

Background on Amendment 54

On November 4, 2008 voters approved “Amendment 54,” a modification to Article XXVIII of the Colorado Constitution. This amendment requires the Colorado Department of Personnel & Administration (DPA) to collect and publish certain information.

Effective December 31, 2008 DPA designed a “Government Contract Summary” system to collect certain information regarding “contract holders” of “sole source government contracts.”

These new procedures *may* require vendors doing business with any government agency or political subdivision of the state to modify their current practices.

Government agencies and political subdivisions of Colorado *may* have to modify their practices with vendors and “sole source contract holders.”

DPA has created two digital forms, available on this website, that now are required to be filed by holders of all “sole source government contracts” effective on or after December 31, 2008.

Please note that the definition of “sole source government contract” in the amendment is different from the definition of a sole source contract in the State of Colorado Procurement Code, and may vary from other government agencies’ procurement practices across the state.

This technical guidance is designed to direct government agencies on new State procurement procedure and form filing process; however, it also may be helpful in answering some questions for vendors and other government procurement authorities as well.

The forms allow vendors to self-report certain information to DPA under the amendment’s definition of “sole source government contracts” by completing two documents and registering them. At this time there is no requirement for government agencies to file information with DPA.

Please note that this technical guidance is being provided to help direct state government procurement and filing procedures only. *DPA is not providing any legal interpretation to other political subdivisions of the state, or to vendors as to whether or not reporting is required.*

If you are a vendor you should contact your own independent legal counsel if you have any questions regarding interpretation of the amendment, or your liability to prepare and deliver the digital forms to DPA.

If you are with a government agency you should obtain independent legal counsel to determine if your agency is obligated to modify its procurement practices to be in compliance with this amendment.

We recognize that this new reporting requirement may create questions. DPA will continue to provide guidance whenever possible. If you have a question you can call a DPA representative at: 303-866-3765.