMBLY ALL HIGHWAY MAINTENANCE PROJECTS FOR THE REPORTING YEAR COSTING MORE THAN ONE HUNDRED FIFTY THOUSAND DOLLARS BUT NOT MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS THAT:

(a) THE DEPARTMENT IS COMPLETING USING ITS OWN EMPLOYEES;

(b) THE DEPARTMENT AWARDED BY INVITATION FOR BIDS PURSUANT TO SECTION 24-92-103 OR BY COMPETITIVE SEALED BEST VALUE BIDDING PURSUANT TO SECTION 24-92-103.5; OR

(c) FOR WHICH THE DEPARTMENT SOLICITED BUT DID NOT RECEIVE BIDS PURSUANT TO SECTION 24-92-103 OR 24-92-103.5.

(2) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN SUBSECTION (1) OF THIS SECTION CONTINUES INDEFINITELY.

SECTION 4. In Colorado Revised Statutes, 24-92-202, **amend** (2) as follows:

24-92-202. Contractors subject to provisions - weekly payment of employees - rules. (2) This part 2 does not apply to the department of transportation, regardless of the amount or funding source of the public project; except that A CONTRACTOR PERFORMING WORK ON A PUBLIC PROJECT FOR the department of transportation is required to pay employees performing work on any public project, regardless of the amount or funding source of the public project, in accordance with the WAGE requirements of the federal "Davis-Bacon Act", 40 U.S.C. sec. 3141 et seq., AND RELATED FEDERAL ACTS. ANY WORK PERFORMED ON A PUBLIC PROJECT UNDER THE SUPERVISION OF THE DEPARTMENT OF TRANSPORTATION THAT IS ELECTRICAL WORK, AS DEFINED IN SECTION 12-115-103 (5), MUST UTILIZE LICENSED JOURNEYMEN ELECTRICIANS, AS DEFINED IN SECTION 12-115-103 (6), LICENSED MASTER ELECTRICIANS, AS DEFINED IN SECTION 12-115-103 (7), OR REGISTERED AND PROPERLY SUPERVISED APPRENTICES, AS DEFINED IN SECTION 12-115-103 (1), REGARDLESS OF WHETHER THE WORK IS PERFORMED BY DEPARTMENT OF TRANSPORTATION EMPLOYEES OR PERFORMED BY A CONTRACTOR ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION.

SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item,

section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to any public project for which an invitation for bids is made on or after the applicable effective date of this act.

Approved: May 24, 2021