CHAPTER 400

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 25-1245

BY REPRESENTATIVE(S) Lieder and Hamrick, Bacon, Boesenecker, Brown, Carter, Duran, English, Froelich, Garcia, Jackson, Joseph, Lindsay, Lindstedt, Mabrey, Paschal, Ricks, Story, Titone, Velasco;
also SENATOR(S) Kipp and Danielson, Ball, Cutter, Exum, Gonzales J., Jodeh, Kolker, Marchman, Michaelson Jenet, Mullica, Sullivan, Wallace, Weissman, Winter F., Coleman.

AN ACT

CONCERNING HVAC INFRASTRUCTURE IMPROVEMENT PROJECTS IN SCHOOLS.

Be it enacted by the General Assembly of the State of Colorado:

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

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

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

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

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

(2) The general assembly further finds that:

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

(b) Various Colorado schools have been featured in news stories profiling

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Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

funding shortages, heating and cooling issues, and the need for facility improvements;

(c) The Department of Education's own "Facility Insight" dashboard reports the average age of school infrastructure to be 40 years; and

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

(3) The general assembly further finds that:

(a) Despite efforts by state agencies and school districts to improve indoor environmental quality in classrooms and other school buildings, many of Colorado's school districts lack the funding and staff to improve facility conditions and thereby improve school health outcomes;

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

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

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

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

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

(4) Therefore, the general assembly declares that, in order to help schools address health concerns and energy efficiency needs, this act:

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

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

SECTION 2. In Colorado Revised Statutes, **add** 22-32-153 as follows:

22-32-153. School ventilation and energy efficiency verification and repair - applicability of section - ventilation verification assessment - filtration - HVAC assessment report - mechanical engineer review - adjustments, repairs, upgrades, and replacements - HVAC verification report - certified contractors - grants - definitions. (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

(e) "CERTIFIED TAB TECHNICIAN" MEANS A TECHNICIAN CERTIFIED TO PERFORM TESTING, ADJUSTING, AND BALANCING OF HVAC SYSTEMS BY:

(I) THE ASSOCIATED AIR BALANCE COUNCIL;

(II) THE NATIONAL ENVIRONMENTAL BALANCING BUREAU;

(III) THE TESTING, ADJUSTING AND BALANCING BUREAU; OR

(IV) A SUCCESSOR ORGANIZATION OF AN ORGANIZATION NAMED IN SUBSECTION (1)(e)(I), (1)(e)(II), OR (1)(e)(III) OF THIS SECTION.

(f) "CO2" MEANS CARBON DIOXIDE.

(g) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115.

(h) "HVAC" MEANS HEATING, VENTILATION, AND AIR CONDITIONING.

(i) "HVAC ASSESSMENT REPORT" MEANS AN HVAC ASSESSMENT REPORT DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

(j) "INTERNATIONAL MECHANICAL CODE" MEANS THE 2021 INTERNATIONAL MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR THE MOST RECENT VERSION ADOPTED BY THE OFFICE OF THE STATE ARCHITECT CREATED IN SECTION 24-30-1302.5.

(k) "ISO/IEC 17024 PERSONNEL CERTIFICATION STANDARD" MEANS THE ISO/IEC 17024 PERSONNEL CERTIFICATION ACCREDITATION STANDARD DEVELOPED BY THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION AND THE INTERNATIONAL ELECTROTECHNICAL COMMISSION FOR THE PURPOSE OF CERTIFYING PERSONNEL.

(l) "LOCAL EDUCATION PROVIDER" MEANS:

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

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

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

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

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

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

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

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

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

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

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

(r) "QUALIFIED ADJUSTING PERSONNEL" MEANS:

(I) A CERTIFIED TAB TECHNICIAN; OR

(II) A WORKER WHO IS UNDER THE DIRECT SUPERVISION OF A CERTIFIED TAB TECHNICIAN.

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

(t) "QUALIFIED TESTING PERSONNEL" MEANS:

(I) A CERTIFIED TAB TECHNICIAN; OR

(II) AN INDIVIDUAL CERTIFIED TO PERFORM VENTILATION ASSESSMENTS OF

HVAC SYSTEMS BY THE INTERNATIONAL CERTIFICATION BOARD OR THROUGH AN EQUIVALENT CERTIFICATION PROGRAM OR BODY ACCREDITED UNDER THE ISO/IEC 17024 PERSONNEL CERTIFICATION STANDARD.

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

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

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

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

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

(I) REVIEW SYSTEM CAPACITY AND AIRFLOW TO DETERMINE THE HIGHEST MERV FILTRATION THAT CAN BE INSTALLED WITHOUT ADVERSELY IMPACTING EQUIPMENT; AND

(II) REPLACE OR UPGRADE FILTERS WHERE NEEDED AND VERIFY THAT FILTERS ARE INSTALLED CORRECTLY.

(b) **Ventilation and exhaust.** AFTER ASSESSING THE FILTRATION AS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, QUALIFIED PERSONNEL SHALL ASSESS THE VENTILATION RATES IN THE SCHOOL'S OCCUPIED AREAS TO DETERMINE WHETHER THEY MEET THE MINIMUM VENTILATION RATE REQUIREMENTS SET FORTH IN THE INTERNATIONAL MECHANICAL CODE. ASSESSMENT OF THE VENTILATION AND EXHAUST MUST INCLUDE ALL THE FOLLOWING:

(I) CALCULATION OF THE ESTIMATED MINIMUM OUTSIDE AIR VENTILATION RATES FOR EACH OCCUPIED AREA BASED ON THE MAXIMUM ANTICIPATED OCCUPANCY AND THE MINIMUM REQUIRED VENTILATION RATE PER OCCUPANT. CALCULATIONS MUST BE BASED ON MAXIMUM ANTICIPATED CLASSROOM OR OTHER OCCUPIED AREA OCCUPANCY RATES AND DETERMINED BY THE INTERNATIONAL MECHANICAL CODE.

(II) MEASUREMENT OF OUTSIDE AIR AND VERIFICATION THAT THE SYSTEM PROVIDES AT LEAST THE MINIMUM OUTSIDE AIR VENTILATION RATES CALCULATED PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION;

(III) VERIFICATION OF COIL VELOCITIES AND UNIT DISCHARGE AIR TEMPERATURES REQUIRED TO MAINTAIN DESIRED INDOOR CONDITIONS AND TO AVOID MOISTURE CARRYOVER FROM COOLING COILS;

(IV) VERIFICATION THAT SEPARATION BETWEEN OUTDOOR AIR INTAKES AND

EXHAUST DISCHARGE OUTLETS MEETS THE REQUIREMENTS OF THE INTERNATIONAL MECHANICAL CODE;

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

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

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

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

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

(III) IF A DEMAND CONTROL VENTILATION SYSTEM IS RECOMMENDED TO BE DISABLED OR IS UNABLE TO PROVIDE RECOMMENDED VENTILATION RATES, THE HVAC SYSTEM MUST BE CONFIGURED TO MEET THE MINIMUM VENTILATION RATE REQUIREMENTS WITHOUT USE OF THE DEMAND CONTROL VENTILATION SYSTEM AND MUST BE TESTED AND ADJUSTED TO ACHIEVE AT LEAST THE ESTIMATED MINIMUM OUTSIDE AIR VENTILATION RATE, AS DESCRIBED IN SUBSECTION (3)(b)(I) OF THIS SECTION.

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

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

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

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

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

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

(B) THE SCHOOL BUILDING IS NOT OVER PRESSURIZED.

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

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

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

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

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

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

(d) VERIFICATION THAT EITHER:

(I) MERV 13 FILTERS HAVE BEEN INSTALLED; OR

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

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

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

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

(h) DOCUMENTATION OF SYSTEM DEFICIENCIES AND RECOMMENDATIONS FOR

ADDITIONAL MAINTENANCE, REPLACEMENT, OR UPGRADES TO IMPROVE ENERGY EFFICIENCY, SAFETY, OR PERFORMANCE OR TO REDUCE NOx EMISSIONS OR GREENHOUSE GAS EMISSIONS, IF ANY.

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

(a) REVIEW THE HVAC ASSESSMENT REPORT;

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

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

(d) RECOMMEND A PATHWAY FOR REDUCING NOx EMISSIONS AND GREENHOUSE GAS EMISSIONS; AND

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

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

(7) **HVAC verification report.** (a) A CERTIFIED CONTRACTOR OR A MEMBER OF THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL SHALL PREPARE AN HVAC VERIFICATION REPORT WITHIN TEN BUSINESS DAYS AFTER COMPLETION OF ALL WORK DESCRIBED IN SUBSECTIONS (3) TO (6) OF THIS SECTION.

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

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

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

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

(IV) VERIFICATION THAT EITHER:

(A) MERV 13 FILTERS HAVE BEEN INSTALLED; OR

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

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

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

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

(A) THE HVAC ASSESSMENT REPORT; AND

(B) THE MECHANICAL ENGINEER'S RECOMMENDATIONS MADE PURSUANT TO SUBSECTION (5) OF THIS SECTION;

(VIII) DOCUMENTATION OF RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE, REPAIRS, REPLACEMENTS, OR UPGRADES TO IMPROVE ENERGY EFFICIENCY, SAFETY, OR PERFORMANCE OR TO REDUCE NOX EMISSIONS OR GREENHOUSE GAS EMISSIONS;

(IX) DOCUMENTATION OF THE MECHANICAL ENGINEER'S RECOMMENDED PATHWAY FOR REDUCING NOX EMISSIONS AND GREENHOUSE GAS EMISSIONS;

(X) DOCUMENTATION OF INITIAL OPERATING VERIFICATIONS, ADJUSTMENTS, AND FINAL OPERATING VERIFICATIONS AND DOCUMENTATION OF ANY ADJUSTMENTS OR REPAIRS PERFORMED; AND

(XI) VERIFICATION THAT ALL WORK HAS BEEN PERFORMED BY A CERTIFIED CONTRACTOR OR THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL, INCLUDING THE CONTRACTOR'S NAME, THE NAMES OF THE QUALIFIED PERSONNEL, THE CERTIFICATION NUMBERS OF ANY QUALIFIED PERSONNEL, AND VERIFICATION THAT ALL CONSTRUCTION WORK HAS BEEN PERFORMED BY A CERTIFIED CONTRACTOR OR THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL.

(c) A LOCAL EDUCATION PROVIDER SHALL MAINTAIN A COPY OF THE HVAC VERIFICATION REPORT FOR AT LEAST FIVE YEARS AND MAKE IT AVAILABLE TO THE PUBLIC UPON REQUEST.

(8) **Certified contractors.** (a) IF A LOCAL EDUCATION PROVIDER UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS AS DESCRIBED IN THIS SECTION USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE LOCAL EDUCATION PROVIDER SHALL:

(I) OBTAIN AND MAKE USE OF THE CERTIFIED CONTRACTOR LIST TO ASSIST IN CONTRACTOR SELECTION AND ENSURE COMPLIANCE WITH FEDERAL FUNDING REQUIREMENTS; AND

(II) EMPLOY ONLY CERTIFIED CONTRACTORS OR CONTRACTORS THAT USE PREVAILING WAGES AND APPRENTICES REGISTERED WITH THE FEDERAL DEPARTMENT

OF LABOR OR THE STATE APPRENTICESHIP AGENCY CREATED IN SECTION 8-15.7-102 FOR THE PERFORMANCE OF THE HVAC INFRASTRUCTURE IMPROVEMENTS.

(b) THE DEPARTMENT SHALL PUBLISH THE CERTIFIED CONTRACTOR LIST ON ITS WEBSITE AND INCLUDE OR REFERENCE THE LIST IN ALL OF THE RELEVANT MARKETING MATERIAL FOR SCHOOL INFRASTRUCTURE IMPROVEMENT PROGRAMS TO ASSIST IN CONTRACTOR SELECTION AND ENSURE COMPLIANCE WITH FEDERAL FUNDING REQUIREMENTS.

