

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0016.01 Josh Schultz x5486

HOUSE BILL 25-1245

HOUSE SPONSORSHIP

Lieder and Hamrick,

SENATE SPONSORSHIP

(None),

House Committees

Business Affairs & Labor
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HVAC INFRASTRUCTURE IMPROVEMENT PROJECTS IN**
102 **SCHOOLS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a school district, a charter school, an institute charter school, a board of cooperative services, or the Colorado school for the deaf and the blind (local education provider) to satisfy certain requirements concerning installation, inspection, and maintenance of heating, ventilation, and air conditioning (HVAC) systems in schools if the local education provider undertakes HVAC infrastructure

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

improvements using money made available by a federal government source or by a federal government source in combination with a state government source specifically for such purpose.

The requirements established in the bill concern:

- Ventilation verification assessments, which include assessments of an HVAC system's filtration, ventilation exhaust, economizers, demand control ventilation, air distribution and building pressurization, general maintenance requirements, operational controls, and carbon dioxide output;
- The preparation of HVAC assessment reports;
- The review of HVAC assessment reports by mechanical engineers, who make recommendations regarding necessary repairs and improvements, suggest pathways to reduce emissions, and estimate associated costs;
- HVAC adjustments, repairs, upgrades, and replacements;
- The preparation of HVAC verification reports and the submission of the reports to the state board of education; and
- Periodic inspections and ongoing maintenance.

The bill establishes mandatory criteria that an HVAC contractor must satisfy in order to perform work described in the bill. A local education provider that undertakes HVAC infrastructure improvements using money made available by a federal government source or by a federal government source in combination with a state government source must do so using only contractors on the certified contractor list established by the department of labor and employment.

The bill transfers money from the "Infrastructure Investment and Jobs Act" cash fund to the unused state-owned real property fund. The public-private collaboration unit in the department of personnel (unit) may use the money to provide grant writing support, administrative support, and project planning, to review the work of applicants, and to connect applicants with third parties with expertise pertaining to federal funding application technical assistance.

The bill requires the unit to facilitate a public-public partnership with local education providers to leverage federal dollars available to help public schools improve air quality in schools, student performance, and staff retention.

For each award of federal dollars obtained with the unit's grant writing support, the unit is authorized to retain 2.5% of the dollars awarded to cover the unit's administrative costs.

1 **SECTION 1. Legislative declaration.** (1) The general assembly
2 finds that:

3 (a) Students and staff in Colorado's public schools deserve access
4 to clean, healthy air along with proper heating and cooling to improve
5 their opportunities to learn;

6 (b) Indoor air quality is one of several toxic threats to students in
7 schools;

8 (c) The condition of inadequate school facilities can expose
9 students and staff to mold and legacy toxins such as lead, asbestos, and
10 industrial products and chemicals known as "PCBs"; poor air quality and
11 temperature control; inadequate lighting; and excessive noise; and

12 (d) Improving the air quality in schools can result in higher
13 attendance, better cognitive function, less asthma and other respiratory
14 health problems, and improved academic performance.

15 (2) The general assembly further finds that:

16 (a) In Colorado, many of the conditions that cause unhealthy
17 indoor air and environmental quality impact Colorado school buildings;

18 (b) Various Colorado schools have been featured in news stories
19 profiling funding shortages, heating and cooling issues, and the need for
20 facility improvements;

21 (c) The department of education's own "Facility Insight"
22 dashboard reports the average age of school infrastructure to be 40 years;
23 and

24 (d) State school buildings receive a poor score on the "Facility
25 Condition Index".

26 (3) The general assembly further finds that:

27 (a) Despite efforts by state agencies and school districts to

1 improve indoor environmental quality in classrooms and other school
2 buildings, many of Colorado's school districts lack the funding and staff
3 to improve facility conditions and thereby improve school health
4 outcomes;

5 (b) According to the American Society of Civil Engineers' 2020
6 infrastructure report card, Colorado schools have an approximately \$14
7 billion funding gap between the need for infrastructure replacements,
8 repairs, or upgrades and money available from regular funding and budget
9 processes;

10 (c) The current funding sources for schools do not equitably
11 distribute funding, leaving many schools in rural and disproportionately
12 impacted communities unable to pay for necessary retrofits and updates;

13 (d) The passage of the federal "Inflation Reduction Act of 2022"
14 and "Bipartisan Infrastructure Law", which was enacted as the federal
15 "Infrastructure Investment and Jobs Act", have made billions of dollars
16 in federal money available to combine with current and planned state or
17 local funding that can help public schools improve air quality, improve
18 student performance and staff retention, and realize significant energy
19 savings for school districts;

20 (e) Accessing this federal money would not only improve air
21 quality in schools but also bring billions of dollars in economic
22 investments in air quality projects to Colorado communities and workers;
23 and

24 (f) Unfortunately, many of the schools with the most pressing
25 infrastructure improvement needs lack the staff capacity to track, apply
26 for, and manage grant funding available at the state and federal level.

