Keep Jobs in Colorado Act (HB.1292) – One Pager

Senators Kerr and Nicholson and Reps. Pabón and Lee introduced an AFL-CIO-led bill called the "Keep Jobs in Colorado Act" (HB13-1292). The bill is cosponsored by all House and Senate Democrats and passed in the Senate (20-15) and in the House (38-26-1). In a May 6th vote for the House to concur to the Senate Amendments, Gerou voted against the bill (35-28-2).

80% Colorado Hiring on All Public Works Projects Bill requires CDLE to enforce statute requiring the use of 80 percent Colorado labor on State Funded Projects. CDLE must receive, investigate and impose fines for noncompliance.

- Removes criminal offense for noncompliance with existing 80 percent labor requirement.
- CDLE will notify the contractor upon receipt of the complaint.
- Investigation will start after the project is completed in order to measure compliance over the entirety of the project.
- Determinations of compliance or noncompliance will be within 90 days of when the investigation starts.
- CDLE will not investigate or impose penalties for complaints filed after the project has been completed for 90 days.
- Multiple offenses could lead to suspension or revocation of contractor's license; Appeals may be filed to CDLE.
- A department can waive the 80 percent requirement if there is reasonable evidence to demonstrate insufficient Colorado Labor to perform the work and if it can be determined that meeting the requirement will create an undue burden for project completion as justified by the relevant department.
- Creates the Colorado Labor Enforcement Cash Fund to cover direct and indirect costs.

Non Resident Bidder Reciprocity

- Non-resident bidders from states that provide a percentage advantage for in-state bids, will have the same percentage applied as a penalty on Colorado bids.
- DPA to promulgate necessary rules for implementation.
- The new language largely clarifies existing reciprocity agreement language already in law.

Use of "Best Value & Local Employment Metrics" for state projects

- For state projects that do not utilize any federal funds, a department will now have the option to use either traditional low-bidding or best value bidding.
- Outlines criteria for consideration in best value bidding process such as safety record, job standards, workforce development, quality, apprenticeship programs, compliance with existing rules and regulations, etc.
- Requires state projects that do not use federal funds to provide a justification for the use of the chosen bidding process, and must make that justification available online.
- In regards to best value metrics for electricity projects regulated by the Public Utilities Commission (PUC), the PUC shall consider factors that affect employment and the long-term economic viability of Colorado communities.

Disclosure on Outsourcing Labor on all State Contracts

- Requires a vendor that contracts with the state to disclose outsourcing of any contracted or subcontracted services that occur outside the state or the United States.
- Disclosure of the type of service 'outsourced' must occur at least 20 days before 'outsourcing' occurs.
- Failure to disclose could result in contract termination.
- Requirement does not apply to projects that use federal funds or if it conflicts with any federal treaty or law.
- Agencies must report 'outsourced' contracts or subcontracts annually.

Disclosure of Use foreign-produced Steel, Iron and related manufactured products

- Requires contractors to disclose publically state funded projects costing more than $500,000 the top five products and their country of origin.
- Does not apply to projects using federal funds.
- DPA is responsible only for issuing an annual report of the information submitted on state projects.