

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 11-1030

BY REPRESENTATIVE(S) Gardner B., Fields, Kefalas, Kerr J., Labuda, Lee, Liston, Looper, Peniston, Priola, Soper, Stephens, Todd, Vigil, Waller; also SENATOR(S) Boyd, Aguilar, Carroll, Foster, Heath, Morse, Newell, Spence, Williams S.

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

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

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

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

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

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

(a) The nonprofit agency is an independent tax-exempt charitable or social welfare organization operating under section 501 (c) (3) of the federal "Internal Revenue Code of 1986", as amended, AND IS OPERATING IN COLORADO;

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

**24-103-805. Contract set asides - bid process created by department of personnel - obligation of state agencies - rules.** (7) ANY STATE AGENCY THAT AWARDS A SERVICES SOLICITATION TO A SELF-CERTIFIED VENDOR PURSUANT TO THIS PART 8 SHALL INCLUDE IN THE CONTRACT WITH SUCH SELF-CERTIFIED VENDOR THE REQUIREMENT THAT THE VENDOR MUST MAINTAIN THE REQUIREMENTS TO BE A SELF-CERTIFIED VENDOR PURSUANT TO SECTION 24-103-803 (2) FOR THE ENTIRE TERM OF THE CONTRACT.

**SECTION 4. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless

approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO