

Resolution #TC-2024-03-06

Approving the Fiscal Year 2024-25 Fee for Service Intra-Agency Agreement between the High Performance Transportation Enterprise and the Colorado Department of Transportation

Approved by the Transportation Commission on March 21, 2024.

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 (“IAA”) 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 2024-25 fiscal year (“Services”), which is attached hereto and incorporated herein as Exhibit A (“Statement of Work”) to the Fiscal Year (“FY”) 2024-25 Fee for Service Intra-Agency Agreement (“Agreement”); and

Whereas, the Transportation Commission has reviewed the FY 2024-25 Statement of Work and Agreement and finds the terms, conditions, and compensation amounts set forth to constitute fair and reasonable compensation for the specific Services to be provided to CDOT during the FY 2024-25; and

Whereas, the Transportation Commission, by this Resolution, accepts and confirms the findings and statements contained in the recitals above.

Now Therefore Be It Resolved, the Transportation Commission hereby approves the Agreement in substantially the form presented and authorizes the CDOT Executive

Director or their delegee to execute the Agreement with such changes therein and additions thereto, including revisions or modifications to the FY 2024-25 Statement of Work, as the CDOT Executive Director may determine to be necessary or appropriate.

Herman Stockinger, Secretary
Transportation Commission of Colorado