

Resolution #TC-2021-08-03

Repeal of Policy Directive 16.0 “Regional Transportation Director Authority for Administrative Settlement of Construction Contract Claims”

Approved by the Transportation Commission on August 19, 2021.

WHEREAS, under § 43-1-106(8), C.R.S., the Transportation Commission of Colorado (“Transportation Commission”) has the statutory responsibility to set policies for the Colorado Department of Transportation (“Department”); and

WHEREAS, Policy Directive 16.0 “Regional Transportation Director Authority for Administrative Settlement of Construction Contract Claims” was established by the Transportation Commission on June 19, 2008; and

WHEREAS, Policy Directive 16.0 delegates authority to the Regional Transportation Directors to approve terms of an administrative settlement of construction contract claims; and

WHEREAS, Policy Directive 16.0 is significantly past its scheduled review date of June 2013; and

WHEREAS, § 43-1-110(1), C.R.S. states “the Chief Engineer shall perform all of the duties and exercise all of the powers vested by law in the engineering, design, and construction division, including the awarding, under the supervision of the Executive Director, of all contracts for the construction or maintenance of state highways and mass transportation project”; and

WHEREAS, § 43-1-223, C.R.S. states “the letting of contracts and preparation and approval of specifications and plans, together with supervision of construction, shall, on behalf of the state, be under the direct control of the Chief Engineer, subject to the terms of the agreement so made”; and

WHEREAS, the review found Policy 16.0 was not established under the appropriate statutory authority; and

NOW THEREFORE BE IT RESOLVED, Policy Directive 16.0 should rest with the Executive Authority’s authority rather than the Transportation Commission as a Procedural Directive; and

NOW THEREFORE BE IT FURTHER RESOLVED, the Transportation Commission repeals Policy Directive 16.0 “Regional Transportation Director Authority for Administrative Settlement of Construction Contract Claims”.



Herman Stockinger, Secretary
Transportation Commission of Colorado

8/19/2021

Date