P3 Snapshot: **Colorado**

SUMMARY OF P3 LEGISLATIVE STATUS:

Enabled for transportation and related facilities. Includes municipal buildings.

1. Does this state have broadly enabling P3 legislation?
The breadth of Colorado's statutory authority to procure public works through alternative delivery methods, including P3s, is only limited in that it does not expressly allow for water projects. Colorado does otherwise allow for a broad range of transportation asset classes and municipal facilities, at the state, county, regional and municipal levels.

2. Does the state allow for **Unsolicited Proposals**?
CDoT and HPTE are authorized to accept, review and assess unsolicited proposals.

3. What is the state's P3 **Review Process**?
Competitive review of all proposals, executed through HPTE for applicable projects. Does not require additional approval of legislature, beyond the delegated authority to CDOT.

4. Does the state have a **Centralized Agency** dedicated to P3?
No. Regional transportation district for mass transit projects; counties for county highways, bridges and toll facilities; CDOT for most categories of transportation projects; Transportation Commission, Statewide Bridge Enterprise; and HPTE (High Performance Transportation Enterprise), as applicable.

5. Is this a **Home Rule state**, with limitations or opportunities for P3?
Certain municipalities within the state are exempt from Dillon's Rule; while the balance of the state is generally not considered a Home Rule state. Regional cooperation and state assistance (approval & funding) are considerations for public works infrastructure.

6. Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?
Such participation is managed in accordance with state procurement guidelines, and is not specifically addressed in P3 statute. Sources of funds dictates compliance, including specific provisions for MWDBE participation, based on use of Federal funding. The same holds true for bonding requirements (Miller Act), as well as Davis-Bacon compliance with respect to prevailing wage.

7. Are P3 projects in this state eligible for other financing programs?
The state agency or the state may apply for and accept CDOT, and specifically HPTE may combine Federal, state, local and private funds to finance a public-private transportation project. It should be noted that TIFIA loans are not specifically identified as such a financing resource. The relevant law permits local/state/Federal funds to be combined with private sector funds on a P3 project.

8. What Projects or Asset Classes are eligible for P3 in this state?
Mass transit projects; toll roads, turnpikes, and high-occupancy toll lanes; county highways, bridges and toll facilities; turnpike projects, including new and existing highways, tunnels, toll tunnels, bridges and toll houses; bridge projects, and surface transportation infrastructure projects.

9. Are there Projects where the P3 procurement method has been applied?
US-36; Eagle RTD (mass transit); Union Station (regional rail interconnect); Jeppeson Great Hall-Denver Int'l Airport; Central 70

10. What is the legislative foundation for P3s in this state?
*Under § 7-60-106, C.R.S. of the Colorado Revised Statutes or the common law.
Section 43-2-219, C.R.S. P3 initiatives for county highways and bridges, and assessing tolls.
Funding Advancements for Surface Transportation and Economic Recovery Act of 2009 (FASTER), was signed into law on March 2, 2009 (Senate Bill 09-108).
Colo. Rev. Stat. § 32-9-128.5 (regional transp. District for mass transit projects); Colo. Rev. Stat. §§ 43-1-1201 to 1209 (CO DOT for toll roads, turnpikes, and HOV toll lanes); Colo. Rev. Stat. § 43-2-219 (counties for highways, bridges, toll facilities); Colo. Rev. Stat. §§ 43-3-202.5 (CO DOT); Colo. Rev. Stat. §§ 43-4-401 to 414 (Transportation Commission for toll tunnels); Colo. Rev. Stat. §§ 43-4-801 to 812 (Statewide Bridge Enterprise and High-Performance Transportation Enterprise).*

D: Design **| B:** Build **| F:** Finance **| O:** Operate **| M:** Maintain