

**COLORADO DEPARTMENT OF TRANSPORTATION
TRANSPORTATION COMMISSION AGENDA ITEM REQUEST**

Branch/Region
Contracts & Market Ana

Date
04/19/2012

Title and brief description of item
Adoption of Policy Directive 302.0, "Anti-Trust Monitoring and Detection Program"

Describe the action requested of Commission
Approve the Resolution to adopt Policy Directive 302.0 "Anti-Trust Monitoring and Detection Program"

Justification for Commission action
On November 19, 1998, the Transportation Commission adopted Policy Directive 302.0, "Anti-Trust Monitoring and Detection Program." Since that time, the CDOT anti-trust program has continued to develop. Executive Director Hunt recently executed Procedural Directive 302.1 which sets forth the procedures in place to ensure fair market competition in the bidding process and monitors and detects possible Anti-Trust Violations.

List the potential effects of the Commission's decision

- a. legal: Conforms with current state and federal law regarding monitoring of potential anti-trust violations in the bidding process.
- b. fiscal: none
- c. other: none

Identify who will make the presentation to the Commission
Scott McDaniel

Estimated time needed for presentation and discussion
none unless requested

Date item should appear on the Commission agenda
04/19/2012

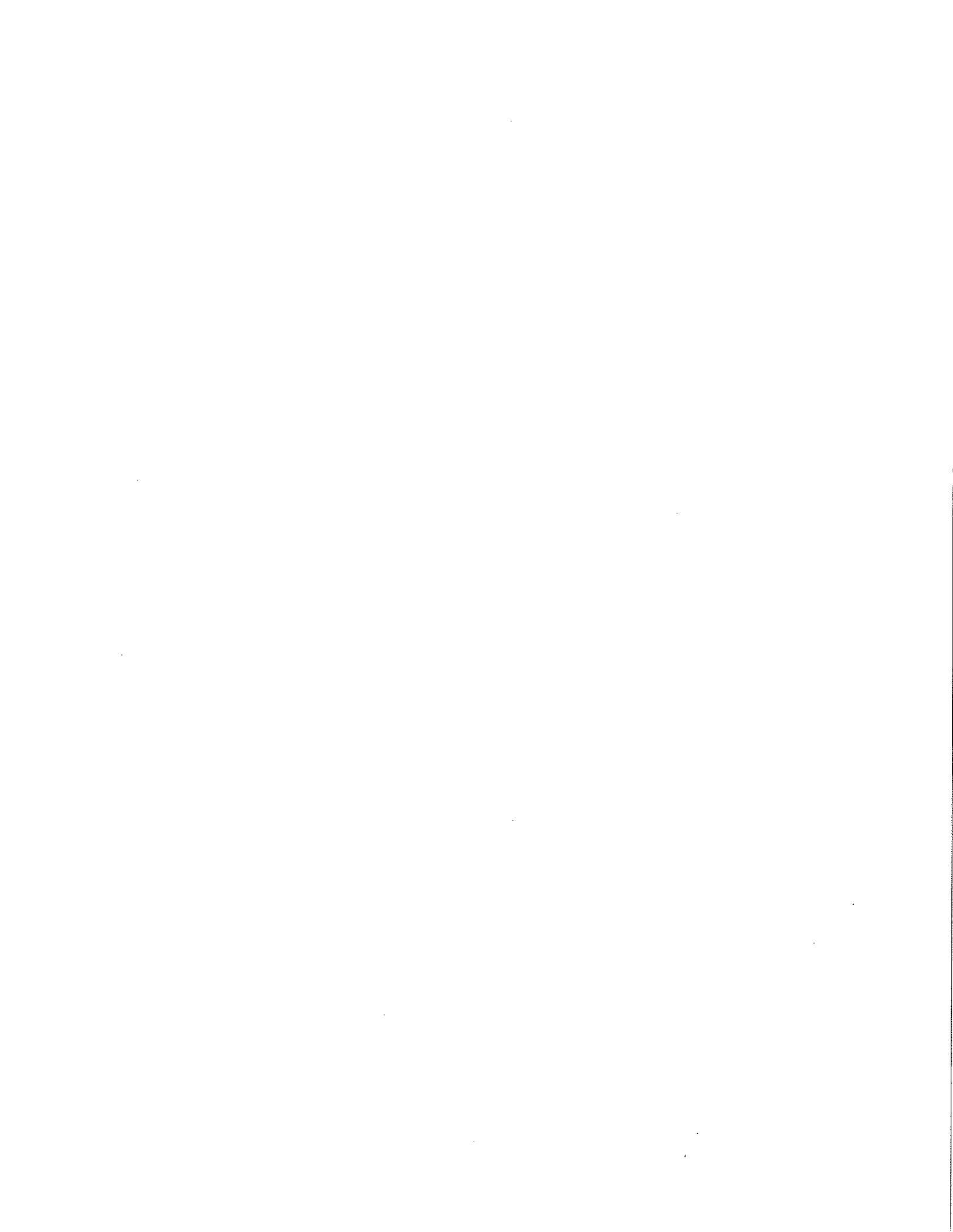
Should item appear on the consent agenda?
 yes no Check one

