

NOTE: The governor signed this measure on 3/21/2014.

An Act

HOUSE BILL 14-1224

BY REPRESENTATIVE(S) Gardner, Duran, Exum, Fields, Fischer, Foote, Garcia, Gerou, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Labuda, Lebsack, Lee, Mitsch Bush, Priola, Rankin, Rosenthal, Ryden, Salazar, Schafer, Tyler, Waller, Williams, Wright, Young, Ferrandino;
also SENATOR(S) Herpin, Aguilar, Crowder, Grantham, Guzman, Heath, Hodge, Jahn, Johnston, Kefalas, Kerr, King, Newell, Nicholson, Rivera, Roberts, Schwartz, Tochtrop, Todd, Ulibarri, Zenzinger, Carroll.

CONCERNING A SET ASIDE GOAL IN STATE PROCUREMENT FOR
SERVICE-DISABLED VETERAN OWNED SMALL BUSINESSES.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-103-211 as follows:

24-103-211. Service-disabled veteran owned small businesses - state procurement set aside - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "SERVICE-DISABLED VETERAN OWNED SMALL BUSINESS" MEANS A BUSINESS THAT IS:

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

(I) INCORPORATED OR ORGANIZED IN THE STATE OR THAT IS MAINTAINING A PLACE OF BUSINESS OR OFFICE IN THE STATE; AND

(II) OFFICIALLY REGISTERED AND VERIFIED AS A SERVICE-DISABLED VETERAN OWNED SMALL BUSINESS BY THE CENTER FOR VETERANS ENTERPRISE WITHIN THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.

(b) "STATE AGENCY" MEANS A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT AS SPECIFIED IN SECTION 24-1-110, INCLUDING ANY DIVISION, OFFICE, AGENCY, OR OTHER UNIT CREATED WITHIN A PRINCIPAL DEPARTMENT, INCLUDING INSTITUTIONS OF HIGHER EDUCATION AND THE COLORADO COMMISSION ON HIGHER EDUCATION; EXCEPT THAT "STATE AGENCY" DOES NOT INCLUDE THOSE ENTITIES THAT HAVE ELECTED TO BE EXEMPT FROM THE CODE PURSUANT TO SECTION 24-101-105 (1) (b).

(2) IN AWARDING ALL CONTRACTS THAT ARE SUBJECT TO THIS CODE, THE STATE SHALL HAVE THE GOAL OF AWARDING AT LEAST THREE PERCENT OF ALL SUCH CONTRACTS, BY DOLLAR VALUE, TO SERVICE-DISABLED VETERAN OWNED SMALL BUSINESSES. TO SATISFY THIS GOAL, A STATE AGENCY MAY GRANT A PREFERENCE FOR SERVICE-DISABLED VETERAN OWNED SMALL BUSINESSES.

(3) WHEN A STATE AGENCY INTENDS TO AWARD A CONTRACT TO A BUSINESS IN FURTHERANCE OF THE THREE PERCENT GOAL SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THE STATE AGENCY SHALL, PRIOR TO AWARDING THE CONTRACT, REQUIRE THE BUSINESS TO SUBMIT TO THE AGENCY DOCUMENTATION FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS THAT VERIFIES THAT THE BUSINESS IS A SERVICE-DISABLED VETERAN OWNED SMALL BUSINESS.

(4) ON OR BEFORE SEPTEMBER 30, 2015, AND ON OR BEFORE SEPTEMBER 30 EACH YEAR THEREAFTER, THE EXECUTIVE DIRECTOR SHALL SUBMIT A REPORT REGARDING THE STATE'S PROGRESS IN SATISFYING THE THREE PERCENT GOAL ESTABLISHED IN THIS SECTION TO THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, THE MEMBERS OF THE COLORADO BOARD OF VETERANS AFFAIRS, AND TO THE MEMBERS OF THE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER STATE AFFAIRS AND VETERANS AFFAIRS. THE REPORT

SHALL INCLUDE THE FOLLOWING:

(a) THE TOTAL NUMBER OF CONTRACTS THAT ALL STATE AGENCIES AWARDED TO SERVICE-DISABLED VETERAN OWNED SMALL BUSINESSES IN THE PRIOR FISCAL YEAR AND THE NUMBER OF SUCH CONTRACTS THAT EACH STATE AGENCY AWARDED;

(b) THE TOTAL DOLLAR AMOUNT OF CONTRACTS THAT ALL STATE AGENCIES AWARDED TO SERVICE-DISABLED VETERAN OWNED SMALL BUSINESSES IN THE PRIOR FISCAL YEAR AND THE PERCENTAGE THAT SUCH DOLLAR AMOUNT BEARS TO THE TOTAL DOLLAR AMOUNT OF CONTRACTS AWARDED BY ALL STATE AGENCIES IN THE PRIOR FISCAL YEAR;

(c) THE TOTAL DOLLAR AMOUNT OF CONTRACTS THAT EACH STATE AGENCY AWARDED TO SERVICE-DISABLED VETERAN OWNED SMALL BUSINESSES IN THE PRIOR FISCAL YEAR AND THE PERCENTAGE THAT SUCH DOLLAR AMOUNT BEARS TO THE TOTAL DOLLAR AMOUNT OF CONTRACTS AWARDED BY THE STATE AGENCY IN THE PRIOR FISCAL YEAR; AND

(d) THE TOTAL NUMBER OF SERVICE-DISABLED VETERAN OWNED SMALL BUSINESSES THAT RESPONDED TO SOLICITATION FOR BIDS OR PROPOSALS ISSUED BY ALL STATE AGENCIES IN THE PRIOR FISCAL YEAR AND THE TOTAL NUMBER OF SUCH BUSINESSES THAT RESPONDED TO SOLICITATIONS FOR BIDS OR PROPOSALS ISSUED BY EACH STATE AGENCY.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Morgan Carroll
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO