

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

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LLS NO. 09-0875.03 Jerry Barry

COMMITTEE BILL

Capital Development Committee

SHORT TITLE: "Higher Ed Capital Construction Approval"

A BILL FOR AN ACT

101 CONCERNING FLEXIBILITY FOR CAPITAL CONSTRUCTION PROJECTS. =

102

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Capital Development Committee. Requires the Colorado commission on higher education (CCHE) to approve master plans for all capital construction projects at all state institutions of higher education (institutions). Requires the CCHE to approve, prior to commencement of construction, any capital construction project requiring expenditure of moneys held by the institution other than cash funds.

Directs all institutions to submit to the CCHE 2-year projections

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

for all capital construction projects to be constructed using cash funds. Directs the CCHE to submit to the office of state planning and budgeting (OSPB), the governor, and the general assembly a unified, 2-year projection on all capital construction projects at institutions to be constructed using cash funds.

Directs the CCHE annually to submit to the capital development committee (CDC) the 2-year projections from the institutions. Directs the CCHE and OSPB to provide comments to the CDC on each projection. Authorizes the CDC to approve the projections every other year. Authorizes institutions to submit amendments to an approved projection. Directs the CDC to hold a hearing on a proposed amendment within 30 days if the general assembly is in regular session or within 45 days if the general assembly is not in regular session. Directs the CCHE and OSPB to provide comments to the CDC on each amendment.

Authorizes an institution to commence a capital construction project upon approval of the institution's governing board if the project is to be constructed, operated, and maintained solely from cash funds and was included in the most recent approved unified, 2-year projection. Authorizes an institution to commence a capital construction project for an academic building upon approval of the institution's governing board if the project is to be constructed using cash funds and operated and maintained using cash funds or state moneys if the project was included in the most recent approved unified, 2-year projection.

If an institution receives an additional gift, grant, or donation after construction has commenced on a cash-funded project, authorizes the institution to amend the project plan without the approval of the commission, OSPB, CDC, or joint budget committee (JBC). Instructs the JBC to include the additional moneys in the next long bill.

Repeals requirements that projects constructed using cash funds in excess of \$2 million must be approved by the CDC and JBC.

Authorizes the executive director of the department of personnel to exempt cash-funded projects from certain statutory requirements if the executive director determines that there are adequate safeguards for the project.

Increases the exemption from the public notice requirement for professional services contracts to total project costs of \$1 million or professional services in the amount of \$100,000.

Authorizes institutions to use the internet to invite bids for construction projects.

Authorizes the use of an electronic medium for publishing notice of final settlements.

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

1 SECTION 1. 23-1-106 (1), (3), (5) (a), (6), (7), (8), (9), (10), and
2 (11), Colorado Revised Statutes, are amended, and the said 23-1-106 is
3 further amended BY THE ADDITION OF A NEW SUBSECTION, to
4 read:

5 **23-1-106. Duties and powers of the commission with respect**
6 **to capital construction and long-range planning.** (1) EXCEPT AS
7 PERMITTED BY SUBSECTION (9) OF THIS SECTION, it is declared to be the
8 policy of the general assembly not to authorize or to acquire sites or
9 initiate any program or activity requiring capital construction for
10 state-supported institutions of higher education unless approved by the
11 commission.

12 (3) The commission shall review and approve master planning ~~and~~
13 ~~program planning~~ for all capital construction projects of STATE
14 institutions of higher education on ~~state-owned or state-controlled land,~~
15 ~~regardless of the source of funds;~~ LAND OWNED OR CONTROLLED BY THE
16 STATE OR AN INSTITUTION and PROGRAM PLANS FOR PROJECTS OTHER
17 THAN THOSE PROJECTS CONSTRUCTED PURSUANT TO SUBSECTION (9) OF
18 THIS SECTION. EXCEPT FOR THOSE PROJECTS CONSTRUCTED PURSUANT TO
19 SUBSECTION (9) OF THIS SECTION, no capital construction shall commence
20 except in accordance with an approved master plan, program plan, and
21 physical plan.