27 (4) Therefore, the general assembly declares that, in order to help

1 schools address health concerns and energy efficiency needs, this act:

2 (a) Will save schools money by ensuring that facility improvement
3 projects are completed by a highly skilled workforce and result in
4 measurable energy efficiency improvements and health improvements for
5 students and staff; and

6 (b) Allows Colorado's school districts to choose to undergo an
7 HVAC assessment and find a pathway to fund any improvements
8 identified without mandating that any school must undergo an assessment
9 or HVAC improvements.

10 **SECTION 2.** In Colorado Revised Statutes, **add** 22-32-152 as
11 follows:

12 **22-32-152. School ventilation and energy efficiency**
13 **verification and repair - applicability of section - ventilation**
14 **verification assessment - filtration - HVAC assessment report -**
15 **mechanical engineer review - adjustments, repairs, upgrades, and**
16 **replacements - HVAC verification report - certified contractors -**
17 **grants - definitions. (1) Definitions. AS USED IN THIS SECTION, UNLESS**
18 **THE CONTEXT OTHERWISE REQUIRES:**

19 (a) "ACCA" MEANS THE AIR CONDITIONING CONTRACTORS OF
20 AMERICA.

21 (b) "ASHRAE" MEANS THE AMERICAN SOCIETY OF HEATING,
22 REFRIGERATING AND AIR-CONDITIONING ENGINEERS.

23 (c) "CERTIFIED CONTRACTOR" MEANS A CONTRACTOR ON THE
24 CERTIFIED CONTRACTOR LIST.

25 (d) "CERTIFIED CONTRACTOR LIST" MEANS THE CERTIFIED
26 CONTRACTOR LIST CREATED BY THE DEPARTMENT OF LABOR AND
27 EMPLOYMENT PURSUANT TO SECTION 40-3.2-105.6 (3)(a).

1 (e) "CERTIFIED TAB TECHNICIAN" MEANS A TECHNICIAN
2 CERTIFIED TO PERFORM TESTING, ADJUSTING, AND BALANCING OF HVAC
3 SYSTEMS BY:
4 (I) THE ASSOCIATED AIR BALANCE COUNCIL;
5 (II) THE NATIONAL ENVIRONMENTAL BALANCING BUREAU;
6 (III) THE TESTING, ADJUSTING AND BALANCING BUREAU; OR
7 (IV) A SUCCESSOR ORGANIZATION OF AN ORGANIZATION NAMED
8 IN SUBSECTION (1)(e)(I), (1)(e)(II), OR (1)(e)(III) OF THIS SECTION.
9 (f) "CO2" MEANS CARBON DIOXIDE.
10 (g) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
11 CREATED IN SECTION 24-1-115.
12 (h) "HVAC" MEANS HEATING, VENTILATION, AND AIR
13 CONDITIONING.
14 (i) "HVAC ASSESSMENT REPORT" MEANS AN HVAC ASSESSMENT
15 REPORT DESCRIBED IN SUBSECTION (4) OF THIS SECTION.
16 (j) "INTERNATIONAL MECHANICAL CODE" MEANS THE 2021
17 INTERNATIONAL MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL
18 CODE COUNCIL OR THE MOST RECENT VERSION ADOPTED BY THE OFFICE
19 OF THE STATE ARCHITECT CREATED IN SECTION 24-30-1302.5.
20 (k) "ISO/IEC 17024 PERSONNEL CERTIFICATION STANDARD"
21 MEANS THE ISO/IEC 17024 PERSONNEL CERTIFICATION ACCREDITATION
22 STANDARD DEVELOPED BY THE INTERNATIONAL ORGANIZATION FOR
23 STANDARDIZATION AND THE INTERNATIONAL ELECTROTECHNICAL
24 COMMISSION FOR THE PURPOSE OF CERTIFYING PERSONNEL.
25 (l) "LOCAL EDUCATION PROVIDER" MEANS:
26 (I) A LOCAL EDUCATION PROVIDER, AS DEFINED IN SECTION
27 22-16-103 (4); AND

1 (II) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND
2 DESCRIBED IN SECTION 22-80-102.

3 (m) "MECHANICAL ENGINEER" MEANS A PROFESSIONAL ENGINEER
4 WHO IS LICENSED PURSUANT TO PART 2 OF ARTICLE 120 OF TITLE 12 AND
5 HAS PROFESSIONAL EXPERIENCE WITH HVAC SYSTEMS.

6 (n) "MERV" MEANS MINIMUM EFFICIENCY REPORTING VALUE, AS
7 ESTABLISHED BY:

8 (I) ANSI/ASHRAE STANDARD 52.2-2017, "METHOD OF TESTING
9 GENERAL VENTILATION AIR-CLEANING DEVICES FOR REMOVAL
10 EFFICIENCY BY PARTICLE SIZE";

11 (II) ANSI/ASHRAE STANDARD 62.1-2022, "VENTILATION AND
12 ACCEPTABLE INDOOR AIR QUALITY";

13 (III) ANSI/ASHRAE/ACCA STANDARD 180-2018, "STANDARD
14 PRACTICE FOR INSPECTION AND MAINTENANCE OF COMMERCIAL
15 BUILDING HVAC SYSTEMS"; AND

16 (IV) ASHRAE STANDARD 241-2023, "CONTROL OF INFECTIOUS
17 AEROSOLS".

18 (o) "NOx" HAS THE MEANING SET FORTH IN SECTION 25-7-1502
19 (8).

20 (p) "OCCUPIED AREAS" MEANS THE CLASSROOMS, AUDITORIUMS,
21 GYMNASIUMS, CAFETERIAS, NURSES' OFFICES, RESTROOMS, AND OFFICES
22 OF A SCHOOL.

23 (q) "PROJECT LABOR AGREEMENT" HAS THE MEANING SET FORTH
24 IN 48 CFR 52.222-34.

25 (r) "QUALIFIED ADJUSTING PERSONNEL" MEANS:

26 (I) A CERTIFIED TAB TECHNICIAN; OR

27 (II) A WORKER WHO IS UNDER THE DIRECT SUPERVISION OF A

1 CERTIFIED TAB TECHNICIAN.

2 (s) "QUALIFIED PERSONNEL" MEANS QUALIFIED TESTING
3 PERSONNEL, QUALIFIED ADJUSTING PERSONNEL, OR OTHER WORKFORCE
4 THAT IS HIRED BY AND UNDER THE DIRECT SUPERVISION OF A CERTIFIED
5 CONTRACTOR FOR THE PURPOSE OF PERFORMING HVAC WORK.

6 (t) "QUALIFIED TESTING PERSONNEL" MEANS:

7 (I) A CERTIFIED TAB TECHNICIAN; OR

8 (II) AN INDIVIDUAL CERTIFIED TO PERFORM VENTILATION
9 ASSESSMENTS OF HVAC SYSTEMS BY THE INTERNATIONAL CERTIFICATION
10 BOARD OR THROUGH AN EQUIVALENT CERTIFICATION PROGRAM OR BODY
11 ACCREDITED UNDER THE ISO/IEC 17024 PERSONNEL CERTIFICATION
12 STANDARD.

13 (u) "SCHOOL" MEANS AN EDUCATIONAL FACILITY OPERATED BY A
14 LOCAL EDUCATION PROVIDER.

15 (v) "TAB" MEANS TESTING, ADJUSTING, AND BALANCING OF AN
16 HVAC SYSTEM.

17 (2) **Applicability of section.** ON AND AFTER THE EFFECTIVE DATE
18 OF THIS SECTION, IF A LOCAL EDUCATION PROVIDER UNDERTAKES HVAC
19 INFRASTRUCTURE IMPROVEMENTS AT A SCHOOL USING MONEY FROM THE
20 "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND CREATED IN
21 SECTION 24-75-232(3), THE LOCAL EDUCATION PROVIDER SHALL COMPLY
22 WITH THE PROCEDURES SET FORTH IN THIS SECTION IN IMPLEMENTING THE
23 HVAC INFRASTRUCTURE IMPROVEMENTS.

24 (3) **Ventilation verification assessment.** QUALIFIED PERSONNEL
25 SHALL PERFORM ALL OF THE FOLLOWING:

26 (a) **Filtration.** MERV 13 OR BETTER FILTRATION MUST BE
27 INSTALLED IN A SCHOOL'S HVAC SYSTEM WHERE FEASIBLE. QUALIFIED

