

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0333.01 Nicole Myers

HOUSE BILL 11-1030

HOUSE SPONSORSHIP

Gardner B.,

SENATE SPONSORSHIP

Boyd,

House Committees

Economic and Business Development

Senate Committees

Health and Human Services

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE SET ASIDE PROGRAM THAT**
102 **REQUIRES A STATE AGENCY TO FIRST SOLICIT BIDS FOR CERTAIN**
103 **SERVICES FROM NONPROFIT AGENCIES THAT EMPLOY PERSONS**
104 **WITH SEVERE DISABILITIES.**

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>.)

Pursuant to a set aside program (program) enacted in 2008, a state agency is required to first solicit bids from nonprofit agencies that employ

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.*

SENATE
3rd Reading Unam ended
March 8, 2011

SENATE
2nd Reading Unam ended
March 7, 2011

HOUSE
3rd Reading Unam ended
February 15, 2011

HOUSE
Am ended 2nd Reading
February 14, 2011

persons with severe disabilities when the agency issues solicitations for certain types of services. The bill makes the following modifications to the program:

! A nonprofit agency must operate in Colorado to be eligible to participate as a vendor in the program; and

! A state agency that awards a solicitation for services to a nonprofit agency pursuant to the program shall, using existing resources, monitor the nonprofit agency to insure that it is meeting the requirements for the services offered and meeting the requirements to participate as a vendor through the program.

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

2 **SECTION 1.** 24-103-802 (3), Colorado Revised Statutes, is
3 amended to read:

4 **24-103-802. Definitions.** As used in this part 8, unless the
5 context otherwise requires:

6 (3) "Nonprofit agency" means a private nonprofit organization
7 established under the laws of the United States or this state that is
8 operated in THIS STATE IN the interest of persons with severe disabilities
9 or that specializes in services for persons with severe disabilities, the net
10 income of which does not benefit in whole or in part any shareholder or
11 officer.

12 **SECTION 2.** 24-103-803 (2) (a), Colorado Revised Statutes, is
13 amended to read:

14 **24-103-803. Nonprofit agencies - self-certified vendor list -**
15 **creation.** (2) The department shall accept applications from any
16 nonprofit agency that seeks to become a self-certified vendor to bid on
17 certain services solicitations. In order for a nonprofit agency to become
18 a self-certified vendor, the nonprofit agency shall certify that:

19 (a) The nonprofit agency is an independent tax-exempt charitable

1 or social welfare organization operating under section 501 (c) (3) of the
2 federal "Internal Revenue Code of 1986", as amended, AND IS OPERATING
3 IN COLORADO;

4 **SECTION 3.** 24-103-805, Colorado Revised Statutes, is amended
5 BY THE ADDITION OF A NEW SUBSECTION to read:

6 **24-103-805. Contract set asides - bid process created by**
7 **department of personnel - obligation of state agencies - rules.**

8 (7) ANY STATE AGENCY THAT AWARDS A SERVICES SOLICITATION TO A
9 SELF-CERTIFIED VENDOR PURSUANT TO THIS PART 8 SHALL INCLUDE IN THE
10 CONTRACT WITH SUCH SELF-CERTIFIED VENDOR THE REQUIREMENT THAT
11 THE VENDOR MUST MAINTAIN THE REQUIREMENTS TO BE A SELF-CERTIFIED
12 VENDOR PURSUANT TO SECTION 24-103-803 (2) FOR THE ENTIRE TERM OF
13 THE CONTRACT.

14 **SECTION 4. Act subject to petition - effective date.** This act
15 shall take effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part shall not take effect
21 unless approved by the people at the general election to be held in
22 November 2012 and shall take effect on the date of the official
23 declaration of the vote thereon by the governor.