BY AUTHORITY

ORDINANCE NO. _____ COUNCIL BILL NO. _____

SERIES OF 2026 COMMITTEE OF REFERENCE:

A BILL

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

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

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

Sec. 20-56. – Competitive selection process.

(b) *Contractor selection:* All City contracts for the construction, reconstruction, construction maintenance, or remodeling of general public improvements~~If not let by award to the lowest, responsive, qualified bidder, the competitive selection process employed by the department of transportation and~~ shall be accomplished by means of a fair, open and free competition. At a minimum, any competitive selection process shall include the following:

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

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

(3) A written statement of the criteria and other factors to be used by the department ~~of transportation and infrastructure~~ in evaluating each responsive submission; ~~such evaluation factors shall include, but shall not be limited to: proposed fees (including general conditions and markup), expenses or cost saving considerations, as appropriate to each project; ability of professional~~

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~~personnel; past performance on similar projects; ability to meet time and budget requirements; recent, current, and projected workloads of the firm; and as applicable, the concept of the project. The statement will also include a brief narrative describing the review, evaluation, selection and, as applicable, the contract negotiation process; and~~

(4) For contracts over one million dollars ($1,000,000) the prime contractor shall submit a signed responsibility certification and signed responsibility certifications for all subcontractors with its bid or proposal that includes the requirements of D.R.M.C. § 20-58; and

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

Sec. 20-58. – Contractor responsibility certifications.

(a) *Responsibility Certification:* Contractors submitting bids or proposals for construction, reconstruction, construction maintenance or remodeling contracts of one million dollars ($1,000,000), or more, shall submit a Contractor Responsibility Certification, on a form provided by the City, at the time a bid or proposal is submitted. The certification shall be signed by an officer or principal of the contractor and shall attest that, after investigation:

(1) The contractor and its employees, including managing personnel, have all valid licenses and registrations required to perform the work,

(2) The contractor will obtain all permits required to perform the work;

(3) The contractor has performed prior projects comparable in scope and size to the work solicited and has a record of completing such projects on schdedule and within budget, except as disclosed to the City.

(4) The contractor is able to provide this documentation at the request of the Department or the City

(5) The contractor is current on all applicable taxes, insurance, and bonding obligations;

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

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

(8) The contractor will comply with all applicable workforce requirements of the City's workforce development ordinance D.R.M.C §28-320, *et seq.*;

(9) The contractor will pay all employees the applicable prevailing wage rates, or greater,

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and will maintain appropriate workers' compensation, liability, and other insurance during the project;

(10) The contractor has a company safety program and will have a written safety plan in place before construction starts that includes that includes a designated safety officer to ensure compliance with safety standards;

(11) The contractor will offer health insurance. If it employs five or more employees and has been in business for two or more years, will offer a retirement plan or facilitate employee participation in the state-run Colorado SecureSavings Program, or is party to a collective bargaining agreement providing such benefits;

(12) The contractor will cooperate with City efforts to employ local residents and businesses to the maximum extent feasible, and will comply with any applicable local hiring goals or requirements set by the City; and

(13) The contractor will maintain all qualifications, resources, and capabilities referenced in this certification throughout the duration of the project.

(14) All skilled craft workers that will be employed by the contractor for the project must have completed at least the OSHA 10-hour training course for safety established by the U.S. Department of Labor, Occupational Safety & Health Administration.

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

(b) *Subcontractor responsibility:* The bidder or proposer shall also submit a subcontractor list with the bid, identifying all known subcontractors that the contractor intends to use on the project, along with a brief description of the work each will perform, the known or estimated value of the work the subcontractor will perform. Each listed subcontractor must submit a certification attesting to the same matters described in of D.R.M.C., § 20-58(a), as applicable to the subcontractor. The prime contractor shall be responsible for collecting and furnishing these subcontractor certifications to the City and shall not execute a contract with a subcontractor that fails to provide the required certifications.

(c) *Evaluation and verification:* The manager of the department administering the solicitation shall review the contractor responsibility certification or certifications and may verify the information through independent investigation. If the certification or subsequent investigation shows that the bidder does not meet the responsibility standards of D.R.M.C., §20-58(a), the manager shall determine the bidder ineligible for award. In that event, the manager may recommend award to the next highest-ranked bidder or proposer, or re-solicit the contract, as appropriate. The manager or executive director shall document the reasons for any non-responsibility determination. The

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manager or executive director may designate one or more city employees to review and evaluate contractor certifications. The manager or executive director must approve any determination that a contractor is not responsible.

(d) *Inaccurate certifications*: Signing a responsibility certification knowing that it includes false representations is grounds for debarment pursuant to D.R.M.C. § 20-77.

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

(f) *Other exceptions:* The requirements of this policy shall not apply if prohibited by state or federal law or grant requirements.

Secs. 20-589—20-60. - Reserved.

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

Sec. 20-61. – Definitions.

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

COMMITTEE APPROVAL DATE: _____, 2026.

MAYOR-COUNCIL DATE: _____, 2026.

PASSED BY THE COUNCIL _____ 2026

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____ 2026

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

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NOTICE PUBLISHED IN THE DENVER POST _____ 2026; _____ 2026

PREPARED BY: _____; DATE: _____

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

Miko Ando Brown, Denver City Attorney

BY: _____, _____City Attorney DATE: _____

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