1 PERSONNEL SHALL:

2 (I) REVIEW SYSTEM CAPACITY AND AIRFLOW TO DETERMINE THE

3 HIGHEST MERV FILTRATION THAT CAN BE INSTALLED WITHOUT

4 ADVERSELY IMPACTING EQUIPMENT; AND

5 (II) REPLACE OR UPGRADE FILTERS WHERE NEEDED AND VERIFY

6 THAT FILTERS ARE INSTALLED CORRECTLY.

7 (b) **Ventilation and exhaust.** AFTER ASSESSING THE FILTRATION

8 AS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, QUALIFIED

9 PERSONNEL SHALL ASSESS THE VENTILATION RATES IN THE SCHOOL'S

10 OCCUPIED AREAS TO DETERMINE WHETHER THEY MEET THE MINIMUM

11 VENTILATION RATE REQUIREMENTS SET FORTH IN THE INTERNATIONAL

12 MECHANICAL CODE. ASSESSMENT OF THE VENTILATION AND EXHAUST

13 MUST INCLUDE ALL THE FOLLOWING:

14 (I) CALCULATION OF THE ESTIMATED MINIMUM OUTSIDE AIR

15 VENTILATION RATES FOR EACH OCCUPIED AREA BASED ON THE MAXIMUM

16 ANTICIPATED OCCUPANCY AND THE MINIMUM REQUIRED VENTILATION

17 RATE PER OCCUPANT. CALCULATIONS MUST BE BASED ON MAXIMUM

18 ANTICIPATED CLASSROOM OR OTHER OCCUPIED AREA OCCUPANCY RATES

19 AND DETERMINED BY THE INTERNATIONAL MECHANICAL CODE.

20 (II) MEASUREMENT OF OUTSIDE AIR AND VERIFICATION THAT THE

21 SYSTEM PROVIDES AT LEAST THE MINIMUM OUTSIDE AIR VENTILATION

22 RATES CALCULATED PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION;

23 (III) VERIFICATION OF COIL VELOCITIES AND UNIT DISCHARGE AIR

24 TEMPERATURES REQUIRED TO MAINTAIN DESIRED INDOOR CONDITIONS

25 AND TO AVOID MOISTURE CARRYOVER FROM COOLING COILS;

26 (IV) VERIFICATION THAT SEPARATION BETWEEN OUTDOOR AIR

27 INTAKES AND EXHAUST DISCHARGE OUTLETS MEETS THE REQUIREMENTS

1 OF THE INTERNATIONAL MECHANICAL CODE;

2 (V) CONFIRMATION THAT THE AIR HANDLING UNIT IS BRINGING IN
3 OUTDOOR AIR AND REMOVING EXHAUST AIR AS INTENDED BY THE SYSTEM
4 DESIGN; AND

5 (VI) MEASUREMENT OF ALL EXHAUST AIR VOLUME FOR EXHAUST
6 FANS, SUCH AS RESTROOM EXHAUST FANS, INCLUDING DOCUMENTATION
7 OF ANY DISCREPANCIES FROM SYSTEM DESIGN.

8 (c) **Economizers.** FOR HVAC SYSTEMS WITH ECONOMIZERS,
9 QUALIFIED PERSONNEL SHALL TEST SYSTEM ECONOMIZER DAMPERS AND
10 CONTROLS FOR PROPER OPERATION. ECONOMIZER DAMPERS AND
11 CONTROLS THAT ARE NOT PROPERLY FUNCTIONING SHALL BE REPAIRED BY
12 A CERTIFIED CONTRACTOR OR THE CERTIFIED CONTRACTOR'S QUALIFIED
13 PERSONNEL. QUALIFIED PERSONNEL SHALL RECORD RECOMMENDATIONS
14 FOR ADDITIONAL MAINTENANCE, REPLACEMENTS, OR UPGRADES IN THE
15 HVAC ASSESSMENT REPORT.

16 (d) **Demand control ventilation.** (I) IF DEMAND CONTROL
17 VENTILATION SYSTEMS ARE INSTALLED, QUALIFIED PERSONNEL SHALL
18 VERIFY THEIR PROPER OPERATION.

19 (II) DEMAND CONTROL VENTILATION SYSTEMS THAT ARE NOT
20 PROPERLY FUNCTIONING SHALL BE REPAIRED BY A CERTIFIED CONTRACTOR
21 OR THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL.

22 (III) IF A DEMAND CONTROL VENTILATION SYSTEM IS
23 RECOMMENDED TO BE DISABLED OR IS UNABLE TO PROVIDE
24 RECOMMENDED VENTILATION RATES, THE HVAC SYSTEM MUST BE
25 CONFIGURED TO MEET THE MINIMUM VENTILATION RATE REQUIREMENTS
26 WITHOUT USE OF THE DEMAND CONTROL VENTILATION SYSTEM AND MUST
27 BE TESTED AND ADJUSTED TO ACHIEVE AT LEAST THE ESTIMATED

1 MINIMUM OUTSIDE AIR VENTILATION RATE, AS DESCRIBED IN SUBSECTION
2 (3)(b)(I) OF THIS SECTION.

3 (e) **Air distribution and building pressurization.** (I) QUALIFIED
4 PERSONNEL SHALL:

5 (A) PERFORM SURVEY READINGS OF INLETS AND OUTLETS TO
6 VERIFY THAT ALL VENTILATION IS REACHING THE SERVED ZONES AND
7 THAT THERE IS ADEQUATE AIR DISTRIBUTION;

8 (B) VERIFY THAT INLETS AND OUTLETS ARE BALANCED WITHIN
9 TOLERANCE OF THE SYSTEM DESIGN; AND

10 (C) DOCUMENT READ VALUES AND DEFICIENCIES. IF THE ORIGINAL
11 SYSTEM DESIGN VALUES ARE NOT AVAILABLE, QUALIFIED PERSONNEL
12 SHALL DOCUMENT AVAILABLE INFORMATION AND NOTE THE
13 UNAVAILABILITY OF SYSTEM DESIGN VALUES IN THE HVAC ASSESSMENT
14 REPORT.

