

Resolution – HPTE #304

Approving an Intra-Agency Agreement between CDOT and HPTE for the Burnham Yard Pre-Procurement Partnership

WHEREAS, the General Assembly created the Colorado High Performance Transportation Enterprise (“HPTE”), pursuant to § 43-4-806, C.R.S., as a government-owned business within 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, pursuant to § 43-4-806(6)(g), C.R.S., HPTE is empowered to enter into contracts or agreements with any public entity to facilitate a public-private partnership, including, but not limited to, an agreement in which the enterprise, on behalf of CDOT, provides services in connection with a surface transportation infrastructure project; and

WHEREAS, HPTE is also empowered, pursuant to § 43-4-806(6)(h), C.R.S., to make and enter into all other contracts and agreements that are necessary or incidental to the exercise of its powers and performance of its duties; and

WHEREAS, CDOT acknowledges that HPTE possesses expertise and legal powers unavailable to CDOT, which enable it to accelerate the development and delivery of critical surface transportation infrastructure projects; and

WHEREAS, in July 2019, the Union Pacific Railroad (“UPRR”) released its Request for Qualifications (“RFQ”) for the Burnham Yard Redevelopment (“Burnham Yard”), the purpose of which was to identify qualified teams and solicit interest in an approximately 61-acre parcel of land beginning at 13th Avenue and its northernmost point to roughly 4th Avenue at its southernmost point in the City and County of Denver (“CCD”); and

WHEREAS, CDOT is currently conducting the I-25 Central Planning and Environmental Linkage (“PEL”) Study, looking at I-25 between Santa Fe Drive and 20th Street to identify causes of congestion and considering options to improve safety, travel time reliability, decrease congestion, and provide improved cross-connectivity in this highly-congested corridor; and

WHEREAS, upon the completion of the PEL study, CDOT will have a clear understanding of the transportation problems in the corridor, a collaboratively-developed vision for the future, and potential projects to implement that vision; and

WHEREAS, on August 7, 2019, CDOT submitted a proposal to purchase the Burnham Yard site in fee simple in response to UPRR’s RFQ; and

WHEREAS, UPRR responded to CDOT’s bid with the directive that it explore the possibility of partnering with a private developer and to re-submit its bid as a joint entity (the “Burnham Yard Partnership”); and

WHEREAS, CDOT and the HPTE Board desire to explore the possibility of partnering to evaluate the feasibility of developing the Burnham Yard property;

WHEREAS, recognizing the usefulness of HPTE's expertise and legal powers unavailable to CDOT, as well as HPTE's experience in procuring and administering public-private partnerships, CDOT desires to provide funding to HPTE for the pre-procurement of the Burnham Yard Partnership; and

WHEREAS, the Board has reviewed the Intra-Agency Agreement, including the recitals thereto, and by this resolution accepts and confirms the findings and statements contained therein; and

WHEREAS, the Board has also reviewed the Scope of Work attached as Exhibit A to the Intra-Agency Agreement, and finds the services set forth to be within HPTE's expertise and the compensation amounts set forth therein to constitute fair and reasonable compensation for the services to be provided by HPTE to CDOT; and

WHEREAS, in order to further the efficient completion of surface transportation infrastructure projects necessary to CDOT's development of an integrated transportation system, CDOT desires that HPTE utilize its expertise to provide the services, in exchange for which CDOT agrees to compensate HPTE in the amounts set forth in the Scope of Work.

NOW THEREFORE BE IT RESOLVED, that the Board of the High Performance Transportation Enterprise hereby approves the Intra-Agency Agreement with CDOT for the Burnham Yard Pre-Procurement Partnership.

BE IT FURTHER RESOLVED, that the HPTE Board authorizes the HPTE Director to approve and execute the Intra-Agency Agreement and, in accordance with HPTE's bylaws and subject to any amendments thereto by the Colorado Office of the State Controller, to approve and enter into any amendments that do not exceed the estimate of available funds approved for the fiscal year by the Board, or cause a diminution in the same.

Signed as of September 18, 2019

Simon Logan
Secretary, HPTE Board of Directors