

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0453.01 Nicole Myers

HOUSE BILL 11-1099

HOUSE SPONSORSHIP

Kagan,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE PROCUREMENT PROCESS
102 IMPROVEMENT TASK FORCE TO DETERMINE WHETHER
103 MODIFICATIONS ARE NECESSARY FOR A MORE PRODUCTIVE
104 PROCUREMENT PROCESS.

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>.)

The bill creates the procurement process improvement task force (task force), to meet after the first regular session of the 68th general

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.

assembly to determine whether modifications could be made to improve the state procurement process for the benefit of state agencies, Colorado-based vendors, and Colorado-resident employees of vendors. The bill specifies several areas that the task force shall consider and gives the task force the authority to study other areas deemed relevant by the task force.

The task force shall consist of 9 members, 4 of whom are members of the general assembly, and 5 of whom are specified nonlegislative members.

The task force is required to invite interested and relevant parties to participate in the meetings of the task force and to provide testimony, written comments, and other relevant data to the task force. In addition, the task force is required to submit its written findings and recommendations to the general assembly and may propose up to 5 bills to be considered by the general assembly.

The bill specifies that the task force shall be funded through a general fund appropriation, or if no general fund appropriation is made, through gifts, grants, and donations. If sufficient moneys to fund the task force are not received, the meetings of the task force shall not occur.

If sufficient moneys are appropriated or received to fund the task force, the nonpartisan legislative staff agencies shall be available to assist the task force in conducting its duties and the legislative members of the task force shall be entitled to receive expenses and payment of per diem.

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

2 **SECTION 1.** Part 1 of article 101 of title 24, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **24-101-106. Procurement process improvement task force -**
6 **repeal.** (1) THERE IS HEREBY CREATED THE PROCUREMENT PROCESS
7 IMPROVEMENT TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK
8 FORCE", TO MEET AFTER THE FIRST REGULAR SESSION OF THE
9 SIXTY-EIGHTH GENERAL ASSEMBLY TO DETERMINE WHETHER
10 MODIFICATIONS CAN BE MADE TO IMPROVE THE STATE PROCUREMENT
11 PROCESS FOR THE BENEFIT OF STATE AGENCIES, COLORADO-BASED
12 VENDORS, AND COLORADO-RESIDENT EMPLOYEES OF VENDORS. THE TASK

1 FORCE SHALL CONSIDER, AT A MINIMUM, THE FOLLOWING:

2 (a) WHETHER MODIFICATIONS TO THE CODE COULD BE MADE TO
3 MAKE THE PROCUREMENT PROCESS ACCESSIBLE TO A WIDER RANGE OF
4 BUSINESSES, ESPECIALLY BUSINESSES OWNED BY COLORADO RESIDENTS,
5 BUSINESSES THAT EMPLOY COLORADO RESIDENTS, AND SMALL
6 BUSINESSES;

7 (b) POSSIBLE MODIFICATIONS TO THE PROCUREMENT PROCESS
8 THAT WOULD RESULT IN SAVINGS TO STATE AGENCIES OR THAT WOULD
9 ENABLE THE STATE TO PROCURE A BETTER PRODUCT;

10 (c) WHETHER THE STATE WOULD REALIZE ANY EFFICIENCIES BY
11 UTILIZING ONE CENTRAL PROCUREMENT OFFICE, RATHER THAN
12 DELEGATING PROCUREMENT RESPONSIBILITIES TO INDIVIDUAL STATE
13 AGENCIES;

14 (d) WAYS TO ATTRACT NEW PROSPECTIVE VENDORS TO BID ON
15 STATE CONTRACTS;

16 (e) CHANGES THAT CAN BE IMPLEMENTED IN THE PROCUREMENT
17 PROCESS TO MAKE THE PROCESS LESS BURDENSOME AND TIME CONSUMING
18 FOR PROSPECTIVE VENDORS AND FOR STATE AGENCIES;

