

Resolution – HPTE #178

Adopting the Colorado High Performance Transportation Enterprise Open Records Policy Relating to Public-Private Partnerships and the First Amended Transparency Policy Relating to Public-Private Partnerships

WHEREAS, pursuant to Section 43-4-806, *et seq.*, C.R.S., the General Assembly of the State of Colorado created the Colorado High Performance Transportation Enterprise (“HPTE”) as a government-owned business within the Colorado Department of Transportation (“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, pursuant to § 43-4-806(6), C.R.S., the HPTE Board of Directors (the “Board”) has the power to supervise and advise the HPTE Director, and to have and exercise all rights and powers necessary or incidental to or implied from its specific powers and duties; and

WHEREAS, HPTE and the Board are committed to ensuring transparency and open government in the development, procurement and implementation of public-private partnerships by HPTE; and

WHEREAS, the Board also recognizes the important public interest served by maintaining the integrity of a competitive procurement process, as well as the unique challenges posed by the long duration and complexity of procurements for public-private partnerships; and

WHEREAS, HPTE is subject to the requirements of §§ 24-72-201, *et seq.*, C.R.S., known as the Colorado Open Records Act (“CORA”), which provides for the open release and inspection of public records held by a public entity; and

WHEREAS, in order to provide guidance to members of the public and participants of public-private partnership procurements conducted by HPTE, and to balance the need to protect the integrity of procurement processes with HPTE’s interest in conducting open and transparent procurements, the Board has determined that it is in the best interest of HPTE to adopt an open records policy relating to public-private partnership procurements (the “CORA Policy”) and clarifying procedures for responding to responses for public records received by HPTE in accordance with CORA; and

WHEREAS, the Board further desires that the CORA Policy provide for regular voluntary public disclosure of documents produced over the course of a public-private partnership procurement, in order to maximize transparency in an efficient and orderly manner that is consistent with the goals of the HPTE’s procurement processes; and

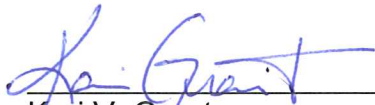
WHEREAS, on July 16, 2014, by Resolution #135, the Board adopted a Transparency Policy Relating to Public-Private Partnerships (the "Transparency Policy"), which provides for additional transparency and accountability measures in the development and procurement of public-private partnerships, including mandatory town hall meetings; and

WHEREAS, the Board now finds it necessary to update the Transparency Policy and the timing for conducting town hall meetings during public-private partnership procurement processes to better coincide with the voluntary public record disclosure schedule set forth in the CORA Policy.

NOW THEREFORE BE IT RESOLVED, the Board of the High Performance Transportation Enterprise hereby approves and adopts the Colorado High Performance Transportation Enterprise Open Records Policy Relating to Public Private Partnerships, to be effective as of this date.

BE IT FURTHER RESOLVED, the Board of the High Performance Transportation Enterprise hereby approves and adopts the Colorado High Performance Transportation Enterprise First Amended Transparency Policy Relating to Public Private Partnerships, to be effective as of this date.

Signed as of August 19, 2015



Kari V. Grant
Interim Secretary, HPTE Board