

Resolution #TC-1964

Emerging Small Business (ESB) Program Rulemaking Process

Approved by the Transportation Commission on March 17, 2011

WHEREAS, Section 43-1-106(8)(p)(I) C.R.S., authorizes the Transportation Commission of Colorado (the "Commission") to adopt rules and regulations to establish an emerging small business program to promote the participation of small business on CDOT construction, professional services and practice of research contracts; and

WHEREAS, in 1991, the Commission adopted the rules and regulations governing the administration of the Emerging Small Business (ESB) Program (the "Rules"); and

WHEREAS, the Colorado Department of Transportation ("CDOT") Center for Equal Opportunity (the "CEO") is the current administrator of the ESB Program; and

WHEREAS, the CEO has conducted internal analysis, research of other state best practices, and a disparity study within Colorado and found that the ESB program is underutilized and not driving small business participation on CDOT contracts; and

WHEREAS, the CEO has determined that extensive changes need to be made to the Rules in order to improve the ESB program so that it increases the opportunities for emerging small businesses to compete on CDOT construction, professional services and research contracts; and

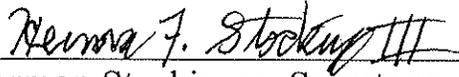
WHEREAS, the CEO has submitted to the Commission a list of the proposed changes to the Rules and the Commission agrees with such changes; and

WHEREAS, the Commission must comply with the State Administrative Procedural Act 24-4-103 C.R.S., in order to amend the Rules; and

WHEREAS, the Commission has the authority to delegate authority to an Administrative Hearing Officer for the purposes of conducting the rule making hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations back to the Commission for its review and action concerning the promulgation of the rules.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes staff to take all necessary actions in accordance with the APA, § 24-4-103 C.R.S. to initiate rule-making for the purpose of promulgating the rules.

BE IT FURTHER RESOLVED, the Transportation Commission delegates its authority to conduct the rule-making hearing to a CDOT administrative procedures officer and hereby directs the Hearing Officer to prepare a complete record of the hearing and forward said record to the Transportation Commission for consideration and its adoption of the proposed rules.



Herman Stockinger, Secretary
Transportation Commission of Colorado