

Resolution #TC-20-09-07

Open Rulemaking and Delegate Authority to an Administrative Hearing Officer to Conduct a Public Rulemaking Hearing Regarding Amendments to the Emerging Small Business Program ("ESB Rules"), 2 CCR 604-1.

Approved by the Transportation Commission on September 17, 2020.

WHEREAS, § 43-1-106(8)(p), C.R.S. authorizes the Transportation Commission of Colorado to promulgate all necessary and reasonable regulations to establish an Emerging Small Business program for the Colorado Department of Transportation (CDOT); and

WHEREAS, § 43-1-106(8)(p), C.R.S. states that the Transportation Commission may provide assistance to small businesses as the Transportation Commission determines is appropriate to promote the participation of small businesses in the performance of highway construction work, professional services work, and practice of research work and thereby increase the competition and lower the cost to the state for such work; and

WHEREAS, the ESB Rules were last updated in 2011; and

WHEREAS, the Department reviewed the ESB Rules to assess the effectiveness of the ESB Program in carrying out the goal of § 43-1-106(8)(p), C.R.S.; and

WHEREAS, the Department has identified improvements that should be made to promote greater participation of Emerging Small Businesses in CDOT's contracts, including increasing the size cap of qualifying small businesses in the ESB Rules; and

WHEREAS, the Commission has the authority to conduct a rulemaking hearing or to delegate the authority to an Administrative Hearing Officer for the purposes of conducting the rulemaking hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations to the Commission for its review and action concerning amendments to the ESB Rules.

NOW THEREFORE BE IT RESOLVED, the Commission authorizes staff to take all necessary actions in accordance with the State Administrative Procedure Act to initiate rulemaking for the purpose of amending the Emerging Small Business Program, 2 CCR 604-1.

NOW THEREFORE BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the rulemaking hearing to a COOT Administrative Hearing Officer to prepare a complete record of the hearing and forward said record and rules to the Commission for consideration and adoption of the ESB Rules.

Herman F. Stockinger A.A.A.

Herman Stockinger, Secretary
Transportation Commission of Colorado

9/17/2020

Date