19 (f) METHODS TO BETTER INFORM THE BUSINESS COMMUNITY
20 ABOUT THE VARIOUS OPPORTUNITIES TO DO BUSINESS WITH THE STATE;

21 AND

22 (g) THE POSSIBILITY OF INCORPORATING INTO THE PROCUREMENT
23 PROCESS A MECHANISM TO REFLECT THE STATE'S INTEREST IN MAXIMIZING
24 THE NUMBER OF COLORADO RESIDENTS WHO ARE EMPLOYED TO WORK ON
25 STATE PROCUREMENT PROJECTS AND MAXIMIZING THE REMUNERATION OF
26 THOSE EMPLOYEES.

27 (2) THE TASK FORCE SHALL CONSIST OF NINE MEMBERS AS

1 FOLLOWS:

2 (a) FOUR LEGISLATIVE MEMBERS AS FOLLOWS:

3 (I) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, ONE
4 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE
5 APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF
6 REPRESENTATIVES; AND

7 (II) TWO MEMBERS OF THE SENATE, ONE APPOINTED BY THE
8 PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE MINORITY LEADER
9 OF THE SENATE;

10 (b) TWO ADDITIONAL MEMBERS APPOINTED BY THE SPEAKER OF
11 THE HOUSE OF REPRESENTATIVES AS FOLLOWS:

12 (I) ONE MEMBER WHO IS A VENDOR OR THE REPRESENTATIVE OF A
13 VENDOR WHO, DUE TO THE NATURE OF THE PROCUREMENT PROCESS, HAS
14 NEVER RESPONDED TO A STATE PROCUREMENT SOLICITATION BUT OFFERS
15 GOODS OR SERVICES OF THE TYPE THAT STATE AGENCIES REGULARLY
16 PURCHASE; AND

17 (II) ONE MEMBER WHO HAS EXPERTISE IN THE SUBJECT OF THE
18 CODE, WHO IS NOT A STATE EMPLOYEE, AND WHO IS A PUBLISHED AUTHOR
19 REGARDING THE SUBJECT OF THE CODE;

20 (c) TWO ADDITIONAL MEMBERS APPOINTED BY THE PRESIDENT OF
21 THE SENATE AS FOLLOWS:

22 (I) ONE MEMBER WHO IS A VENDOR OR THE REPRESENTATIVE OF A
23 VENDOR WHO HAS BEEN A PARTY TO A PROCUREMENT CONTRACT WITH A
24 STATE AGENCY AND WHO HAS SUCCESSFULLY COMPLETED THE PROJECT;
25 AND

26 (II) ONE MEMBER WHO REPRESENTS A STATEWIDE LABOR UNION
27 FEDERATION; AND

1 (d) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
2 DESIGNEE.

3 (3) THE LEGISLATIVE MEMBERS OF THE TASK FORCE APPOINTED BY
4 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF
5 THE SENATE SHALL SERVE AS THE CO-CHAIRS OF THE TASK FORCE.

6 (4) THE TASK FORCE SHALL INVITE REPRESENTATIVES FROM STATE
7 GOVERNMENT, PRIVATE BUSINESSES, EDUCATIONAL INSTITUTIONS,
8 NONPROFIT ORGANIZATIONS, APPROPRIATE TRADE GROUPS, AND ANY
9 OTHER ENTITY DEEMED RELEVANT BY THE TASK FORCE TO PARTICIPATE IN
10 THE MEETINGS OF THE TASK FORCE AND TO PROVIDE TESTIMONY, WRITTEN
11 COMMENTS, OR OTHER RELEVANT DATA TO THE TASK FORCE.

12 (5) (a) THE TASK FORCE SHALL NOT MEET MORE THAN FOUR TIMES
13 AND SHALL SUBMIT ITS WRITTEN FINDINGS AND RECOMMENDATIONS IN A
14 REPORT TO THE GENERAL ASSEMBLY NO LATER THAN NOVEMBER 15, 2011.

