

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2026

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

4
5 A BILL
6

7 **For an ordinance amending Article IV of Chapter 20, regarding the competitive**
8 **selection process for certain contracts.**
9

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** That chapter 20, article IV, division 1, of the Code shall be amended by deleting the
12 language stricken and adding the language underlined, to read as follows:

13 **Sec. 20-56. – Competitive selection process.**

14 (b) *Contractor selection:* If not let by award to the lowest, responsive, qualified bidder, the
15 competitive selection process employed by ~~the department of transportation and infrastructure~~ each
16 city department for awarding contracts including all public works, construction, alteration, or
17 maintenance contracts shall be accomplished by means of a fair, open and free competition. At a
18 minimum, any competitive selection process shall include the following:

19 (1) A written solicitation adequate to notify potential qualified contractors, subcontractors
20 and suppliers of the nature of the work opportunity, including a general description of the
21 contemplated scope of the project work, the anticipated method of project delivery, a recitation of the
22 significant standards and legal and technical requirements applicable to the project work, and a
23 description of the anticipated form of construction services contract or agreement;

24 (2) A written description of the competitive selection ~~procedure~~ to be utilized ~~the department of~~
25 ~~transportation and infrastructure will utilize~~ to award a contract for the project work; such
26 description to include: a recitation of any responsiveness requirements applicable to each submission,
27 a listing of the significant selection procedure milestones and deadlines impacting submissions, a
28 description of the minimum qualifications required, including all applicable prequalification rules and
29 regulations, and a discussion of any other requirements necessary to deliver a complete and
30 responsive submission to the department's solicitation;

31 (3) A written statement of the criteria and other factors to be used by the department of
32 transportation and infrastructure in evaluating each responsive submission;

33 a. For contracts below five-hundred thousand (500,000) dollars, such evaluation
34 factors shall include, but shall not be limited to: proposed fees (including general conditions and

1 markup), expenses or cost saving considerations, as appropriate to each project; ability of
2 professional personnel; past performance on similar projects; ability to meet time and budget
3 requirements; recent, current, and projected workloads of the firm; and as applicable, the concept of
4 the project. The statement will also include a brief narrative describing the review, evaluation, selection
5 and, as applicable, the contract negotiation process; and

6 b. For contracts of five-hundred thousand (500,000) dollars or more, evaluation
7 factors and prequalification criteria to be used by the department in evaluating each submission. Such
8 evaluation factors shall include, but are not limited to, the following best value criteria:

9 1. Compliance with all laws applicable to its business contracting over the
10 past five (5) years, including licensing laws, tax laws, prompt payment and wage laws, prevailing wage
11 requirements, environmental regulations, and any record of debarment, suspension, or license
12 revocation;

13 2. Financial stability, bonding capacity, and insurance, as well as disclosure of
14 any past bankruptcies, lawsuits, or judgments;

15 3. History of performance on previous projects of similar scope, including
16 quality of work, on-time completion, and budget adherence and any formal performance evaluations
17 from prior city projects;

18 4. History of hiring local workers, participation in an apprenticeship program
19 pursuant to C.R.S. §§8-15-101 - 8-15.8-105, or their successor statutes, and worker documentation of
20 completion of the 10-hour or 30-hour Occupational Safety and Health Administration (OSHA) outreach
21 training program;

22 5. Submission of a project-specific site safety plan addressing hazard
23 prevention;

24 6. Payment of prevailing wages or greater to all workers on the project and
25 provides health insurance and retirement benefits to its employees;

26 7. A proposed project plan or concept, which includes staffing adequacy,
27 approach to meeting schedule and budget, and any innovative methods or sustainability measure; and

28 8. Proposed fees or price and any cost-saving considerations in the bid.

29 c. Each criteria in subsection (3)(b) of this section must be assigned a minimum of
30 five (5) percent weight, with no individual criteria exceeding twenty-five (25) percent.

31 (4) A written notification of selection, ranking for negotiation or rejection issued to each entity
32 making a submission in response to the department's solicitation.

33
34 After evaluating submissions based on these criteria, the manager of the approving department shall

1 select for award the contractor whose proposal represents the best value to the city. The manager of
2 the approving department reserves the right to reject any or all submissions if it is in the city's interest
3 to do so.