22 (5) (a) The commission shall approve plans for any capital
23 construction project at any STATE institution OF HIGHER EDUCATION,
24 including a community college, regardless of the source of funds; except
25 that the commission need not approve plans for any capital construction
26 project at a local district college or area vocational school or for any
27 capital construction project described in subsection (9) ~~or (10)~~ of this

1 section.

2 (6) (a) The commission shall request annually from each
3 governing board OF EACH STATE INSTITUTION OF HIGHER EDUCATION a
4 five-year projection of capital development projects ~~Such~~ TO BE
5 CONSTRUCTED BUT NOT INCLUDING THOSE PROJECTS CONSTRUCTED
6 PURSUANT TO SUBSECTION (9) OF THIS SECTION. THE projection shall
7 include the estimated cost, the method of funding, a schedule for project
8 completion, and the governing board-approved priority for each project.
9 The commission shall determine whether a proposed project is consistent
10 with THE role and mission and master planning of the institution and
11 conforms to standards recommended by the commission.

12 (b) THE COMMISSION SHALL REQUEST ANNUALLY FROM THE
13 GOVERNING BOARD OF EACH STATE INSTITUTION OF HIGHER EDUCATION
14 A TWO-YEAR PROJECTION OF CAPITAL CONSTRUCTION PROJECTS TO BE
15 CONSTRUCTED PURSUANT TO SUBSECTION (9) OF THIS SECTION AND
16 ESTIMATED TO REQUIRE TOTAL PROJECT EXPENDITURES EXCEEDING TWO
17 MILLION DOLLARS. THE PROJECTION SHALL INCLUDE THE ESTIMATED
18 COST, THE METHOD OF FUNDING, AND A SCHEDULE FOR PROJECT
19 COMPLETION FOR EACH PROJECT. AN INSTITUTION SHALL AMEND THE
20 PROJECTION PRIOR TO COMMENCING A PROJECT THAT IS NOT INCLUDED IN
21 THE INSTITUTION'S MOST RECENT PROJECTION.

22 (7) (a) The commission annually shall ~~establish~~ PREPARE a
23 unified, five-year capital improvements ~~program~~ REPORT OF PROJECTS TO
24 BE CONSTRUCTED, BUT NOT INCLUDING THOSE PROJECTS CONSTRUCTED
25 PURSUANT TO SUBSECTION (9) OF THIS SECTION, coordinated with
26 education plans. ~~and~~ THE COMMISSION shall transmit THE REPORT to the
27 office of state planning and budgeting, the governor, and the general

1 assembly, consistent with the executive budget timetable, TOGETHER WITH
2 a recommended priority of funding of capital construction projects for the
3 system of public higher education. The commission shall annually
4 transmit the recommended priority of funding of capital construction
5 projects to the capital development committee no later than November 1
6 of each year.

7 (b) Except as provided in subsection (5) of this section, it is the
8 policy of the general assembly to appropriate funds only for projects
9 approved by the commission.

10 (c) (I) THE COMMISSION ANNUALLY SHALL PREPARE A UNIFIED,
11 TWO-YEAR CAPITAL IMPROVEMENTS REPORT FOR PROJECTS TO BE
12 CONSTRUCTED PURSUANT TO SUBSECTION (9) OF THIS SECTION AND
13 ESTIMATED TO REQUIRE TOTAL PROJECT EXPENDITURES EXCEEDING TWO
14 MILLION DOLLARS, COORDINATED WITH EDUCATION PLANS. THE
15 COMMISSION SHALL TRANSMIT THE REPORT TO THE OFFICE OF STATE
16 PLANNING AND BUDGETING, THE GOVERNOR, AND THE GENERAL
17 ASSEMBLY, CONSISTENT WITH THE EXECUTIVE BUDGET TIMETABLE.

