

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0466.01 Jason Gelender x4330

HOUSE BILL 15-1046

---

HOUSE SPONSORSHIP

Moreno,

SENATE SPONSORSHIP

Scott,

---

House Committees  
Transportation & Energy

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING AUTHORIZATION FOR THE EXECUTIVE DIRECTOR OF THE  
102 DEPARTMENT OF TRANSPORTATION TO WAIVE DEPARTMENT  
103 PROJECT COST ESTIMATE-BASED STATUTORY CONTRACT  
104 AMOUNT LIMITS WHEN AWARDING A HIGHWAY PROJECT  
105 CONTRACT.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Under current law, if there are fewer than 3 bidders for a highway project, the department of transportation (CDOT) may only award a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

contract if:

- ! The contract amount is no more than 10% over CDOT's project cost estimate; or
- ! CDOT's project cost estimate is less than \$1 million and the contract amount is less than 25% over the estimate.

The bill allows CDOT to award a highway contract to the low responsible bidder regardless of CDOT's project cost estimate if the executive director of CDOT determines in writing that it is in the best financial, economic, or other interest of the state to do so. The written determination must be included in the contract file and publicly posted on CDOT's web site.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-1-113, **add** (16)  
3 (c) as follows:

4 **43-1-113. Funds - budgets - fiscal year - reports and**  
5 **publications.** (16) (c) NOTWITHSTANDING THE LIMITATIONS SET FORTH  
6 IN PARAGRAPH (a) OF THIS SUBSECTION (16), THE EXECUTIVE DIRECTOR  
7 MAY MAKE AN AWARD TO THE LOW RESPONSIBLE BIDDER REGARDLESS OF  
8 THE ESTIMATE OF THE DEPARTMENT IF THE EXECUTIVE DIRECTOR  
9 DETERMINES IN WRITING THAT IT IS IN THE BEST FINANCIAL, ECONOMIC, OR  
10 OTHER INTEREST OF THE STATE TO DO SO. THE WRITTEN DETERMINATION  
11 MUST BE INCLUDED IN THE CONTRACT FILE AND MADE PUBLICLY  
12 AVAILABLE BY POSTING ON THE DEPARTMENT'S WEB SITE.

13 **SECTION 2. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.