15 (II) QUALIFIED PERSONNEL SHALL VERIFY BUILDING AND SPACE
16 PRESSURE TO ENSURE THAT:

17 (A) THE PRESSURE DIFFERENTIAL IS WITHIN TOLERANCE OF
18 DESIGN, IF KNOWN; AND

19 (B) THE SCHOOL BUILDING IS NOT OVER PRESSURIZED.

20 (f) **General maintenance.** QUALIFIED PERSONNEL SHALL VERIFY
21 COIL CONDITION, CONDENSATE DRAINAGE, COOLING COIL AIR
22 TEMPERATURE DIFFERENTIAL (ENTERING AND LEAVING DRY BULB), HEAT
23 EXCHANGER AIR TEMPERATURE DIFFERENTIAL (ENTERING AND LEAVING
24 DRY BULB), AND DRIVE ASSEMBLY CONDITION.

25 (g) **Operational controls.** QUALIFIED PERSONNEL SHALL REVIEW
26 CONTROL SEQUENCES TO VERIFY THAT SYSTEMS WILL MAINTAIN INTENDED
27 VENTILATION, TEMPERATURE, AND HUMIDITY CONDITIONS DURING SCHOOL

1 OPERATION.

2 (4) **HVAC assessment report.** QUALIFIED PERSONNEL SHALL
3 PREPARE AN HVAC ASSESSMENT REPORT FOR REVIEW BY A MECHANICAL
4 ENGINEER. THE HVAC ASSESSMENT REPORT MUST INCLUDE ALL OF THE
5 FOLLOWING INFORMATION:

6 (a) THE NAME AND ADDRESS OF THE SCHOOL AND THE CERTIFIED
7 CONTRACTOR COMPLETING THE WORK, INCLUDING THE NAME OF THE
8 QUALIFIED PERSONNEL PREPARING THE ASSESSMENT REPORT AND THE
9 NAME OF THE MECHANICAL ENGINEER CERTIFYING THE ASSESSMENT
10 REPORT;

11 (b) A DESCRIPTION OF ASSESSMENT, MAINTENANCE, ADJUSTMENT,
12 AND REPAIR ACTIVITIES AND OUTCOMES;

13 (c) DOCUMENTATION OF HVAC EQUIPMENT MODEL NUMBERS,
14 SERIAL NUMBERS, THE GENERAL CONDITION OF UNITS, AND ANY
15 ADDITIONAL INFORMATION THAT COULD BE USED TO ASSESS
16 REPLACEMENT AND REPAIR OPTIONS GIVEN THE POTENTIAL FOR INCREASED
17 ENERGY EFFICIENCY BENEFITS;

18 (d) VERIFICATION THAT EITHER:

19 (I) MERV 13 FILTERS HAVE BEEN INSTALLED; OR

20 (II) THE MAXIMUM MERV-RATED FILTER THAT THE SYSTEM IS
21 ABLE TO EFFECTIVELY HANDLE HAS BEEN INSTALLED, INCLUDING AN
22 INDICATION OF THE MERV RATING OF THAT FILTER;

23 (e) VERIFICATION THAT ALL REQUIREMENTS DESCRIBED IN THIS
24 SUBSECTION (4) HAVE BEEN SATISFIED;

25 (f) THE VERIFIED VENTILATION RATES FOR OCCUPIED AREAS AND
26 WHETHER THOSE RATES MEET THE ESTIMATED REQUIREMENTS SET FORTH
27 IN THE INTERNATIONAL MECHANICAL CODE;

1 (g) THE VERIFIED EXHAUST RATES FOR OCCUPIED AREAS AND
2 WHETHER THOSE RATES MEET THE REQUIREMENTS OF THE SYSTEM'S
3 DESIGN; AND

4 (h) DOCUMENTATION OF SYSTEM DEFICIENCIES AND
5 RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE, REPLACEMENT, OR
6 UPGRADES TO IMPROVE ENERGY EFFICIENCY, SAFETY, OR PERFORMANCE
7 OR TO REDUCE NO_X EMISSIONS OR GREENHOUSE GAS EMISSIONS, IF ANY.