18 (II) (A) THE COMMISSION ANNUALLY <{Should these be
19 submitted annually or every other year?}> SHALL SUBMIT THE TWO-YEAR
20 PROJECTIONS PREPARED BY EACH STATE INSTITUTION OF HIGHER
21 EDUCATION TO THE OFFICE OF STATE PLANNING AND BUDGETING AND THE
22 CAPITAL DEVELOPMENT COMMITTEE. BEGINNING IN THE 2010 REGULAR
23 LEGISLATIVE SESSION AND ALTERNATING YEARS THEREAFTER, THE
24 CAPITAL DEVELOPMENT COMMITTEE SHALL CONDUCT A HEARING ON THE
25 PROJECTIONS AND EITHER APPROVE THE PROJECTIONS OR RETURN THE
26 PROJECTIONS TO THE INSTITUTION FOR MODIFICATION. THE COMMISSION
27 AND THE OFFICE OF STATE PLANNING AND BUDGETING SHALL PROVIDE THE

1 CAPITAL DEVELOPMENT COMMITTEE WITH COMMENTS CONCERNING EACH
2 PROJECTION.

3 (B) A STATE INSTITUTION OF HIGHER EDUCATION MAY SUBMIT TO
4 THE STAFF OF THE CAPITAL DEVELOPMENT COMMITTEE, THE COMMISSION,
5 AND THE OFFICE OF STATE PLANNING AND BUDGETING AN AMENDMENT TO
6 ITS APPROVED TWO-YEAR PROJECTION. THE _____ CAPITAL DEVELOPMENT
7 COMMITTEE SHALL CONDUCT A HEARING ON THE AMENDMENT WITHIN
8 THIRTY DAYS AFTER SUBMISSION DURING A REGULAR SESSION OF THE
9 GENERAL ASSEMBLY OR WITHIN FORTY-FIVE DAYS AFTER SUBMISSION
10 DURING ANY PERIOD THAT THE GENERAL ASSEMBLY IS NOT IN REGULAR
11 SESSION. THE COMMISSION AND THE OFFICE OF STATE PLANNING AND
12 BUDGETING SHALL PROVIDE THE CAPITAL DEVELOPMENT COMMITTEE WITH
13 COMMENTS CONCERNING EACH AMENDMENT.

14 (8) Any acquisition ~~or utilization~~ of real property by a
15 state-supported institution of higher education that is conditional upon or
16 requires expenditures of state-controlled funds or federal funds shall be
17 subject to the approval of the commission, whether acquisition is by
18 lease-purchase, purchase, gift, or otherwise.

19 (9) (a) ~~The commission shall review and approve any plan for a~~
20 ~~capital construction project that is estimated to require total expenditures~~
21 ~~exceeding two million dollars and~~ EXCEPT AS PROVIDED IN PARAGRAPH
22 (d) OF THIS SUBSECTION (9), A CAPITAL CONSTRUCTION PROJECT INITIATED
23 BY THE GOVERNING BOARD OF A STATE-SUPPORTED INSTITUTION OF
24 HIGHER EDUCATION that is CONTAINED IN THE MOST RECENT UNIFIED,
25 TWO-YEAR CAPITAL IMPROVEMENTS PROJECT PROJECTION APPROVED
26 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (c) OF SUBSECTION (7)
27 OF THIS SECTION, AS THE PROJECTION MAY BE AMENDED FROM TIME TO

1 TIME, AND that is to be constructed, operated, and maintained solely from
2 ~~student fees, auxiliary facility funds, wholly endowed gifts and bequests,~~
3 ~~research building revolving funds, or a combination of such sources, as~~
4 ~~provided in sections 23-5-102, 23-5-103, 23-5-112, 23-20-124,~~
5 ~~23-31-129, and 23-41-117 and section 24-75-303 (3), C.R.S. Any such~~
6 ~~plan for a capital construction project that is estimated to require total~~
7 ~~expenditures of two million dollars or less CASH FUNDS HELD BY THE~~
8 ~~INSTITUTION shall not be subject to review or approval by the~~
9 ~~commission, THE OFFICE OF STATE PLANNING AND BUDGETING, THE~~
10 ~~CAPITAL DEVELOPMENT COMMITTEE, OR THE JOINT BUDGET COMMITTEE.~~

11 (b) ~~Upon approval of a plan for a capital construction project~~
12 ~~pursuant to paragraph (a) of this subsection (9), the commission shall~~
13 ~~submit such plan to the capital development committee. The capital~~
14 ~~development committee shall make a recommendation regarding the~~
15 ~~project to the joint budget committee. Following receipt of the~~
16 ~~recommendation, the joint budget committee shall refer its~~
17 ~~recommendations regarding the project, with written comments, to the~~
18 ~~commission: EXCEPT AS PROVIDED IN PARAGRAPH (d) OF THIS~~
19 ~~SUBSECTION (9), A CAPITAL CONSTRUCTION PROJECT FOR AN ACADEMIC~~
20 ~~BUILDING INITIATED BY THE GOVERNING BOARD OF A STATE-SUPPORTED~~
21 ~~INSTITUTION OF HIGHER EDUCATION THAT IS CONTAINED IN THE MOST~~
22 ~~RECENT UNIFIED, TWO-YEAR CAPITAL IMPROVEMENTS PROJECT~~
23 ~~PROJECTION APPROVED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH~~
24 ~~(c) OF SUBSECTION (7) OF THIS SECTION, AS THE PROJECTION MAY BE~~
25 ~~AMENDED FROM TIME TO TIME, AND THAT IS TO BE CONSTRUCTED SOLELY~~
26 ~~FROM CASH FUNDS HELD BY THE INSTITUTION AND OPERATED AND~~
27 ~~MAINTAINED FROM SUCH FUNDS OR FROM STATE MONEYS APPROPRIATED~~

1 FOR SUCH PURPOSE, OR BOTH, SHALL NOT BE SUBJECT TO REVIEW OR
2 APPROVAL BY THE COMMISSION, THE OFFICE OF STATE PLANNING AND
3 BUDGETING, THE CAPITAL DEVELOPMENT COMMITTEE, OR THE JOINT
4 BUDGET COMMITTEE.

5 (c) ~~The commission, the capital development committee, and the~~
6 ~~joint budget committee shall by agreement adopt procedures governing~~
7 ~~the capital development committee and joint budget committee review of~~
8 ~~projects subject to this subsection (9) and subsection (10) of this section,~~
9 ~~which agreement shall provide that, whenever possible, the capital~~
10 ~~development committee shall submit recommendations to the joint budget~~
11 ~~committee and the joint budget committee shall submit recommendations~~
12 ~~to the commission within thirty days after each committee receives the~~
13 ~~information prescribed in the agreement as necessary for its review. EACH~~
14 GOVERNING BOARD SHALL ENSURE, CONSISTENT WITH ITS
15 RESPONSIBILITIES AS SET FORTH IN SECTION 5 (2) OF ARTICLE VIII OF THE
16 STATE CONSTITUTION, THAT A CAPITAL CONSTRUCTION PROJECT INITIATED
17 PURSUANT TO THIS SUBSECTION (9) SHALL BE IN ACCORDANCE WITH ITS
18 INSTITUTION'S MISSION, BE OF A SIZE AND SCOPE TO PROVIDE FOR THE
19 DEFINED PROGRAM NEEDS, AND BE DESIGNED IN ACCORDANCE WITH ALL
20 APPLICABLE BUILDING CODES AND ACCESSIBILITY STANDARDS.

21 (d) THE PROVISIONS OF THIS SUBSECTION (9) SHALL NOT APPLY TO
22 A PROJECT THAT IS TO BE CONSTRUCTED IN WHOLE OR IN PART USING
23 MONEYS SUBJECT TO THE HIGHER EDUCATION REVENUE BOND INTERCEPT
24 PROGRAM ESTABLISHED PURSUANT TO SECTION 23-5-139.

