

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015) ***

TITLE 24. GOVERNMENT - STATE
PRINCIPAL DEPARTMENTS
ARTICLE 30. DEPARTMENT OF PERSONNEL - STATE ADMINISTRATIVE SUPPORT SERVICES
PART 11. DIVISION OF CENTRAL SERVICES

C.R.S. 24-30-1104 (2015)

24-30-1104. Central services functions of the department - definitions

(1) Within the counties of Adams, Arapahoe, Boulder, Douglas, Pueblo, El Paso, and Jefferson, the city and county of Broomfield, and the city and county of Denver, and within any other areas in the state of Colorado where central services are offered, the department of personnel shall perform the following functions for the executive branch of the state of Colorado, its departments, institutions, and agencies, under the direction of the executive director:

(a) Formulate, in consultation with state departments, institutions, and agencies, recommendations for a strategic plan for approval of the executive director of the department of personnel and the governor no later than January 1 of 2005 and every five years thereafter;

(b) Review all existing and future services, service applications, software related to services, planning systems, personnel, equipment, and facilities and establish priorities for those that are necessary and desirable to accomplish the purposes of this part 11;

(c) Establish procedures and standards for management of service functions set forth in this part 11 for all state departments, institutions, and agencies;

(d) Establish and maintain facilities as needed to carry out the duties set forth in this part 11, including but not limited to those listed;

(e) (Deleted by amendment, L. 2004, p. 306, § 3, effective August 4, 2004.)

(f) Advise the governor and the general assembly on central services matters;

(g) Prepare and submit such reports as are required by this part 11 or which the governor or the general assembly may request;

(h) Approve or disapprove the acquisition of services, service equipment, and software related to services by any state department, institution, or agency and approve, modify, or disapprove the staffing pattern for service operations by any state department, institution, or agency in accordance with the approved plan;

(i) Continually study and assess service operations and needs of state departments, institutions, and agencies;

(j) Provide services, equipment, and facilities as required pursuant to this part 11 for state departments, institutions, and agencies according to their needs;

(k) Establish, in consultation with other state departments, institutions, and agencies, techniques and standards for microfilm, digital imaging, and digital conversion and evidentiary certification of photographs, microphotographs, or reproductions;

(l) Notify state agencies through written statements, which may include electronic statements, prepared by central services that state agencies may obtain goods and services directly from the private sector, if the cost and quality of such goods or services offered by the private sector are competitive with those provided by central services;

(m) Offer services to any state institution of higher education that chooses to purchase such services. When an institution of higher education intends to purchase a service provided by the department, the institution shall include the department in any solicitation or vendor qualification process for the service. Whenever practicable, institutions of higher education shall seek partnerships with the department for the purpose of procuring services at a cost savings to the institution and the state.

(1.5) The department of personnel shall establish a rule providing for a waiver to a state agency of subsection (1) of this section when the state agency can procure the services described in this part 11 at a net cost savings to the state.

(2) In addition to the county-specific functions set forth in subsection (1) of this section, the department of personnel shall take such steps as are necessary to fully implement a central state motor vehicle fleet system by January 1, 1993. The provisions of the motor vehicle fleet system created pursuant to this subsection (2) shall apply to the executive branch of the state of Colorado, its departments, its institutions, and its agencies; except that the governing board of each institution of higher education, by formal action of the board, and the Colorado commission on higher education, by formal action of the commission, may elect to be exempt from the provisions of this subsection (2) and may obtain a motor vehicle fleet system independent of the state motor vehicle fleet system. Under the direction of the executive director, the department of personnel shall perform the following functions pertaining to the motor vehicle fleet system throughout the state:

(a) Establish and operate a central state motor vehicle fleet system and such subsidiary-related facilities as are necessary to provide for the efficient and economical use of state-owned motor vehicles by state officers and employees;

(b) Establish and operate central facilities for the maintenance, repair, and storage of state-owned passenger motor vehicles for the use of state agencies; utilize any available state facilities for that purpose; and enter into contracts with such facilities as are necessary to carry out the provisions of this part 11;

(c) (I) Adopt uniform rules for motor vehicle acquisition, operation, maintenance, repair, and disposal standards. Uniform rules adopted by the executive director of the department of personnel pertaining to acquisition of motor vehicles by lease or purchase shall provide that low energy consumption shall be a favorable factor in determining the low responsible bidder. The size of any passenger motor vehicle shall not be greater than necessary to accomplish its purpose.

