

**RESOLUTION NO. 2024-025**

**A Resolution to Adopt a Section of the Colorado Procurement Code**

**RECITALS**

A. Boulder County, as a political subdivision of the State of Colorado, is authorized under § 24-101-105(2), C.R.S. to adopt all or any part of the Colorado Procurement Code, § 24-101-101, C.R.S. *et seq.*

B. The Board of County Commissioners of Boulder County desires to support and create efficiency in Boulder County’s procurement and contracting processes by adopting a portion of the Colorado Procurement Code.

C. Adoption of § 24-106-109, C.R.S. of the Colorado Procurement Code memorializes as a matter of law that Boulder County cannot be held liable for the negligence and other willful misconduct of third parties (contractors), particularly conduct that leads to bodily injury, death, or damage to tangible property of the County, and also provides limitations to arbitration and other extra-judicial dispute resolutions processes for Boulder County contracts.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. Pursuant to Section 24-101-105(2), C.R.S., the Board of County Commissioners adopts Section 24-106-109 of the Procurement Code of the State of Colorado as follows:

“Any term or condition in any contract entered into by Boulder County that requires Boulder County to indemnify or hold harmless another person, except as otherwise authorized by law, or by which Boulder County agrees to binding arbitration or any other binding extra-judicial dispute resolution process in which the final resolution is not determined by Boulder County, or by which Boulder County agrees to limit liability of another person for bodily injury, death, or damage to tangible property of Boulder County caused by the negligence or willful misconduct of such person or such person's employees or agents shall be void ab initio; except that the contract containing that term or condition shall otherwise be enforceable as if it did not contain such term or condition. All contracts entered into by Boulder County, except for contracts with another government, shall be governed by Colorado law notwithstanding any term or condition to the contrary.”

IT IS HEREBY DECLARED by the Board of County Commissioners of the County of Boulder and State of Colorado that this resolution shall be effective upon execution.

A motion to approve this Resolution 2024-025 was made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by a \_\_\_\_\_ vote.

**ADOPTED** this \_\_\_\_ day of April 2024.

**BOARD OF COUNTY COMMISSIONERS  
OF BOULDER COUNTY**

\_\_\_\_\_  
Ashley Stolzmann, Chair

\_\_\_\_\_  
Marta Loachamin, Vice Chair

\_\_\_\_\_  
Claire Levy, Commissioner

**ATTEST:**

Clerk to the Board: \_\_\_\_\_