25 (10) (a) The commission shall review and approve any plan for
26 a capital construction project that is estimated to require total
27 expenditures exceeding two million dollars, and that is to be constructed

1 solely from cash funds held by the institution other than those funds
2 specified in paragraph (a) of subsection (9) of this section THAT, IN
3 WHOLE OR IN PART, ARE SUBJECT TO THE HIGHER EDUCATION REVENUE
4 BOND INTERCEPT PROGRAM ESTABLISHED PURSUANT TO SECTION
5 23-5-139, and THAT IS operated and maintained from such cash funds or
6 from state moneys appropriated for such purpose, or both. Any plan for
7 any such capital construction project that is estimated to require total
8 expenditures of two million dollars or less shall not be subject to review
9 or approval by the commission.

10 (b) Upon approval of a plan for a capital construction project
11 pursuant to paragraph (a) of this subsection (10), the commission shall
12 submit the plan to the capital development committee. The capital
13 development committee shall make a recommendation regarding the
14 project to the joint budget committee. Following the receipt of the
15 recommendation, the joint budget committee shall refer its
16 recommendations regarding the project, with written comments, to the
17 commission.

18 (10.5) FOR ANY PROJECT COMMENCED PURSUANT TO SUBSECTION
19 (9) OR (10) OF THIS SECTION, IF, AFTER COMMENCEMENT OF
20 CONSTRUCTION, THE GOVERNING BOARD OF THE INSTITUTION RECEIVES AN
21 ADDITIONAL GIFT, GRANT, OR DONATION FOR THE PROJECT, THE
22 GOVERNING BOARD MAY AMEND THE PROJECT WITHOUT THE APPROVAL OF
23 THE COMMISSION, THE OFFICE OF STATE PLANNING AND BUDGETING, THE
24 CAPITAL DEVELOPMENT COMMITTEE, OR THE JOINT BUDGET COMMITTEE
25 SO LONG AS THE GOVERNING BOARD NOTIFIES THE COMMISSION, THE
26 OFFICE OF STATE PLANNING AND BUDGETING, THE CAPITAL DEVELOPMENT
27 COMMITTEE, AND THE JOINT BUDGET COMMITTEE IN WRITING, EXPLAINING

1 HOW THE PROJECT HAS BEEN AMENDED AND VERIFYING THE RECEIPT OF
2 THE ADDITIONAL GIFT, GRANT, OR DONATION. FOR INFORMATIONAL
3 PURPOSES, THE JOINT BUDGET COMMITTEE SHALL IDENTIFY THE NEW
4 SOURCE OF MONEYS IN THE GENERAL APPROPRIATIONS BILL ENACTED AT
5 THE NEXT REGULAR LEGISLATIVE SESSION.

6 (11) Each STATE institution OF HIGHER EDUCATION shall submit
7 to the commission on or before September 1 of each year a list and
8 description of each project for which an expenditure was made during the
9 immediately preceding fiscal year that was not subject to review by the
10 commission pursuant to ~~subsections (9) and (10)~~ SUBSECTION (9) of this
11 section OR THAT IS ESTIMATED TO REQUIRE TOTAL EXPENDITURES OF TWO
12 MILLION DOLLARS OR LESS. The commission shall submit a compilation
13 of ~~such~~ THE projects to the capital development committee on or before
14 December 1 of each year.

