



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 20-1321

FINAL
FISCAL NOTE

Drafting Number: LLS 20-1011
Prime Sponsors: Rep. Buentello

Date: July 22, 2020
Bill Status: Postponed Indefinitely
Fiscal Analyst: Matt Bishop | 303-866-4796
Matt.Bishop@state.co.us

Bill Topic: STATE BID PREFERENCE FOR EPA SMARTWAY PARTNERS

**Summary of
Fiscal Impact:**

- | | |
|---|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill would have required state agencies to give preference to SmartWay partners for contracts for transport of freight, or to coordinate such transport. In FY 2020-21, the bill would have minimally increased workload in some state agencies.

**Appropriation
Summary:** No appropriation is required.

**Fiscal Note
Status:** The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill requires state agencies that follow the state's procurement code to give preference to SmartWay Carrier partners and SmartWay Logistics Company partners when contracting with a transportation services provider or a logistics services provider for the transportation of freight.

Background

The SmartWay Partnership, established in 2004, is a program of the U.S. Environmental Protection Agency (EPA) that provides tools and standards in the freight shipping sector to reduce costs and emissions from transporting goods. Companies or organizations can become SmartWay Shippers, SmartWay Carriers, or SmartWay Logistics Companies at no cost by entering into an agreement to track and deliver certain data to the EPA in exchange for public recognition, performance benchmark data, and assistance in meeting emissions and fuel usage reduction goals.

Assumptions

The fiscal note assumes that the bill applies only to direct contracts for freight and does not require the preference to be applied to subcontractors or to freight costs embedded in contracts for other goods or services.

State Expenditures

In FY 2020-21, some state agencies, including state institutions of higher education, will experience increased workload in order to update procurement policies and procedures. As this workload is expected to be minimal, no change in appropriations is required.

To the extent that the preference for SmartWay partners causes state agencies to select different contracts than they would have otherwise, and those contracts are bid at higher costs than those of other service providers, those agencies will experience an increase in expenditures. No change to appropriations to any agency is required.

Effective Date

This bill was postponed indefinitely by the House Energy and Environment Committee on May 28, 2020.

State and Local Government Contacts

All State Agencies