

Resolution – HPTE # 121

Approving the Amendment No. 2 to Concession Agreement for US 36 and the I-25 Managed Lanes dated December 18, 2013, between Plenary Roads Denver LLC and the High Performance Transportation Enterprise.

WHEREAS pursuant to C.R.S. 43-4-806, the General Assembly created the Colorado High Performance Transportation Enterprise (“HPTE”) as a government-owned business and a Division of the Colorado Department of Transportation (“CDOT”); and

WHEREAS HPTE, in partnership with CDOT, has negotiated a Concession Agreement dated June 27, 2013, as amended by Amendment No. 1 dated October 4, 2013, including any and all related agreements and exhibits (“Concession Agreement”), with Plenary Roads Denver LLC (“Plenary”) for the design, construction, financing, operation and maintenance of the US 36 Corridor between Denver and Boulder and the I-25 Express Lanes; and

WHEREAS it has become clear that the Commencement Date under the Concession Agreement will not occur by the Financial Close Deadline Date set by the Concession Agreement and HPTE and the Concessionaire desire to further amend the Concession Agreement to extend certain deadlines; and

WHEREAS HPTE has negotiated that certain Amendment No. 2 to Concession Agreement for US 36 and the I-25 Managed Lanes dated December 18, 2013 (“Amendment No. 2”), with Plenary; and

WHEREAS HPTE’s Board of Directors has reviewed and desires to approve the Amendment No. 2.

NOW THEREFORE BE IT RESOLVED, The High Performance Transportation Enterprise Board of Directors hereby approves the Amendment No. 2 between Plenary Roads Denver LLC and HPTE, amending the Concession Agreement in substantially the form on file with it at this meeting and authorizes HPTE’s Director to execute the Amendment No. 2 on behalf of HPTE, in such form and with such revisions or modification as the Director may determine to be necessary or appropriate (such determination to be conclusively, but not exclusively, evidenced by the execution of Amendment No. 2, with such revisions or modifications, by the Director).

Signed as of December 18, 2013



Jane Hickey
Secretary to HPTE Board of Directors