



## MEMORANDUM

**TO:** HPTE BOARD OF DIRECTORS  
**FROM:** NICHOLAS FARBER, HPTE DIRECTOR; SIMON LOGAN, HPTE LIAISON & PROGRAM COORDINATOR  
**DATE:** NOVEMBER 20, 2019  
**SUBJECT:** HPTE UNSOLICITED PROPOSAL POLICY

### Purpose and Requested Action

This memorandum presents the revised HPTE Unsolicited Proposal Policy (USP) to the HPTE Board of Directors (HPTE Board) for consideration.

The HPTE Board is asked to approve the proposed HPTE Unsolicited Proposal Policy, included as Attachment A.

### Background

During the February 2019 HPTE Board Retreat, the HPTE Board requested that HPTE staff revise the USP to increase engagement with the market and solicit new revenue-generating ideas. The revised USP seeks to clarify the entire unsolicited proposal process, including establishing types of proposals being sought, the process for submission, and the overall procurement process.

HPTE staff revised the USP based on an analysis of the current HPTE USP, a peer review of other Departments of Transportation (DOT's), and suggestions from HPTE advisors. A draft USP was presented to the HPTE Board in July 2019 for feedback.

Following an extensive consultation period, HPTE staff received feedback from the Association for the Improvement of American Infrastructure (AIAI) working group (formed specifically to review the USP, which included 13 different members), Plenary Roads Denver, and Federal Highway Administration. CDOT Procurement staff also provided feedback.

### Changes from July draft presented to the HPTE Board

The USP was substantially reordered from the version shared with the HPTE Board in July to make it more logical and easier to follow. Beyond reordering and simplifying language, where appropriate, important changes of note to highlight include:

- **Governance and Oversight**
  - This section was added to explain the role of the HPTE Board and Transportation Commission. The HPTE Board will receive information at every stage of the process.
  - However, it is only after completion of the Detailed Proposal Evaluation in Phase Two that the HPTE Review Team submits a recommendation to the HPTE Board for consideration.
- **Unsolicited Proposal Fees (nonrefundable)**
  - The Conceptual Proposal Review Fee has been increased from \$1,000 to \$5,000. This was revised based on feedback received from the market that the fee was too low.
  - The Detailed Proposal Review Fee remains the same (\$50,000).
  - HPTE, at its sole discretion, may waive the fee(s) for an Unsolicited Proposal if the proposal submitted is from a Disadvantaged Business Enterprise, Women-Owned Business, or Emerging Small Business, and determined to be reasonable and in the best interest of the State.



- **Definition of an Unsolicited Proposal and Eligibility**
  - USP's can include but are not limited to projects already identified in HPTE's Express Lanes Master Plan (ELMP), CDOT's 2045 Statewide Transportation Plan as well as other existing Transportation Plans<sup>1</sup>.
  - This differs from the previous (July) version presented to the HPTE Board, which excluded projects already identified by CDOT or HPTE.
  - Excludes I-70 East, I-270, and I-25 North from US 36 to Ft. Collins. A moratorium, established in 2012, still exists on these corridors.
- **Timeline and Table of Contents**
  - An estimated timeline for HPTE staff to complete each phase was added: 20 business days for Threshold Review, 40 for Phase One, and 60 for Phase Two.
  - A table of contents was also added as a reference guide.

#### Options / Decision Matrix

1. **Staff Recommendation:** Approve the HPTE Unsolicited Proposal Policy
2. Review but do not approve the Policy. Provide instructions on changes or revisions.

#### Attachments

Attachment A: HPTE Unsolicited Proposal Policy

Attachment B: HPTE Unsolicited Proposal Policy Board Memo (July 2019)

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<sup>1</sup> Excluding the I-70 East, I-270, and I-25 North from US 36 to Ft. Collins. As of the publication of these Guidelines a moratorium on these corridors still exists.