(c) THE REQUIREMENT DESCRIBED IN SUBSECTION (8)(a) OF THIS SECTION DOES NOT APPLY TO MECHANICAL, PLUMBING, AND ELECTRICAL WORK THAT IS PERFORMED PURSUANT TO A PROJECT LABOR AGREEMENT THAT ALLOWS A CONTRACTOR AND ALL SUBCONTRACTORS TO COMPETE FOR CONTRACTS AND SUBCONTRACTS WITHOUT REGARD TO WHETHER THEY ARE PARTIES TO A COLLECTIVE BARGAINING AGREEMENT.

(d) (I) UPON EVALUATION OF BIDS SUBMITTED FOR AN HVAC INFRASTRUCTURE IMPROVEMENT CONTRACT, THE LOCAL EDUCATION PROVIDER MAY WAIVE THE REQUIREMENTS OF THIS SUBSECTION (8) IF THE LOCAL EDUCATION PROVIDER DETERMINES THAT THERE IS SUBSTANTIAL EVIDENCE THAT THERE WERE NO RESPONSIVE, ELIGIBLE SUBCONTRACTORS AVAILABLE TO FULFILL THE MECHANICAL, ELECTRICAL, OR PLUMBING PORTIONS OF THE CONTRACT.

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

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

22-5-123. BOCES - HVAC infrastructure improvements. ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF A BOCES UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE BOCES SHALL COMPLY WITH THE REQUIREMENTS DESCRIBED IN SECTION 22-32-153 IN IMPLEMENTING THE HVAC INFRASTRUCTURE IMPROVEMENTS.

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

22-30.5-121. Charter schools - HVAC infrastructure improvements. ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF A CHARTER SCHOOL UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE CHARTER SCHOOL SHALL COMPLY WITH THE REQUIREMENTS DESCRIBED IN SECTION 22-32-153 IN IMPLEMENTING THE HVAC INFRASTRUCTURE IMPROVEMENTS.

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

22-30.5-531. Institute charter schools - HVAC infrastructure improvements.

ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF AN INSTITUTE CHARTER SCHOOL UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE INSTITUTE CHARTER SCHOOL SHALL COMPLY WITH THE REQUIREMENTS DESCRIBED IN SECTION 22-32-153 IN IMPLEMENTING THE HVAC INFRASTRUCTURE IMPROVEMENTS.

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

22-80-120. HVAC infrastructure improvements. ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF THE SCHOOL UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE SCHOOL SHALL COMPLY WITH THE REQUIREMENTS DESCRIBED IN SECTION 22-32-153 IN IMPLEMENTING THE HVAC INFRASTRUCTURE IMPROVEMENTS.

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

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

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

(4.7) "LOCAL EDUCATION PROVIDER" MEANS:

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

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

SECTION 8. In Colorado Revised Statutes, 24-75-232, **amend** (1)(d), (2)(d), and (5)(a) introductory portion; and **add** (1)(d.5) and (7.5) as follows:

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

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

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

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

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

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

(7.5) IF A LOCAL EDUCATION PROVIDER UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS AT A SCHOOL USING MONEY FROM THE FUND, A DEPARTMENT'S GRANT AGREEMENT COMPLIANCE MONITORING SHALL CONSIST OF THE FOLLOWING:

(a) INCLUSION OF A CLAUSE IN THE AWARD AGREEMENT THAT THE LOCAL EDUCATION PROVIDER MUST COMPLY WITH SECTION 22-32-153; AND

(b) A REQUIREMENT THAT A LOCAL EDUCATION PROVIDER MAKE A CERTIFICATION AT THE END OF THE GRANT PERIOD THAT THE LOCAL EDUCATION PROVIDER IS IN COMPLIANCE WITH SECTION 22-32-153.

SECTION 9. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 3, 2025