4
5 **Sec. 20-58. – Contractor responsibility certifications for bids.**

6 (a) Requirement for responsibility certification: For any solicitation of bids or proposals
7 pursuant to this division, the prospective awardee shall submit a Contractor Responsibility Certification
8 to the Manager, on a form provided by the City, prior to final award of the contract. The certification
9 shall be signed by the prospective awardee and shall attest that:

10 (1) The firm has all valid licenses, registrations, or permits required to perform the work, and
11 is current on all applicable taxes, insurance, and bonding obligations;

12 (2) The firm has not been debarred or suspended from performing work and has not
13 defaulted on any project within the past five (5) years;

14 (3) The firm has no willful violations or judgments in the past five (5) years for failure to pay
15 prevailing wages, failure to pay owed wages or benefits, misclassification of employees, or violations
16 of occupational safety and health laws, and is not currently subject to any court or government agency
17 order relating to labor or employment violations;

18 (4) The firm participates in bona fide apprenticeship training programs as appropriate to its
19 workforce and commits to employ a workforce for the project that meets the training and certification
20 requirements specified in the solicitation;

21 (5) The firm will pay all employees the applicable prevailing wage rates, or greater, and will
22 maintain appropriate workers' compensation, liability, and other insurance during the project;

23 (6) The firm has a written safety plan in place for the project and a company safety program,
24 including a designated safety officer, to ensure compliance with safety standards;

25 (7) The firm offers health insurance and retirement benefits to its employees or
26 tradespeople, or is party to a collective bargaining agreement providing such benefits;

27 (8) The firm will utilize local residents and businesses to the maximum extent feasible, and
28 will comply with any applicable local hiring goals or requirements set by the City; and

29 (9) The information included in the bid or proposal and this certification is true, accurate, and
30 complete, to the best of the prospective awardee's knowledge, and the firm understands that any
31 material misrepresentation or omission may result in disqualification or termination of contract.

32 (b) Subcontractor responsibility: The bidder shall also submit a subcontractor list with its bid,
33 identifying all known subcontractors that it intends to use on the project, along with a brief description
34 of the work each will perform. Each listed subcontractor must submit a certification attesting to the

1 same matters described in subsection (a) as applicable to the subcontractor. The prime contractor
2 shall be responsible for collecting and furnishing these subcontractor certifications to the City and shall
3 not execute a contract with a subcontractor that fails to provide the required certification.

4 (c) *Evaluation and verification:* The manager of the department administering the solicitation
5 shall review the contractor responsibility certification or certifications and may verify the information
6 through independent investigation. If the certification or subsequent investigation shows that the
7 bidder does not meet the responsibility standards set forth in subsection (a), the manager shall
8 determine the bidder ineligible for award. In that event, the manager may recommend award to the
9 next highest-ranked bidder or proposer, or re-solicit the contract, as appropriate. The manager shall
10 document the reasons for any non-responsibility determination.

11 (d) *Appeal:* A bidder determined to be non-responsible under this section shall be given
12 notice and an opportunity to appeal the determination to the Chief Procurement Officer or a hearing
13 officer designated by the Chief Procurement Officer, pursuant to rules established by the purchasing
14 division. The determination of the appeal officer shall be final.

15 (e) *Exception for emergencies:* In the event of an emergency affecting public health or
16 safety, the requirements of this section may be waived by the Manager with written justification, but
17 the Manager shall endeavor to obtain as much contractor responsibility information as practicable
18 even in an emergency procurement.

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20 **Section 2.** That chapter 20, article IV, division 2, of the Code shall be amended by deleting the
21 language stricken and adding the language underlined, to read as follows:

22 **Sec. 20-61. – Definitions.**

23 (b) Best value: Determined by evaluating price and other valid, predetermined evaluation
24 criteria pursuant to a request for proposal, in order to identify a particular proposal as the most
25 beneficial to the city. The overall combination of quality, price, and various elements of required
26 services or performance measures that in total are optimal relative to the city's needs. Evaluation
27 factors shall include, but not be limited to, the contractor's compliance with applicable laws, safety
28 record and standards, experience and past performance, qualifications of personnel, including use of
29 trained local workers and apprentices, provision of fair wages and benefits, and other criteria set forth
30 in section 20-56(b)(3).

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33 COMMITTEE APPROVAL DATE: _____, 2026.

34 MAYOR-COUNCIL DATE: _____, 2026.

1 PASSED BY THE COUNCIL _____ 2026

2 _____ - PRESIDENT

3 APPROVED: _____ - MAYOR _____ 2026

4 ATTEST: _____ - CLERK AND RECORDER,
5 EX-OFFICIO CLERK OF THE
6 CITY AND COUNTY OF DENVER
7

8 NOTICE PUBLISHED IN THE DENVER POST _____ 2026; _____ 2026

9

10 PREPARED BY: _____; DATE: _____

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12 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
13 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
14 ordinance. The proposed ordinance _____ is/_____ is not submitted to the City Council for approval
15 pursuant to § 3.2.6 of the Charter.
16

17 Miko Ando Brown, Denver City Attorney

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19 BY: _____, _____ City Attorney DATE: _____