

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING AUTHORIZATION FOR AGENCIES OF THE STATE TO ENTER INTO PUBLIC-PRIVATE INITIATIVE AGREEMENTS WITH NONPROFIT ENTITIES.

Prime Sponsors: Representative Ferrandino  
Senator Morse

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**Summary of Amendments Made to the Bill After the 02/25/10 Legislative Council Staff Conditional Revised Fiscal Note Was Prepared (Amended by the Senate State, Veterans & Military Affairs Committee 03/01/10)**

The Senate State, Veterans & Military Committee Report:

- Clarifies that the notice of proposal consideration by an agency must be made by any reasonable method, including but not limited to agency website or newspapers;
- Makes technical clarifications concerning who is notified and in what form the proposal must be submitted;
- Clarifies that only criteria from Section 24-38-203, C.R.S., shall be used for making the determination that a comparable proposal is more advantageous to the State than an unsolicited proposal;
- Requires the Agency's Procurement Officer to be responsible for the negotiation of an agreement if the Agency accepts an unsolicited proposal, not the Department of Personnel and Administration, Division of Finance and Procurement; and,
- Exempts a contract awarded as part of a public-private initiative from the competitive sealed bidding process.

**Legislative Council Staff and JBC Staff are in agreement the Senate State, Veterans & Military Affairs Committee Report does not change the conditional fiscal impact of this bill.**

**JBC Staff Concurrence with Legislative Council Staff Fiscal Note**

**Concurs**       **Does Not Concur**       **Updated Analysis**

**Amendments/Appropriation Status**

The bill neither requires nor contains an appropriation clause for FY 2010-11.

**Bill Sponsor Amendments**

Staff is not aware of any sponsor amendments to be offered.

**Points to Consider**

As described on page 2 of the attached Legislative Council Staff Revised Fiscal Note, not all agencies have a procurement officer, and the Department of Personnel and Administration (DPA) serves as the procurement officer for ten state agencies. Thus, DPA would need to perform procurement-related functions for the proposals on behalf of these agencies.