(II) By January 1, 2008, the executive director shall adopt a policy to significantly increase the utilization of alternative fuels and that establishes increasing utilization objectives for each following year. To encourage compliance with this policy, the rules promulgated pursuant to this paragraph (c) may establish progressively more stringent percentage mileposts and, for fiscal years commencing after July 1, 2004, require the collection of data concerning the annual percentage of state-owned bi-fueled vehicles that were fueled exclusively with an alternative fuel. For the years commencing on January 1, 2008, and January 1, 2009, the executive director shall purchase flexible fuel vehicles or hybrid vehicles, subject to availability, unless the increased cost of such vehicle is more than ten percent over the cost of a comparable dedicated petroleum fuel vehicle. Beginning on January 1, 2010, the executive director shall purchase motor vehicles that operate on compressed natural gas, plug-in hybrid electric vehicles, or vehicles that operate on other alternative fuels, subject to their availability and the availability of adequate fuel and fueling infrastructure, if either the increased base cost of such vehicle or the increased life-cycle cost of such vehicle is not more than ten percent over the cost of a comparable dedicated petroleum fuel vehicle. The executive director shall adopt a policy to allow some vehicles to be exempted from this requirement. The executive director or the director's designee shall submit an annual report to the transportation committees of the senate and the house of representatives, or any successor committees, and the joint budget committee of the general assembly, detailing the items specified in subparagraph (V) of this paragraph (c). As used in this subparagraph (II):

(A) "Flexible fuel vehicle" means any dedicated flexible-fuel or dual-fuel vehicle designed to operate on at least one alternative fuel.

(B) "Hybrid vehicle" means a motor vehicle with a hybrid propulsion system that uses an alternative fuel by operating on both an alternative fuel, including electricity, and a traditional fuel.

(III) For purposes of this paragraph (c):

(A) "Alternative fuel" has the meaning established in section 25-7-106.8, C.R.S.

(B) "Bi-fueled vehicle" means a motor vehicle, which may be purchased to comply with applicable federal requirements including, but not limited to, the federal "Energy Policy Act of 1992", 42 U.S.C. sec. 13257, and 42 U.S.C. sec. 7587, that can operate on both an alternative fuel and a traditional fuel or that can operate alternately on a traditional fuel and an alternative fuel.

(C) "Biodiesel" means fuel composed of mono-alkyl esters of long chain fatty acids derived from plant or animal matter that meet ASTM specifications and that is produced in Colorado.

(D) "Life-cycle cost" means the purchase cost of a vehicle minus the resale value at the end of the vehicle's expected useful life, in addition to the fuel, operating, and maintenance costs incurred during the vehicle's expected useful life. Fuel costs per mile traveled shall be calculated based on the reference case projections published by the United States energy information administration for the expected useful life of the vehicle. The expected useful life of a vehicle shall be the standard that is set by the state fleet management program for analysis and life-cycle costing purposes.

(IV) (A) By January 1, 2007, the director shall adopt a policy that all state-owned diesel vehicles and equipment shall be fueled with a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel, subject to availability and so long as the price is no greater than ten cents more per gallon than the price of diesel fuel. The director shall provide for the proper administration, implementation, and enforcement of the policy.

(B) Repealed.

(V) On or before November 1, 2013, and each November 1 thereafter, the executive director or the director's designee shall submit a report to the general assembly as specified in subparagraph (II) of this paragraph (c). The report must

include, but need not be limited to, the following:

- (A) The number of vehicles that the executive director or the director's designee purchased since January 1, 2008, for the motor vehicle fleet system that operate on compressed natural gas and other alternative fuels;
 - (B) An estimate of the number of dedicated petroleum fuel vehicles that the executive director or the director's designee purchased for the motor vehicle fleet system since January 1, 2008, instead of a vehicle that operates on compressed natural gas or other alternative fuel because the base cost or life-cycle cost of the compressed natural gas vehicle or other alternative fuel vehicle was more than ten percent over the cost of a comparable dedicated petroleum fuel vehicle;
 - (C) An explanation of the availability of adequate fuel and fueling infrastructure in the state for compressed natural gas vehicles and other alternative fuel vehicles and whether limited availability of fuel or fueling infrastructure contributes to the purchase of dedicated petroleum fuel vehicles for the motor vehicle fleet system instead of vehicles that operate on compressed natural gas and other alternative fuels;
 - (D) A summary of the policy that allows the executive director to exempt some vehicles from the requirement to purchase vehicles that operate on compressed natural gas and the percentage of dedicated petroleum fuel vehicles that the director purchased pursuant to this exemption;
 - (E) A summary of the administrative procedures or policies in place within the department, if any, that are intended to facilitate the purchase of vehicles that operate on compressed natural gas and other alternative fuels;
 - (F) The executive director's suggested changes to the requirements and limitations of subparagraph (II) of this paragraph (c) or other state law that would facilitate the gradual conversion of the motor vehicle fleet system to vehicles that operate on compressed natural gas and other alternative fuels, allow the state to account for the benefit of reduced emissions from vehicles that operate on compressed natural gas and other alternative fuels in its analysis regarding the purchase of such vehicles, and enable the department to provide the best value to the state in the motor vehicle fleet system while purchasing vehicles that operate on compressed natural gas and other alternative fuels; and
 - (G) A plan for putting in place the infrastructure necessary to support vehicles in the state's motor vehicle fleet system that operate on compressed natural gas and other alternative fuels.
- (d) (I) Require that all state agencies transfer custody of certificates of title to all state-owned motor vehicles that are owned by such agencies to the department of personnel for the purpose of compiling complete data on all motor vehicles owned by the state;
- (II) Require that all motor vehicles presently owned by state agencies be entered into the state fleet management program. Per-mile costs for the program shall be determined by criteria established by the department of personnel.
- (III) (Deleted by amendment, L. 96, p. 1498, § 10, effective June 1, 1996.)
- (IV) Require that any department, institution, or agency of the executive branch of the state that owns, operates, or controls vehicles that are not part of the central state motor vehicle fleet system provide the department of personnel with information requested by the department for the purpose of compiling complete data on all motor vehicles owned by the state.
- (e) Require that all vehicles purchased after July 1, 1992, shall be owned by the department of personnel and leased and permanently assigned to state agencies. Purchases shall be based on specifications as requested by the state agency in cooperation and consultation with the department of personnel and the motor vehicle advisory council.
- (f) Maintain, store, repair, dispose of, and replace state-owned motor vehicles under the control of the department of personnel. The department of personnel shall ensure that state-owned motor vehicles are not routinely replaced until they meet the replacement criteria relating to mileage, cost, safety, and other relevant factors established by the department.
- (g) Establish and maintain a centralized record-keeping system for the acquisition, operation, maintenance, repair, and disposal of all motor vehicles in the fleet;
- (h) Assign suitable transportation, either on a temporary or permanent basis to any state agency upon: Proper requisition; proper showing of need for use on authorized state business; or approved commuting as provided in section 24-30-1113;
- (i) Establish and maintain a record-keeping system for the assignment and use of each vehicle in the motor fleet, which shall include:
- (I) Verification from the executive director of a state agency or the executive director's designee that any employee driving a state vehicle has a valid driver's license;
 - (II) A statement of the authorized state business or other approved purpose for which the vehicle is assigned;
 - (III) Any other information which the director determines is necessary to carry out the purposes and provisions of this part 11;

(j) (Deleted by amendment, L. 2004, p. 306, § 3, effective August 4, 2004.)

(k) Allocate and charge against each state agency to which transportation is furnished, on the basis of mileage or on the basis of the period of time for which each vehicle is assigned to the agency, its proportionate part of the cost of maintenance and operation of the motor vehicle fleet;

(l) Enforce such rules and regulations as may be adopted by the director pursuant to the provisions of this part 11;

(m) Delegate or conditionally delegate to the respective heads of agencies to which state-owned motor vehicles are permanently assigned such duties as may be designated by the director for the enforcement of all or part of the rules and regulations adopted by the department of personnel;

(n) Require state agencies, officers, and employees to keep all records and make all reports regarding state-owned motor vehicle use as provided in rules and regulations adopted by the department of personnel;

(o) (Deleted by amendment, L. 2004, p. 306, § 3, effective August 4, 2004.)

