

TO THE WAIVER PROCESS.

(2) AS USED IN THIS ARTICLE:

(a) "Colorado labor" ~~as used in this article~~ means any person who is a resident of the state of Colorado, ~~at the time of employment~~ AT THE TIME OF THE PUBLIC WORKS PROJECT, without discrimination as to race, color, creed, sex, sexual orientation, marital status, national origin, ancestry, age, or religion except when sex or age is a bona fide occupational qualification. A RESIDENT OF THE STATE OF COLORADO IS A PERSON WHO CAN PROVIDE A VALID COLORADO DRIVER'S LICENSE, A VALID COLORADO STATE-ISSUED PHOTO IDENTIFICATION, OR DOCUMENTATION THAT HE OR SHE HAS RESIDED IN COLORADO FOR THE LAST THIRTY DAYS.

(b) "PUBLIC WORKS PROJECT" SHALL HAVE THE SAME MEANING AS "PUBLIC PROJECT" AS DEFINED IN SECTION 8-19-102 (1).

SECTION 3. In Colorado Revised Statutes, **repeal** 8-17-103 as follows:

8-17-103. Penalty for violation. ~~Any officer or agent of the state, counties, school districts, or municipalities of the state of Colorado or any contractor who violates the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by 180~~

8-17-105. Compliance standard. COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE SHALL BE CALCULATED ON THE TOTAL TAXABLE WAGES AND FRINGE BENEFITS, MINUS ANY PER DIEM PAYMENTS, PAID TO WORKERS EMPLOYED DIRECTLY ON THE SITE OF THE PROJECT AND WHO SATISFY THE DEFINITION OF COLORADO LABOR.

8-17-106. Rules. (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL PROMULGATE RULES FOR THE IMPLEMENTATION OF THIS ARTICLE. SUCH RULES SHALL BE @GALL GAY

of transportation or by any political subdivision of this state, in which the expenditure of funds may be reasonably expected to exceed fifty thousand dollars.

OF THAT BIDDER.

(3) ANY REQUEST FOR PROPOSALS ISSUED BY A STATE AGENCY OR POLITICAL SUBDIVISION OF THE STATE MUST INCLUDE A NOTICE TO NONRESIDENT BIDDERS THAT IF THE NONRESIDENT BIDDER IS FROM A STAT

OTHER FACTORS OTHER THAN THOSE SPECIFIED IN THE INVITATION FOR BIDS. THE FACTORS THAT MUST BE INCLU

(6) TO ENSURE THAT THE BEST VALUE BIDDING PROCESS PURSUANT TO THIS SECTION IS OPEN AND TRANSPARENT TO THE GREATEST POSSIBLE DEGREE:

(a) AFTER SELECTION OF MOST QUALIFIED PARTICIPANTS, ALL STATEMENTS OF QUALIFICATION SHALL BE MADE AVAILABLE TO THE PUBLIC; AND

(b) AFTER THE CONTRACT HAS BEEN AWARDED, ALL REQUESTS FOR PROPOSALS SHALL BE MADE PUBLIC WITH THE SCORE SHEETS USED TO MAKE THE BID SELECTION, OMITTING ANY CONFIDENTIAL CORPORATE INFORMATION.

24-92-103.7. Disclosure - competitive sealed bidding - competitive sealed best value bidding. THE EXECUTIVE DIRECTOR OF AN AGENCY OF GOVERNMENT OR PRESIDENT OF AN INSTITUTION OF HIGHER EDUCATION THAT ENTERS INTO A CONSTRUCTION CONTRACT FOR A PUBLIC PROJECT PURSUANT TO THIS ARTICLE THAT IS NOT FUNDED IN ANY PART WITH FEDERAL MONEYS SHALL DISCLOSE TO THE PUBLIC THE AGENCY OF GOVERNMENT'S RATIONALE OR THE INSTITUTION'S RATIONALE FOR SELECTING THE COMPETITIVE SEALED BIDDING PROCESS PURSUANT TO SECTION 24-92-103 OR THE COMPETITIVE SEALED BEST VALUE BIDDING PROCESS PURSUANT TO SECTION 24-92-103.5 FOR THE PUBLIC PROJECT. THE AGENCY OR INSTITUTION SHALL POST THE DISCLOSURE ON ITS WEB SITE.

SECTION 10. In Colorado Revised Statutes, **add** 24-93-109 as follows:

24-93-109. Disclosure. THE EXECUTIVE DIRECTOR OF AN AGENCY OR PRESIDENT OF AN INSTITUTION OF HIGHER EDUCATION THAT ENTERS INTO A CONSTRUCTION CONTRACT FOR A PUBLIC PROJECT PURSUANT TO THIS ARTICLE SHALL DISCLOSE TO THE PUBLIC THE AGENCY'S RATIONALE OR THE INSTITUTION'S RATIONALE FOR SELECTING THE INTEGRATED PROJECT DELIVERY CONTRACTING PROCESS PURSUANT TO THIS ARTICLE FOR THE PUBLIC PROJECT. THE AGENCY OR INSTITUTION SHALL POST THE DISCLOSURE ON ITS WEB SITE.

SECTION 11. In Colorado Revised Statutes, **amend** 24-92-110 as follows:

24-92-110. Rules and regulations. The executive director of the department of personnel shall promulgate rules and regulations which are designed to implement the provisions of this article; except E 1

SUBCONTRACTING ANY SERVICES UNDER THE CONTRACT, where SUCH SUBCONTRACTED services will be performed under the contract, including any subcontracts, and whether any SUBCONTRACTED services under the contract or any subcontracts are anticipated to be performed outside the United States or the state. If the prospective vendor anticipates services under the contract or any subcontracts will be performed outside the United States or the state, the vendor shall provide in its WRITTEN statement of work a provision setting forth why it is necessary or advantageous to go outside the United States or the state to perform the contract or any subcontracts.

(b) EACH CONTRACT ENTERED INTO OR RENEWED BY A GOVERNMENTAL BODY PURSUANT TO THIS CODE MUST CONTAIN A CLAUSE THAT REQUIRES THE VENDOR TO PROVIDE WRITTEN NOTICE TO THE GOVERNMENTAL BODYSE

(7) NOTHING IN THIS SECTION APPLIES TO ANY PROJECT THAT RECEIVES FEDERAL MONEYS. IN ADDITION, NOTHING IN THIS SECTION CONTRAVENES ANY EXISTING TREATY, LAW, AGREEMENT, OR REGULATION OF THE UNITED STATES. CONTRACTS ENTERED INTO IN ACCORDANCE WITH ANY TREATY, LAW, AGREEMENT, OR REGULATION OF THE UNITED STATES DO NOT VIOLATE THIS

(a) "COUNTRY OF ORIGIN" SHALL HAVE THE MEANING ASCRIBED TO IT UNDER 19 U.S.C. SEC. 1304 AND 19 CFR 134.

(b) "PUBLIC WORKS" SHALL HAVE THE SAME MEANING AS "PUBLIC PROJECT" AS DEFINED IN SECTION 24-92-102 (8) (a), C.R.S.

(c) "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

(6) NOTHING IN THIS SECTION APPLIES TO ANY PROJECT THAT RECEIVES FEDERAL MONEYS. IN ADDITION, NOTHING IN THIS SECTION CONTRAVENES ANY EXISTING TREATY, LAW, AGREEMENT, OR REGULATION OF THE UNITED STATES. CONTRACTS ENTERED INTO IN ACCORDANCE WITH ANY TREATY, LAW, AGREEMENT, OR ~~CONTINENTDEFINITION~~

