



BUDMAN & HERSHEY, LLC

1355 South Colorado Blvd., Suite 600
Denver, Colorado 80222
(303) 217-2018 *phone*, (303) 217-2019 *fax*

July 24, 2009

William Hobbs
Deputy Secretary of State
Colorado Department of State
1700 Broadway, Suite 250
Denver CO 80290

Re: July 22, 2009 Rulemaking Concerning Proposed Amendments to Campaign
and Political Finance Rules, 8 CCR 1505-6

Dear Mr. Hobbs,

This supplements our letter dated July 17, 2009, a copy of which is attached for your convenient reference. At the Department's above referenced rulemaking, a question was raised about whether the proposed rulemaking remained necessary in light of the *Findings of Fact, Conclusions of Law, and Order Entering Preliminary Injunction* issued in *Dallman et al. v. Ritter and Gonzales*, case #09cv1188 (consolidated with *Ritchie et al. v. Ritter and Gonzales*, case #09cv1200) (the "Preliminary Injunction") concerning enforcement of certain provisions of Amendment 54.

Consistent with testimony offered at the hearing, the Colorado Medical Society supports rulemaking and believes such rulemaking remains necessary despite the Preliminary Injunction. Specifically, the Medical Society supports clarification that the definition of a "sole source contract" as used in Colorado Const., Art. XXVIII does not include contracts for which there is no legal requirement or authority for a competitive bidding process, including provider participation agreements for publically funded health care services and contracts for disaster preparedness with statewide professional organizations.

Although the Preliminary Injunction prohibits enforcement of some provisions of Colorado Const., Art. XXVIII; section 16 was not enjoined. Accordingly, contractors with sole source contracts must still comply with requirements related to the state-administered, public database listing sole source government contracts and the parties to each contract.¹

¹ Colorado Const., Art. XXVIII, §16.

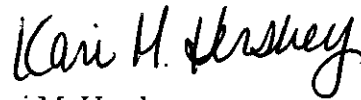
This database was created and is maintained by the Colorado Department of Personnel and Administration.²

The Department of Personnel and Administration has issued technical guidance related to the database, which requires, among other things, holders of sole source government contracts to report information for publication.³ Consequently, health care providers and the Medical Society continue to need clarity regarding the status of provider and disaster preparedness contracts. Accordingly, the Colorado Medical Society supports the proposed rule, and the additional language submitted in our July 17, 2009 letter.

Please let me know if I can provide any additional information that may be helpful to the Department's evaluation of this issue.

Sincerely,

BUDMAN & HERSHEY



Kari M. Hershey

² <http://www.colorado.gov/dpa/dfp/sco/contracts.htm>

³ Id.