

Resolution #BE-2021-04-04

Approving the Amended and Restated Central 70 Project Intra-Agency Agreement between the Colorado Department of Transportation, the Colorado High Performance Transportation Enterprise and the Colorado Bridge Enterprise

Approved by the Bridge Enterprise Board on April 14, 2021.

WHEREAS, the General Assembly created the Colorado Bridge Enterprise (“BE”) pursuant to Section 43-4-805, C.R.S., as a government-owned business within CDOT to accelerate the repair and reconstruction of deficient bridges further defined as structures that are “poor”; and

WHEREAS, on February 19, 2016 the Transportation Commission approved a governance structure between the Colorado Department of Transportation (“CDOT”), BE and the Colorado High Performance Transportation Enterprise (“HPTE”), in which BE is the managing partner of the Central 70 Project (“Project”); and

WHEREAS, in June 2017, the BE Board of Directors, in Resolution #BE-17-6-2, approved an Intra-Agency Agreement (the “Central 70 IAA”) between CDOT, BE, and HPTE to further define their roles and responsibilities with respect to funding the construction of the Project, management of the Project and cooperation on the operation and maintenance of the Project and financial obligations to each party with respect to the Project; and

WHEREAS, on November 15, 2017, the BE Board of Directors, in Resolution #BE-17-11-1, approved a First Amendment to the Central 70 IAA (the “First Amendment”) between CDOT, BE, and HPTE which, *inter alia*, increased BE’s maximum contribution to the Project’s pre-development costs to \$172,309,333; and

WHEREAS, on November 18, 2018, the BE Board of Directors, in Resolution #BE-18-11-1, approved a Second Amendment to the Central 70 IAA (the “Second Amendment”) between CDOT, BE, and HPTE, which, *inter alia*, memorialized an amended Project timeline and incorporated re-structured milestones during the construction period; and

WHEREAS, in order to reflect changes being made in the fourth amendment to the Project Agreement and third amendment to the IAA, the Parties have decided to amend and restate the IAA for ease of reference, which fully incorporates all changes to the agreement; and

WHEREAS, CDOT, BE, and HPTE desire to enter into an amended and restated Central 70 IAA in substantially the form attached hereto (the “Amended and Restated IAA”), which include amendments to the Project timeline and updating the matrix for Milestone Payment Contribution.

NOW THEREFORE BE IT RESOLVED, the Colorado Bridge Enterprise Board of Directors hereby approves the Amended and Restated Central 70 Project Intra-Agency Agreement between CDOT, HPTE and BE in substantially the form presented to the BE Board prior to

the meeting at which this Resolution is adopted, with such changes thereto as may be approved by both the BE Director, or her designee, and the office of the Colorado Attorney General, provided that such changes shall not materially and substantially alter the terms and conditions of such agreements as presented to the BE Board, nor otherwise be inconsistent with this Resolution.

Herman F. Stockinger A.A.

Herman Stockinger, Secretary
Colorado Bridge Enterprise

4/14/2021

Date