8 (5) **Mechanical engineer review.** A MECHANICAL ENGINEER
9 SHALL:

10 (a) REVIEW THE HVAC ASSESSMENT REPORT;

11 (b) VERIFY OR ADJUST THE ESTIMATED MINIMUM OUTSIDE AIR
12 VENTILATION RATES;

13 (c) DETERMINE WHAT, IF ANY, ADDITIONAL ADJUSTMENTS,
14 REPAIRS, UPGRADES, OR REPLACEMENTS ARE NECESSARY TO MEET THE
15 MINIMUM VENTILATION AND FILTRATION REQUIREMENTS OF THE
16 INTERNATIONAL MECHANICAL CODE;

17 (d) RECOMMEND A PATHWAY FOR REDUCING NO_X EMISSIONS AND
18 GREENHOUSE GAS EMISSIONS; AND

19 (e) PROVIDE A COST ESTIMATE FOR ALL RECOMMENDED WORK.

20 (6) **Adjustments, repairs, upgrades, and replacements.** ALL
21 HVAC REPAIRS, UPGRADES, AND REPLACEMENTS SHALL BE PERFORMED
22 BY A CERTIFIED CONTRACTOR OR THE CERTIFIED CONTRACTOR'S QUALIFIED
23 PERSONNEL. ALL HVAC ADJUSTMENTS SHALL BE PERFORMED BY
24 QUALIFIED ADJUSTING PERSONNEL.

25 (7) **HVAC verification report.** (a) A CERTIFIED CONTRACTOR OR
26 A MEMBER OF THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL SHALL
27 PREPARE AN HVAC VERIFICATION REPORT WITHIN TEN BUSINESS DAYS

1 AFTER COMPLETION OF ALL WORK DESCRIBED IN SUBSECTIONS (3) TO (6)
2 OF THIS SECTION.

3 (b) THE HVAC VERIFICATION REPORT MUST INCLUDE ALL OF THE
4 FOLLOWING INFORMATION:

5 (I) THE NAME AND ADDRESS OF THE SCHOOL AND THE PERSON
6 PREPARING AND CERTIFYING THE REPORT;

7 (II) A DESCRIPTION OF ASSESSMENT, MAINTENANCE, ADJUSTMENT,
8 REPAIR, UPGRADE, AND REPLACEMENT ACTIVITIES AND OUTCOMES;

9 (III) VERIFICATION THAT THE CERTIFIED CONTRACTOR OR THE
10 CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL HAS COMPLIED WITH ALL
11 REQUIREMENTS OF THIS SECTION;

12 (IV) VERIFICATION THAT EITHER:

13 (A) MERV 13 FILTERS HAVE BEEN INSTALLED; OR

14 (B) THE MAXIMUM MERV-RATED FILTER THAT THE SYSTEM IS
15 ABLE TO EFFECTIVELY HANDLE HAS BEEN INSTALLED, INCLUDING AN
16 INDICATION OF THE MERV RATING OF THAT FILTER;

17 (V) THE VERIFIED VENTILATION RATES FOR OCCUPIED AREAS AND
18 WHETHER THOSE RATES MEET THE REQUIREMENTS SET FORTH IN THE
19 INTERNATIONAL MECHANICAL CODE. IF VENTILATION RATES DO NOT MEET
20 APPLICABLE GUIDANCE, THEN THE HVAC VERIFICATION REPORT MUST
21 INCLUDE AN EXPLANATION OF WHY THE CURRENT SYSTEM IS UNABLE TO
22 MEET THOSE RATES.

23 (VI) THE VERIFIED EXHAUST RATES FOR OCCUPIED AREAS AND
24 WHETHER THOSE RATES MEET THE REQUIREMENTS SET FORTH IN THE
25 SYSTEM'S DESIGN;

26 (VII) DOCUMENTATION OF REPAIRS, UPGRADES, OR
27 REPLACEMENTS PERFORMED IN RESPONSE TO:

1 (A) THE HVAC ASSESSMENT REPORT; AND
2 (B) THE MECHANICAL ENGINEER'S RECOMMENDATIONS MADE
3 PURSUANT TO SUBSECTION (5) OF THIS SECTION;
4 (VIII) DOCUMENTATION OF RECOMMENDATIONS FOR ADDITIONAL
5 MAINTENANCE, REPAIRS, REPLACEMENTS, OR UPGRADES TO IMPROVE
6 ENERGY EFFICIENCY, SAFETY, OR PERFORMANCE OR TO REDUCE NOX
7 EMISSIONS OR GREENHOUSE GAS EMISSIONS;
8 (IX) DOCUMENTATION OF THE MECHANICAL ENGINEER'S
9 RECOMMENDED PATHWAY FOR REDUCING NOX EMISSIONS AND
10 GREENHOUSE GAS EMISSIONS;
11 (X) DOCUMENTATION OF INITIAL OPERATING VERIFICATIONS,
12 ADJUSTMENTS, AND FINAL OPERATING VERIFICATIONS AND
13 DOCUMENTATION OF ANY ADJUSTMENTS OR REPAIRS PERFORMED; AND
14 (XI) VERIFICATION THAT ALL WORK HAS BEEN PERFORMED BY A
15 CERTIFIED CONTRACTOR OR THE CERTIFIED CONTRACTOR'S QUALIFIED
16 PERSONNEL, INCLUDING THE CONTRACTOR'S NAME, THE NAMES OF THE
17 QUALIFIED PERSONNEL, THE CERTIFICATION NUMBERS OF ANY QUALIFIED
18 PERSONNEL, AND VERIFICATION THAT ALL CONSTRUCTION WORK HAS BEEN
19 PERFORMED BY A CERTIFIED CONTRACTOR OR THE CERTIFIED
20 CONTRACTOR'S QUALIFIED PERSONNEL.
21 (c) A LOCAL EDUCATION PROVIDER SHALL MAINTAIN A COPY OF
22 THE HVAC VERIFICATION REPORT FOR AT LEAST FIVE YEARS AND MAKE
23 IT AVAILABLE TO THE PUBLIC UPON REQUEST.
24 (8) **Certified contractors.** (a) If a LOCAL EDUCATION PROVIDER
25 UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS AS DESCRIBED IN
26 THIS SECTION USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT
27 AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE

1 LOCAL EDUCATION PROVIDER SHALL:

2 (I) OBTAIN AND MAKE USE OF THE CERTIFIED CONTRACTOR LIST TO

3 ASSIST IN CONTRACTOR SELECTION AND ENSURE COMPLIANCE WITH

4 FEDERAL FUNDING REQUIREMENTS; AND

5 (II) EMPLOY ONLY CERTIFIED CONTRACTORS OR CONTRACTORS

6 THAT USE PREVAILING WAGES AND APPRENTICES REGISTERED WITH THE

7 FEDERAL DEPARTMENT OF LABOR OR THE STATE APPRENTICESHIP AGENCY

8 CREATED IN SECTION 8-15.7-102 FOR THE PERFORMANCE OF THE HVAC

9 INFRASTRUCTURE IMPROVEMENTS.

10 (b) THE DEPARTMENT SHALL PUBLISH THE CERTIFIED CONTRACTOR

11 LIST ON ITS WEBSITE AND INCLUDE OR REFERENCE THE LIST IN ALL OF THE

12 RELEVANT MARKETING MATERIAL FOR SCHOOL INFRASTRUCTURE

13 IMPROVEMENT PROGRAMS TO ASSIST IN CONTRACTOR SELECTION AND

14 ENSURE COMPLIANCE WITH FEDERAL FUNDING REQUIREMENTS.

15 (c) THE REQUIREMENT DESCRIBED IN SUBSECTION (8)(a) OF THIS

16 SECTION DOES NOT APPLY TO MECHANICAL, PLUMBING, AND ELECTRICAL

17 WORK THAT IS PERFORMED PURSUANT TO A PROJECT LABOR AGREEMENT

18 THAT ALLOWS A CONTRACTOR AND ALL SUBCONTRACTORS TO COMPETE

19 FOR CONTRACTS AND SUBCONTRACTS WITHOUT REGARD TO WHETHER

20 THEY ARE PARTIES TO A COLLECTIVE BARGAINING AGREEMENT.

21 (d) (I) UPON EVALUATION OF BIDS SUBMITTED FOR AN HVAC

22 INFRASTRUCTURE IMPROVEMENT CONTRACT, THE LOCAL EDUCATION

23 PROVIDER MAY WAIVE THE REQUIREMENTS OF THIS SUBSECTION (8) IF THE

24 LOCAL EDUCATION PROVIDER DETERMINES THAT THERE IS SUBSTANTIAL

25 EVIDENCE THAT THERE WERE NO RESPONSIVE, ELIGIBLE SUBCONTRACTORS

26 AVAILABLE TO FULFILL THE MECHANICAL, ELECTRICAL, OR PLUMBING

27 PORTIONS OF THE CONTRACT.

1 (II) A LOCAL EDUCATION PROVIDER THAT UNDERTAKES HVAC
2 INFRASTRUCTURE IMPROVEMENTS SUBJECT TO THE REQUIREMENTS OF THIS
3 SUBSECTION (8) SHALL MAKE PUBLIC ALL WAIVERS AND THE SPECIFIC
4 RATIONALE FOR GRANTING A WAIVER. THE LOCAL EDUCATION PROVIDER
5 SHALL POST NOTICE OF A WAIVER AND A JUSTIFICATION FOR THE WAIVER
6 ON ITS WEBSITE.

