

**Resolution #TC-2021-03-08**

Approving the Fiscal Year 2021-22 Fee for Service Intra-Agency Agreement between HPTE and the Colorado Department of Transportation

**Approved by the Transportation Commission on March 18, 2021.**

**WHEREAS**, the Transportation Commission is responsible, pursuant to Section 43-1-106(8), C.R.S., for formulating the general policy with respect to the management, construction and maintenance of public highways and other transportation systems in the State; and

**WHEREAS**, the Transportation Commission promulgates and adopts all budgets for the Colorado Department of Transportation ("CDOT") and state transportation programs; and

**WHEREAS**, pursuant to Section 43-4-806(6)(h), C.R.S., the High Performance Transportation Enterprise ("HPTE") is empowered to make and enter into all other contracts and agreements, including intergovernmental agreements under Section 29-1-103, C.R.S., that are necessary or incidental to the exercise of its powers and performance of its duties; and

**WHEREAS**, HPTE and CDOT previously entered into prior year Fee for Service Intra Agency Agreements in which CDOT acknowledged that HPTE possesses expertise and legal powers unavailable to CDOT, and agreed to compensate HPTE for the fair market value of certain services to be provided to CDOT during those fiscal years; and

**WHEREAS**, for the upcoming fiscal year, HPTE has prepared a new Statement of Work describing the services CDOT has requested HPTE to provide CDOT during the 2021-22 fiscal year (the "Services"), which is attached hereto and incorporated herein as Exhibit A (the "Statement of Work") to the Fiscal Year (FY) 2021-22 Fee for Service Intra-Agency Agreement (the "Agreement"); and

**WHEREAS**, the Transportation Commission has reviewed the FY 2021-22 Statement of Work attached as Exhibit A to the Agreement, and finds the compensation amounts set forth to constitute fair and reasonable compensation for the specific Services to be provided by HPTE to CDOT during the 2021-22 fiscal year as detailed in the Statement of Work; and

**WHEREAS**, the Transportation Commission has reviewed the Agreement, by this Resolution accepts, and confirms the findings and statements contained in the recitals.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves the Agreement in substantially the form presented and authorizes the CDOT Executive Director to execute the Agreement with such changes therein and additions thereto, including revisions or modifications to the FY 2021-22 Statement of Work, as the CDOT Executive Director may determine to be necessary or appropriate.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

3/18/21  
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Date