15 SECTION 2. 24-37-304 (1) (c.3) (I), Colorado Revised Statutes,
16 is amended to read:

17 **24-37-304. Additional budgeting responsibilities.** (1) In
18 addition to the responsibilities enumerated in section 24-37-302, the
19 office of state planning and budgeting shall:

20 (c.3) (I) EXCEPT FOR PROJECTS AUTHORIZED PURSUANT TO
21 SECTION 23-1-106 (9), C.R.S., ensure submission of all capital
22 construction and controlled maintenance requests and proposals for the
23 acquisition of capital assets by each state department, institution, and
24 agency to the capital development committee no later than September 1
25 of each year;

26 SECTION 3. 24-30-1303 (5), Colorado Revised Statutes, is
27 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1 **24-30-1303. Department of personnel - responsibilities.**

2 (5) (c) IF THE EXECUTIVE DIRECTOR DETERMINES THAT THE GOVERNING
3 BOARD OF A STATE INSTITUTION OF HIGHER EDUCATION HAS ADOPTED
4 PROCEDURES THAT ADEQUATELY MEET THE SAFEGUARDS SET FORTH IN
5 THE REQUIREMENTS OF PART 14 OF THIS ARTICLE AND ARTICLE 92 OF THIS
6 TITLE, THE EXECUTIVE DIRECTOR MAY EXEMPT THE INSTITUTION FROM
7 ANY OF THE PROCEDURAL REQUIREMENTS OF PART 14 OF THIS ARTICLE
8 AND ARTICLE 92 OF THIS TITLE IN REGARD TO A CAPITAL CONSTRUCTION
9 PROJECT TO BE CONSTRUCTED PURSUANT TO THE PROVISIONS OF SECTION
10 23-1-106 (9), C.R.S.; EXCEPT THAT THE SELECTION OF ANY CONTRACTOR
11 TO PERFORM PROFESSIONAL SERVICES AS DEFINED IN SECTION 24-30-1402
12 (6) SHALL BE MADE IN ACCORDANCE WITH THE CRITERIA SET FORTH IN
13 SECTION 24-30-1403 (2).

14 **SECTION 4.** 24-30-1405, Colorado Revised Statutes, is amended
15 to read:

16 **24-30-1405. Public notice.** When professional services are
17 required to be contracted for, public notice shall be given by the state
18 agency if the basic construction cost of the project is estimated by the
19 state agency to be more than ~~five hundred thousand dollars~~ or if the fee
20 ~~for the professional services is estimated to exceed fifty thousand dollars;~~
21 ~~except that, for projects under the supervision of the department of~~
22 ~~transportation, public notice shall be given by the department if the basic~~
23 ~~transportation-related construction cost of the project is estimated by the~~
24 ~~department to be more than one million dollars~~ or if the fee for
25 professional engineering or surveying services is estimated to exceed one
26 hundred thousand dollars. ~~Such~~ THE public notice shall be given at least
27 fifteen days prior to the selection of the three or more most highly

1 qualified persons by the principal representative pursuant to section
2 24-30-1403 (2), and, except for projects under the supervision of the
3 department of transportation, ~~such~~ THE public notice shall be given no
4 later than eight weeks after the date on which the appropriation for the
5 project becomes law. ~~Such~~ THE public notice shall be given by
6 publication at least two times in one or more daily newspapers of general
7 circulation in this state ~~and~~ OR BY PUBLICATION IN AN ELECTRONIC
8 MEDIUM APPROVED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.
9 THE PUBLIC NOTICE shall contain a general description of the proposed
10 project and shall indicate the procedure by which interested persons may
11 apply for consideration for the contract.

12 SECTION 5. 24-75-303 (3) (a), Colorado Revised Statutes, is
13 amended to read:

14 24-75-303. **Appropriation for capital construction.** (3) (a) No
15 A capital construction project for a state-supported institution of higher
16 education that is estimated to require total expenditures exceeding two
17 million dollars may NOT be commenced unless:

18 (I) The project:

19 (A) Is to be constructed solely from cash funds held by the
20 institution; ~~other than those funds specified in subparagraph (H) of this~~
21 ~~paragraph (a) and~~

22 (B) Is to be operated and maintained from such cash funds or from
23 state moneys appropriated for such purpose, or both; and the plan for the
24 project

