October 1, 2022

REVISION OF SECTION 103

COLORADO RESIDENT BID PREFERENCE

**NOTICE**

This is a standard special provision that revises or modifies CDOT’s *Standard Specifications for Road and Bridge Construction.* It has gone through a formal review and approval process and has been issued by CDOT’s Project Development Branch with formal instructions for its use on CDOT construction projects. It is to be used as written without change. Do not use modified versions of this special provision on CDOT construction projects, and do not use this special provision on CDOT projects in a manner other than that specified in the instructions unless such use is first approved by the Standards and Specifications Unit of the Project Development Branch. The instructions for use on CDOT construction projects appear below.

Other agencies which use the *Standard Specifications for Road and Bridge Construction* to administer construction projects may use this special provision as appropriate and at their own risk.

**Instructions for use on CDOT construction projects:**

 Use on state highway projects that are funded without federal aid.

October 1, 2022

1

REVISION OF SECTION 103

COLORADO RESIDENT BID PREFERENCE

Section 103 of the Standard Specifications is hereby revised for this project as follows:

Subsection 103.01 shall include the following:

(a) *Colorado Resident Bid Preference.* A resident bidder shall be allowed a preference against a nonresident bidder from a state or foreign country equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident.

 Resident bidder means:

(1) A person, partnership, corporation, or joint venture which is authorized to transact business in Colorado and which maintains its principal place of business in Colorado: or,

(2) A person, partnership, corporation, or joint venture which is authorized to transact business in Colorado, which maintains a place of business in Colorado, and which has paid Colorado unemployment compensation taxes in at least seventy-five percent of the eight quarters immediately prior to bidding on a construction contract for a public project.

 To determine the resident bid preference status of a bidder, the bidder shall submit a completed Form 604 with the proposal. Failure to submit the residency Form with the proposal will be justification for and may result in the rejection of the proposal and forfeiture of the proposal guaranty.

 The proposals will be treated as follows:

(1) All proposals will be checked for accuracy by the Department.

(2) The dollar amount of the checked proposal from nonresident bidders will be adjusted by a percentage equal to the percentage preference given or required by the state or foreign country of the bidder’s residency. If the state or foreign country does not give or require a residency preference, no adjustment in the proposal dollar amount will be made.

(3) Adjusted proposals from nonresident bidders will then be compared to proposals from resident bidders, and the bidder with the lowest total will be considered the apparent low bidder.

(4) Should a nonresident bidder be the apparent low bidder, in accordance with paragraph (3) above, an award will be made on the basis of the original proposal, not the adjusted proposal.

(5) The Department will proceed with its normal award procedure.