7 **SECTION 3.** In Colorado Revised Statutes, **add** 22-5-123 as
8 follows:

9 **22-5-123. BOCES - HVAC infrastructure improvements.** ON
10 AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF A BOCES
11 UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY
12 FROM THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND
13 CREATED IN SECTION 24-75-232 (3), THE BOCES SHALL COMPLY WITH THE
14 REQUIREMENTS DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE
15 HVAC INFRASTRUCTURE IMPROVEMENTS.

16 **SECTION 4.** In Colorado Revised Statutes, **add** 22-30.5-121 as
17 follows:

18 **22-30.5-121. Charter schools - HVAC infrastructure**
19 **improvements.** ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF
20 A CHARTER SCHOOL UNDERTAKES HVAC INFRASTRUCTURE
21 IMPROVEMENTS USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT
22 AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE
23 CHARTER SCHOOL SHALL COMPLY WITH THE REQUIREMENTS DESCRIBED IN
24 SECTION 22-32-152 IN IMPLEMENTING THE HVAC INFRASTRUCTURE
25 IMPROVEMENTS.

26 **SECTION 5.** In Colorado Revised Statutes, **add** 22-30.5-531 as
27 follows:

1 **22-30.5-531. Institute charter schools - HVAC infrastructure**
2 **improvements.** ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF
3 AN INSTITUTE CHARTER SCHOOL UNDERTAKES HVAC INFRASTRUCTURE
4 IMPROVEMENTS USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT
5 AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE
6 INSTITUTE CHARTER SCHOOL SHALL COMPLY WITH THE REQUIREMENTS
7 DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE HVAC
8 INFRASTRUCTURE IMPROVEMENTS.

9 **SECTION 6.** In Colorado Revised Statutes, **add** 22-80-120 as
10 follows:

11 **22-80-120. HVAC infrastructure improvements.** ON AND
12 AFTER THE EFFECTIVE DATE OF THIS SECTION, IF THE SCHOOL UNDERTAKES
13 HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY FROM THE
14 "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND CREATED IN
15 SECTION 24-75-232 (3), THE SCHOOL SHALL COMPLY WITH THE
16 REQUIREMENTS DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE
17 HVAC INFRASTRUCTURE IMPROVEMENTS.

18 **SECTION 7.** In Colorado Revised Statutes, 24-94-102, **add** (4.3)
19 and (4.7) as follows:

20 **24-94-102. Definitions.** As used in this article 94, unless the
21 context otherwise requires:

22 (4.3) "HVAC" MEANS HEATING, VENTILATION, AND AIR
23 CONDITIONING.

24 (4.7) "LOCAL EDUCATION PROVIDER" MEANS:

25 (a) A LOCAL EDUCATION PROVIDER, AS DEFINED IN SECTION
26 22-16-103 (4); AND

27 (b) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND

1 DESCRIBED IN SECTION 22-80-102.

2 **SECTION 8.** In Colorado Revised Statutes, 24-75-232, **amend**
3 (1)(d), (2)(d), and (5)(a) introductory portion; and **add** (1)(d.5) as
4 follows:

5 **24-75-232. "Infrastructure Investment and Jobs Act" cash**
6 **fund - creation - allowable uses - report - legislative declaration -**
7 **definitions - repeal.** (1) The general assembly finds and declares that:

8 (d) In order for the state to be competitive for the highest range of
9 funding available to it under the federal act, it is necessary for
10 departments to have ~~funds~~ FUNDING available as a nonfederal match,
11 although due to still-evolving federal guidance the amounts needed and
12 specific types of projects may not be known in time for this money to be
13 appropriated in the annual general appropriation act; **and**

14 (d.5) WITH THE PASSAGE OF THE "INFLATION REDUCTION ACT OF
15 2022" AND THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT", BILLIONS
16 OF DOLLARS IN FEDERAL MONEY IS AVAILABLE TO HELP PUBLIC SCHOOLS
17 IMPROVE AIR QUALITY IN SCHOOLS, STUDENT PERFORMANCE, AND STAFF
18 RETENTION; AND

19 (2) As used in this section, unless the context otherwise requires:

20 (d) "Local government" means a county, a municipality, a city and
21 county, A LOCAL EDUCATION PROVIDER, or a special district.

22 (5) (a) Subject to approval by the governor, a department may
23 expend money in the fund as the matching nonfederal ~~funds~~ FUNDING for
24 infrastructure projects pursuant to requirements of the "Infrastructure
25 Investment and Jobs Act" OR SUBSEQUENT FEDERAL INFRASTRUCTURE
26 LEGISLATION for the following categories:

27 **SECTION 9. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2026 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.