Branch Manager/Region Director

Scott McDaniel

Office of the Attorney General

Division Director



Resolution # TC-

Adoption of Department Policy Directive 302.0 “ANTI-TRUST MONITORING AND DETECTION PROGRAM”

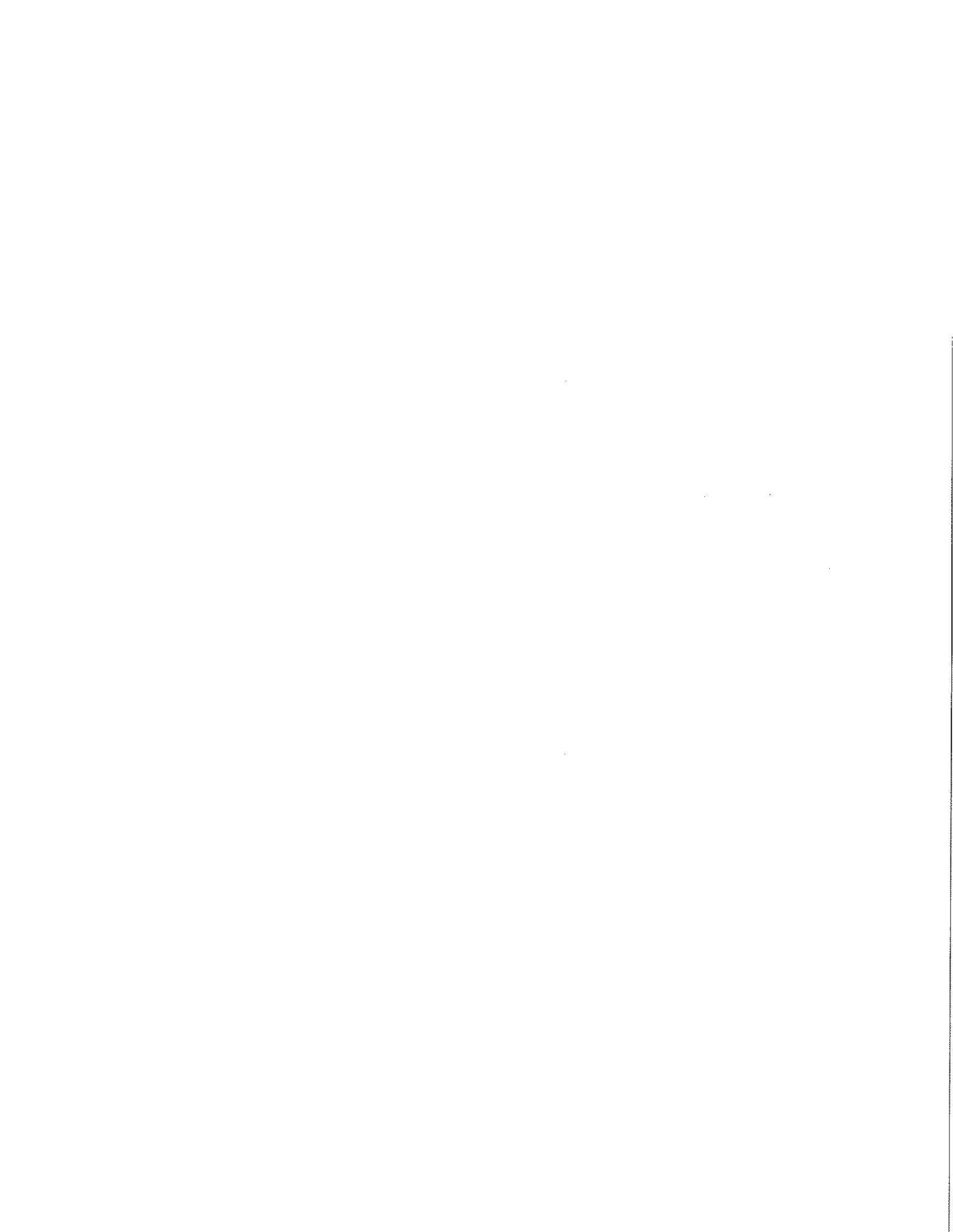
WHEREAS, Policy Directive 302.0 was adopted by the Transportation Commission on November 19, 1998; and

WHEREAS, since that time, the Anti-Trust Monitoring and Detection Program has continued to improve and develop; and

WHEREAS, the Executive Director has executed a revised Procedural Directive 302.1 “Anti-Trust Monitoring and Detection Program” which reflects updated language and procedures; and

WHEREAS, the Anti-Trust Monitoring and Detection Program continues to be an important CDOT program ensuring fair market competition and encouraging self-policing of the industry through the mechanisms established by the Department; and

NOW THEREFORE BE IT RESOLVED, the Commission herein ADOPTS Policy Directive 302.0 “Anti-Trust Monitoring and Detection Program.”



COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE	
Subject			Number
ANTI-TRUST MONITORING AND DETECTION PROGRAM			302.0
Effective	Supersedes	Originating Office	
	11/19/98	Contracts and Market Analysis Branch	

I. PURPOSE

To continually develop and implement an Anti-Trust Monitoring and Detection Program for the Colorado Department of Transportation ("CDOT" or the "Department"). This program will continue to monitor the highway construction industry and protect the interests of the citizens of the State of Colorado, CDOT, and the competitive bidding process.

II. AUTHORITY

Colorado Transportation Commission, § 43-1-106(8)(a) C.R.S. (2011).

§ 6-4-101 *et seq.* C.R.S., (2011), the "Colorado Antitrust Act of 1992"

§ 24-18-101 *et seq.* C.R.S. (2011), the "Code of Ethics"

§ 24-92-101 *et seq.* C.R.S. (2011), the "Construction Bidding for Public Projects Act"

III. APPLICABILITY

This Policy applies to all applicable divisions, branches, regions and offices of CDOT, and state and federal partners in their efforts to ensure fair competition through collusion detection and monitoring. This Policy applies to bids submitted by any person, partnership, corporation, joint venture, or business combination participating in the competitive bidding process.

IV. POLICY

It is the policy of the Department to continually develop and implement an Anti-Trust Monitoring and Detection Program in accordance with Procedural Directive 302.1 to ensure fair market competition, encourage self-policing of the industry through the mechanisms established by the Department, including monitoring, detection, the encouragement of reporting of potential or actual collusive activities, and through an emphasis on continual education.

COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE
Subject ANTI-TRUST MONITORING AND DETECTION PROGRAM		Number 302.0
Effective	Supersedes 11/19/98	Originating Office Contracts and Market Analysis Branch

V. IMPLEMENTATION PLAN

This Policy shall be effective immediately upon approval and shall be implemented by all applicable divisions, branches, regions, and offices of CDOT, and state and federal partners.

VI. REVIEW DATE

This Policy shall be reviewed five years after the effective date.

TRANSPORTATION SECRETARY

Date of Approval

COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE	
Subject ANTI-TRUST MONITORING AND DETECTION PROGRAM			Number 302.0
Effective 11/19/1998	Supersedes	Originating Office Contracts and Market Analysis Branch Engineering Estimates and Market Analysis (EEMA) Unit	

REDLINE VERSION SHOWING CHANGES FROM 11/19/1998 POLICY DIRECTIVE TO PROPOSED REVISION

I. PURPOSE

To establish a policy that will assure the uniform development and implementation of an Anti-Trust Monitoring and Detection Program for the Colorado Department of Transportation. ~~To continually develop and implement an Anti-Trust Monitoring and Detection Program for the Colorado Department of Transportation~~ “CDOT” or the “Department”. This program will continue to monitor the highway construction industry and protect the interests of the citizens of the State of Colorado, CDOT, and the competitive bidding process.

II. AUTHORITY

~~Colorado Transportation Commission~~

~~Colorado Antitrust Act of 1992, Article 4 of Title 6, C.R.S.~~

~~C.R.S. 43-1-106~~

~~C.R.S. 43-1-113(2)(c)(III)~~

Colorado Transportation Commission, § 43-1-106(8)(a) C.R.S. (2011).

§ 6-4-101 et seq. C.R.S., (2011), the “Colorado Antitrust Act of 1992”

§ 24-18-101 et seq. C.R.S. (2011), the “Code of Ethics”

§ 24-92-101 et seq. C.R.S. (2011), the “Construction Bidding for Public Projects Act”

III. APPLICABILITY

~~This policy applies to contractors and affiliates engaged directly or indirectly in providing construction-related goods or services to the Department. Any person, partnership, corporation, joint venture, or business combination participating in the competitive bidding process, including but not limited to the supply of labor, materials, commodities, or support services, will be considered for monitoring and analysis activities.~~

This Policy applies to all applicable divisions, branches, regions and offices of CDOT, and state and federal partners in their efforts to ensure fair competition through collusion detection and monitoring. This Policy

COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE	
Subject ANTI-TRUST MONITORING AND DETECTION PROGRAM			Number 302.0
Effective 11/19/1998	Supersedes	Originating Office Contracts and Market Analysis Branch Engineering Estimates and Market Analysis (EEMA) Unit	

applies to bids submitted by any person, partnership, corporation, joint venture, or business combination participating in the competitive bidding process.

IV. POLICY

It is the policy of the Department to continually develop and implement an Anti-Trust Monitoring and Detection Program pursuant to Procedural Directive 302.1 to ensure fair market competition, encourage self-policing of the industry through the mechanisms established by the Department, including monitoring, detection, the encouragement of reporting of potential or actual collusive activities, and through an emphasis on continual education.

V. IMPLEMENTATION

This policy ~~is~~ shall be effective immediately upon approval and shall be implemented by all applicable ~~D~~divisions, ~~B~~branches, ~~R~~regions, and ~~O~~ffices of CDOT, and state and federal partners.

VI. REVIEW DATE:

This Procedural Directive shall be reviewed five years after the effective date.

 Russell George, Executive Director _____ Date

 TRANSPORTATION SECRETARY

 Date of Approval