

**Resolution #TC-3179**

Approving referral of the I-70 East Project to the Colorado High Performance Transportation Enterprise to pursue Public-Private Partnership opportunities in the procurement of the I-70 East Project.

**Approved by the Transportation Commission on July 21, 2014**

**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 of the Colorado Department of Transportation (CDOT); and

**WHEREAS** the General Assembly created the Colorado High Performance Transportation Enterprise (HPTE), pursuant to Section 43-4-806, C.R.S., as a government-owned business within CDOT to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

**WHEREAS** such innovative means of financing projects include, but are not limited to, public-private partnerships, operating concession agreements, user fee-based project financing, and availability payment and design-build contracting; and

**WHEREAS** CDOT, in conjunction with HPTE and the Colorado Bridge Enterprise, has investigated various delivery methods that can be utilized in delivering an important surface transportation project that includes replacing the I-70 viaduct between Brighton Blvd and Colorado Blvd with a Partially Covered Lowered (PCL) highway and other improvements reaching as far east as Tower Road (I-70 East Project); and

**WHEREAS** the delivery methods reviewed for the I-70 East Project have included (i) a performance based design/build/operate/maintain/finance concept (Performance Based Public-Private Partnership); (ii) a toll-risk based design/build/operate/maintain/finance concept; (iii) a design/build/finance concept; and (iv) a design/build public funding approach; and

**WHEREAS** based on initial value for money analysis considered by the Transportation Commission, other financial information available to the public, and public input received to date, the Performance Based Public-Private Partnership appears to give CDOT the best value for its money in delivering the I-70 East Project in a timely and efficient manner; and

**WHEREAS** the Transportation Commission has determined that HPTE, the entity statutorily authorized to pursue innovative means of financing surface transportation projects, is uniquely suited to handle the procurement efforts related to implementing the I-70 East Project, with the support of the Office of Major Project Development; and

**WHEREAS** the Transportation Commission supports the efforts of HPTE to involve the public as it evaluates financing options for I-70 East Project and to continue to solicit and consider public input.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby refers the procurement of the I-70 East Project to HPTE to further pursue Public-Private Partnership opportunities for the I-70 East Project and such referral and the Transportation Commission's final decision is subject to, and may be modified by, continued review and consideration of financial and other relevant analysis and to the continued review and consideration of public input; and

**BE IT FURTHER RESOLVED**, the Transportation Commission requests that HPTE, in administering the I-70 East Project procurement, conduct an updated value for money analysis prior to issuing a Request for Proposal, provide primary contract terms to the Transportation Commission for its review prior to commercial close, and, in cooperation with the Office of Major Project Development, prepare quarterly reports to the Transportation Commission regarding the status of the I-70 East Project and the related procurement efforts; and

**BE IT FURTHER RESOLVED**, the Transportation Commission will continue to evaluate all future budgeting for the I-70 East Project; and

**BE IT FURTHER RESOLVED**, the Transportation Commission directs staff to develop a comprehensive program addressing disadvantaged and small business utilization and workforce training in administering the procurement for the I-70 East Project and to provide the details of this program to the Transportation Commission; and

**BE IT FURTHER RESOLVED**, the Transportation Commission directs staff to consider and recommend an HOV policy for the I-70 East Project that provides system continuity with existing and proposed express lanes and is responsive to input from corridor stakeholders.

Herman J. Stockinger III  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

7-22-14  
Date