(p) Negotiate and enter into contracts for the purchase or lease of such personal property as is deemed necessary to achieve the purposes and provisions of this part 11;

(q) Adopt an annual operating budget;

(r) Supervise and be responsible for the expenditure of moneys appropriated to carry out the purposes and provisions of this part 11;

(s) Exercise any other powers or perform any other duties that are reasonably necessary for the fulfillment of the powers and duties assigned to the department of personnel pursuant to this part 11; and

(t) Require that the federal environmental protection agency mile-per-gallon rating for all motor vehicles purchased for the state-owned motor vehicle fleet on or after January 1, 2007, meet or exceed the average fuel efficiency standards as established pursuant to the federal "Energy Policy and Conservation Act", 15 U.S.C. sec. 2001, et seq., recodified as 49 U.S.C. sec. 32901 et seq.

(3) Repealed.

(4) In addition to any other duties imposed by this section, the department of personnel shall establish and maintain a program for parking permits and building and grounds maintenance for the state capitol buildings group pursuant to part 1 of article 82 of this title.

HISTORY: Source: L. 77: Entire part added, p. 1178, § 3, effective June 20. L. 91: (1)(a) amended and (1)(l) added, p. 863, § 2, effective April 20. L. 92: (2) added, p. 1000, § 2, effective July 1. L. 93: (2)(i)(I) amended, p. 351, § 1, effective April 12; (3) added, p. 1829, § 1, effective July 1. L. 95: (2)(d)(III)(A) amended, p. 1104, § 38, effective May 31; IP(1), (1)(a), and (2) amended, p. 647, § 47, effective July 1. L. 96: IP(1), (1)(a), (1)(c) to (1)(f), (1)(j), IP(2), (2)(c) to (2)(f), (2)(m), (2)(n), (2)(s), and (3) amended, p. 1498, § 10, effective June 1. L. 2003: (3) amended, p. 984, § 1, effective April 17; (2)(c) amended, p. 1236, § 4, effective September 1. L. 2004: IP(2) amended, p. 602, § 1, effective July 1; (1)(a), (1)(b), (1)(e), (1)(h), (1)(k), (1)(l), (2)(d)(II), (2)(f), (2)(h), (2)(j), and (2)(o) amended and (4) added, p. 306, § 3, effective August 4. L. 2006: IP(2) and (2)(c)(III) amended and (2)(c)(IV) added, p. 152, § 1, effective July 1; (2)(d)(IV) and (2)(t) added, pp. 1071, 1072, § 2, 3, effective August 7. L. 2007: (2)(c)(II) amended, p. 1758, § 1, effective June 1; (2)(t) amended, p. 2033, § 49, effective June 1. L. 2009: (2)(c)(II)(B) amended, (HB 09-1331), ch. 416, p. 2309, § 10, effective June 4; IP(1) amended, (HB 09-1150), ch. 309, p. 1666, § 3, effective August 5; IP(2)(c)(II) amended, (SB 09-092), ch. 142, p. 604, § 1, effective August 5. L. 2010: (1)(m) and (1.5) added, (HB 10-1181), ch. 351, p. 1621, § 4, 5, effective June 7. L. 2013: IP(2)(c)(II) amended and (2)(c)(III)(D) and (2)(c)(V) added, (SB 13-070), ch. 142, p. 459, § 1, effective April 26.

Editor's note: (1) Amendments to subsection (2) by House Bill 95-1362 and House Bill 95-1212 were harmonized.

(2) Subsection (3)(b) provided for the repeal of subsection (3), effective July 1, 2004. (See L. 96, p. 1498.)

(3) Section 5 of chapter 235, Session Laws of Colorado 2006, provides that the act enacting subsections (2)(d)(IV) and (2)(t) applies to all motor vehicles owned by the executive branch of the state, including its departments, institutions, and agencies before August 7, 2006, and to all motor vehicles purchased by the state, including its departments, institutions, and agencies on or after August 7, 2006.

(4) Subsection (2)(c)(IV)(B) provided for its repeal, effective January 1, 2009. (See L. 2006, p. 152.)

Cross references: (1) For the legislative declaration contained in the 1995 act amending the introductory portion to subsection (1) and subsections (1)(a) and (2), see section 112 of chapter 167, Session Laws of Colorado 1995.

(2) For the definition of "ASTM", see § 8-20-201 (1.2).

