

COLORADO PROCUREMENT CODE

Fiscal Year End: June 30

1. **Prequalifications:** Yes, must register with CO BIDS in order to have a responsive bid
 - a. **CO Code R-24-102-202.5-02.a** → BIDS shall be the only notification method required for competitive solicitations for goods and services made through Invitations for Bids (IFB), Requests for Proposals (RFP), and Documented Quotes (DQ)
 - b. **CO Code R-24-102-202.5-02.b** → Except as provided in paragraph (c) below, bids, proposals, and quotes shall not be deemed responsive unless the responding vendor is registered for BIDS.
2. **Auto-drop:** None.
3. **Life Cycle Costing (LCC):** Evaluations based on LCC are allowed if LCC is mentioned in the ITB.
 - a. **CO Code R-24-103-202a-01.b** → Specifications. Purchasing agencies shall issue product, supply, service, or construction specifications which are not unduly restrictive. Brand name specifications, brand name or equal specifications, or qualified products lists shall only be used in accordance with the provisions of Rules R-24-104-202, -01, -02. Purchasing agencies may utilize life cycle costing and/or value analysis in determining the lowest responsible bidder. In bids where life cycle costing or value analysis is to be used, the specifications shall indicate the procedure and evaluative factors to be considered. When appropriate, specifications issued and/or used by the federal government, other public procurement units or professional organizations may be referenced by the State of Colorado. Bidders may be required to certify that these standardized specifications have been met.
4. **Piggybacking:** Allowed.
 - a. **CO Code R-24-110-201-01** → The Executive Director or his designee may approve the purchase of goods or services in accordance with §24-110-201(2) CRS if he finds that such purchase is in the best interests of the state, after considering: (1) The interests of Colorado vendors and vendors registered with the BIDS system; (2) the competitiveness of pricing under the contract; (3) the efficiencies and cost savings of using the contract, beyond the savings and administrative convenience achieved from not having to comply with Article 103 of the Procurement Code; and (4) the purposes of the Procurement Code, as set forth in §24-101-102 CRS.
 - i. (a) The head of a purchasing agency shall make the request through the State Purchasing Director, addressing the considerations set forth above.
 - ii. (b) The Executive Director or his designee may approve a single purchase, make a conditional approval, or approve participation in an on-going program with the external procurement activity or the local public procurement unit. Participation in an on-going program must be for a specific period of time, not to exceed two years.
5. **Recycle Preferences:** Purchase of recycled products allowed when meet specifications

- a. **CO Procurement Code & Rules (Unofficial) 24-103-207. 5** → When purchasing any product with public funds, the executive director or any purchasing agent shall be authorized to purchase products or materials with recycled content, that have been source reduced, that are reusable, or that have been composted, unless one of more of the following conditions exist:
 - i. (A) the product is not available within a reasonable period of time;
 - ii. (B) the product fails to meet existing purchasing rules including specifications; or
 - iii. (C) the product fails to meet federal or state health or safety standards, as set forth in the code of Federal Regulations or the Colorado Code of Regulations.

[https://www.gssa.state.co.us/purchasing.nsf/444e9694db1e7b81872564dc006ee0a9/aa615f8671338718725654700663793/\\$FILE/Unofficial Code and Rules 8-18-2009.pdf](https://www.gssa.state.co.us/purchasing.nsf/444e9694db1e7b81872564dc006ee0a9/aa615f8671338718725654700663793/$FILE/Unofficial%20Code%20and%20Rules%208-18-2009.pdf)

6. **Minority/Small/Disadvantaged Business Enterprise preferences:** Encouraged but no preference.

- a. **CO Code R-24-111-102-01** → It is the policy of this State that all procurement offices shall make a special effort to solicit and encourage minority-owned and women-owned business participation for state contracts and awards. All state procurement offices are mandated to implement the spirit and direction offered by present or future executive orders relating to this subject. Agencies and institutions are encouraged, to the greatest extent possible without sacrificing adequate competition, to ensure active participation by minority-owned and women-owned business enterprises
- b. **CO Code R-24-111-102-02.a** → No provision is made in this Code for preferences or set asides for minority-owned or women-owned businesses.

7. **Cooperative Purchasing**

National IPA

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information <http://www.nationalipa.org/statutes.html>

National Joint Powers Alliance (NJPA)

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site.

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

***Colorado Procurement Code:

<http://www.colorado.gov/dpa/dfp/spo/index.htm?opendocument> (click on “Procurement Code and Rules”)