



Date: November 18, 2020

To: High-Performance Transportation Enterprise Board / Colorado Transportation Commission

From: Nick Farber, Director, HPTE

Subject: Moratorium on Unsolicited Proposals on Interstate 25 North, Interstate 270, and Central 70

Purpose

The purpose of this memo is to describe the HPTE's updated Unsolicited Proposal Policy and the HPTE Board and Transportation Commission moratoriums on unsolicited proposals on Interstate 25 North, Interstate 270, and Central 70.

Action

No action at this time. If the Board and Transportation Commission are amenable, HPTE will bring an agenda item to the December or January meeting, depending on when the HPTE Board and Commission meeting take place in the same month, to lift the moratoriums on all or a portion of the corridors.

Background

An Unsolicited Proposal is a written proposal submitted to HPTE on the initiative of a Proposer to obtain a contract with HPTE. It uses unique solutions to offer innovative and efficient means of completing surface transportation infrastructure projects that generate revenue and/or other value to enable HPTE to pursue its legislative mandate. It is not an offer responding to HPTE's previously published expression of a need through a Letter of Interest (LOI), Request for Information (RFI), Request for Qualifications (RFQ), or Request for Proposals (RFP).

In June and July of 2012, the HPTE Board and Transportation Commission passed resolutions (HPTE # 74 and TC - 3003 respectively) that adopted moratoriums on unsolicited proposals on I-270, I-70 East (now Central 70), and I-25 North. This was to preserve the HPTE's ability to solicit proposals on these corridors. Between 2012 and 2019, HPTE did not receive any unsolicited proposals but has enjoyed success with CDOT on soliciting projects on I-25 North Segments 2 and 3, and on the Central 70 Project, the largest project CDOT has undertaken to date. HPTE has also recently partnered with Region 1 to conduct a Direct Connect Alternatives Analysis and Traffic and Revenue Study on I-270.

During the February 2019 Board Retreat, the HPTE Board of Directors requested that HPTE staff revise the Unsolicited Proposal Policy (UP) to increase engagement with the market and soliciting new revenue-generating ideas. The revised UP seeks to clarify the entire unsolicited proposal process, including establishing types of proposals being sought, the submission process, and the overall procurement process. HPTE staff revised the UP based on an analysis of the current HPTE UP, a peer review of other Departments of Transportation (DOT's), including LA Metro, RTD, Arizona DOT, and Utah DOT, and suggestions from HPTE advisors. Since January of this year, HPTE has received twelve unsolicited proposals - six were rejected either because there was a moratorium on the corridor or they did not meet the HPTE Unsolicited Proposal Policy requirements. One proposal is in Phase Two (Detailed Proposal) stage. HPTE will make further information on the proposal available when the due diligence review has been completed by HPTE and CDOT staff.

Analysis of UP Moratoriums



Over the past eight years, CDOT and HPTE have procured over \$1.4 billion worth of projects on I-25 north and Central 70 and are moving forward with the project planning process on I-270, but there is still a need for infrastructure investment on those corridors. As shown above, HPTE currently has interest from the P3/Developer industry on some of these corridors for unsolicited proposals but has had to reject them because of the moratoriums. The HPTE thinks it is time to lift the moratoriums on I-25 North and I-270, but not Central 70¹, so staff can evaluate industry ideas to see if they are worth moving forward.

Options / Decision Matrix

1. **Staff Recommendation:** Lift the UP moratoriums on I-270 and I-25 North.
2. Lift one or a combination of the moratoriums, but keep one or more in place.
3. Keep all of the moratoriums in place.

Attachments

1. HPTE Resolution # 74
2. TC #- 3003

¹ HPTE recommends not lifting the moratorium on the Central 70 project because the original intent of the moratorium on this corridor was so that CDOT/HPTE could procure the project on its own. The project was successfully procured, and is currently under construction, slated to be complete in 2022 and will be operated by Kiewit Meridiam Partners for the next 30 years.

Resolution – HPTE # 74

No resolution was used for the:

Suspension of unsolicited proposals on I70E, I25N, I270

Voted at 6/20/13 BOD mtg; minutes apvd at 7/18/13 BOD mtg

Resolution #TC- 3003

Adopting a Moratorium on Unsolicited Proposals for I-270, I-70 East and I-25 North

Approved by the Transportation Commission on: July 19, 2012

WHEREAS, the Transportation Commission is responsible, pursuant to C.R.S. 43-1-106(8), for formulating the general policy of the Colorado Department of Transportation (CDOT) and for promulgating all department budgets; and

WHEREAS, on February 16, 2012 the Transportation Commission adopted Resolution Number TC-2064 which approved the use of the Colorado High Performance Transportation Enterprise Project Proposal Guidelines in considering unsolicited public-private partnership proposals submitted to CDOT; and

WHEREAS, at its June 20, 2012 meeting the Colorado High Performance Transportation Enterprise (HPTE) Board agreed to not accept unsolicited proposals for I-270, I-70 East and I-25 North as the HPTE was expecting to initiate procurements in the reasonably near future for these corridors under the "Solicited Proposals" section of its Project Proposal Guidelines; and

WHEREAS, the Transportation Commission wishes to adopt a moratorium on receipt of unsolicited proposals for the same corridors as HPTE and preserve HPTE's efforts to initiate procurements under the "Solicited Proposals" section of the Project Proposal Guidelines.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby adopts a moratorium on receipt of unsolicited proposals for I-270, I-70 East and I-25 North until further notice or until HPTE has initiated its procurement on these corridors.

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

8-3-12
Date