25 (C) IS TO BE CONSTRUCTED IN WHOLE OR IN PART USING MONEYS
26 SUBJECT TO THE HIGHER EDUCATION REVENUE BOND INTERCEPT PROGRAM
27 ESTABLISHED PURSUANT TO SECTION 23-5-139, C.R.S.; AND

1 (D) Has been approved by the Colorado commission on higher
2 education pursuant to section 23-1-106 (10), C.R.S.; or

3 (II) (A) The PLAN FOR THE project is to be constructed, operated,
4 and maintained solely from student fees, auxiliary enterprise funds,
5 wholly endowed gifts and bequests, research building revolving funds, or
6 a combination of such sources, and the plan has been approved by the
7 Colorado commission on higher education in accordance with section
8 23-1-106 (9), C.R.S. WAS CONTAINED IN THE MOST RECENT UNIFIED,
9 TWO-YEAR CAPITAL IMPROVEMENTS PROJECTION PROVIDED PURSUANT TO
10 SECTION 23-1-106 (6) (b), C.R.S., AS THE PROJECTION MAY BE AMENDED
11 FROM TIME TO TIME;

12 (B) THE PROJECT HAS BEEN APPROVED BY THE GOVERNING BOARD
13 OF THE INSTITUTION; AND

14 (C) THE PROJECT IS TO BE CONSTRUCTED, OPERATED, AND
15 MAINTAINED SOLELY FROM CASH FUNDS HELD BY THE INSTITUTION, OR
16 THE PROJECT IS AN ACADEMIC BUILDING AND IS TO BE CONSTRUCTED
17 SOLELY FROM CASH FUNDS HELD BY THE INSTITUTION, BUT MAY BE
18 OPERATED OR MAINTAINED USING CASH FUNDS OR STATE MONEYS
19 APPROPRIATED FOR SUCH PURPOSES, OR BOTH.

20 SECTION 6. 24-92-103 (3), Colorado Revised Statutes, is
21 amended to read:

22 **24-92-103. Construction of public projects - competitive sealed**
23 **bidding.** (3) Adequate public notice of the invitation for bids shall be
24 given at least fourteen days prior to the date set forth therein for the
25 opening of bids, pursuant to rules. Such notice may include publication
26 by electronic on-line access pursuant to section 24-92-104.5 or in a
27 newspaper of general circulation at least fourteen days prior to bid

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1 opening OR IN AN ELECTRONIC MEDIUM APPROVED BY THE EXECUTIVE
2 DIRECTOR OF THE DEPARTMENT OF PERSONNEL.

3 SECTION 7. 38-26-107 (1), Colorado Revised Statutes, is
4 amended to read:

5 **38-26-107. Supplier may file statement - notice - withholding**
6 **funds.** (1) Any person, as defined in section 2-4-401 (8), C.R.S., that has
7 furnished labor, materials, sustenance, or other supplies used or consumed
8 by a contractor or his or her subcontractor in or about the performance of
9 the work contracted to be done or that supplies laborers, rental machinery,
10 tools, or equipment to the extent used in the prosecution of the work
11 whose claim therefor has not been paid by the contractor or the
12 subcontractor may, at any time up to and including the time of final
13 settlement for the work contracted to be done, file with the board, officer,
14 person, or other contracting body by whom the contract was awarded a
15 verified statement of the amount due and unpaid on account of the claim.
16 If the amount of the contract awarded to the contractor exceeds fifty
17 thousand dollars, the board, officer, person, or other contracting body by
18 whom the contract was awarded shall, no later than ten days before the
19 final settlement is made, publish a notice of the final settlement at least
20 twice in a newspaper of general circulation in any county where the work
21 was contracted for or performed OR IN AN ELECTRONIC MEDIUM APPROVED
22 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL. It is
23 unlawful for any person to divide a public works contract into two or
24 more separate contracts for the sole purpose of evading or attempting to
25 evade the requirements of this subsection (1).

26 SECTION 8. Safety clause. The general assembly hereby finds,

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1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, and safety. <{Does the
3 committee want a safety clause?}>