15 (b) THE TASK FORCE SHALL BE LIMITED TO PROPOSING FIVE BILLS.
16 IF A LEGISLATIVE MEMBER OF THE TASK FORCE CHOOSES TO CARRY A BILL
17 RECOMMENDED BY THE TASK FORCE IN THE FOLLOWING LEGISLATIVE
18 SESSION, THE TASK FORCE BILLS SHALL NOT COUNT AGAINST THE
19 INDIVIDUAL LEGISLATOR'S BILL LIMITS SET FORTH IN THE JOINT RULES OF
20 THE SENATE AND THE HOUSE OF REPRESENTATIVES. LEGISLATION
21 RECOMMENDED BY THE TASK FORCE SHALL BE SUBJECT TO THE INTERIM
22 COMMITTEE DEADLINES PURSUANT TO THE JOINT RULES OF THE SENATE
23 AND THE HOUSE OF REPRESENTATIVES.

24 (6) STAFF OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF
25 LEGISLATIVE LEGAL SERVICES SHALL BE AVAILABLE TO ASSIST THE TASK
26 FORCE IN CONDUCTING THE DUTIES OF THE TASK FORCE IF SUFFICIENT
27 MONEYS ARE RECEIVED TO FUND THE TASK FORCE PURSUANT TO

1 SUBSECTION (8) OF THIS SECTION.

2 (7) LEGISLATIVE MEMBERS OF THE TASK FORCE SHALL BE
3 ENTITLED TO RECEIVE EXPENSES AND PAYMENT OF PER DIEM IF SUFFICIENT
4 MONEYS ARE RECEIVED TO FUND THE TASK FORCE PURSUANT TO
5 SUBSECTION (8) OF THIS SECTION.

6 (8) (a) THE GENERAL ASSEMBLY SHALL MAKE SUCH
7 APPROPRIATION AS IT DEEMS APPROPRIATE TO FUND THE WORK OF THE
8 TASK FORCE.

9 (b) IF THE GENERAL ASSEMBLY DOES NOT MAKE AN
10 APPROPRIATION FOR PURPOSES OF THE TASK FORCE DURING THE FIRST
11 REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY, THE TASK
12 FORCE SHALL BE FUNDED THROUGH GIFTS, GRANTS, AND DONATIONS. THE
13 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE
14 SENATE SHALL DESIGNATE AN APPROPRIATE ENTITY AS THE CUSTODIAN OF
15 THE FUNDS FOR THE TASK FORCE AND THE AMOUNT OF MONEYS THAT
16 WOULD BE ADEQUATE TO COVER THE EXPENSES ASSOCIATED WITH THE
17 TASK FORCE. SUCH ORGANIZATION SHALL CERTIFY TO THE SPEAKER OF
18 THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE
19 THAT THERE ARE ADEQUATE MONEYS AVAILABLE TO COVER THE EXPENSES
20 ASSOCIATED WITH THE TASK FORCE, AT WHICH TIME THE ORGANIZATION
21 SHALL TRANSFER SUCH MONEYS TO THE LEGISLATIVE DEPARTMENT CASH
22 FUND CREATED IN SECTION 2-2-1601, C.R.S., TO BE EXPENDED BY THE
23 EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL TO PAY FOR THE
24 EXPENSES OF THE TASK FORCE.

25 (c) IF THE GENERAL ASSEMBLY DOES NOT MAKE AN
26 APPROPRIATION FROM THE GENERAL FUND PURSUANT TO PARAGRAPH (a)
27 OF THIS SUBSECTION (8) AND IF THE CERTIFICATION AND TRANSFER OF

1 MONEYS REQUIRED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (8)
2 DOES NOT OCCUR ON OR BEFORE AUGUST 1, 2011, THE MEETINGS OF THE
3 TASK FORCE SHALL NOT OCCUR.

4 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

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