



Date: October 15, 2020
To: The Colorado Transportation Commission
From: Nick Farber, Director, HPTE
Subject: HPTE October Budget Amendment Request

Purpose

This memo is to provide information regarding a reimbursement request from the High Performance High-Performance Transportation Enterprise (HPTE) that is being included as part of the Transportation Commission (TC) October Budget Amendment.

Action

HPTE is asking the TC to approve a request for \$7,333,855 in reimbursement for debt service and other project costs associated with the late delivery of the C-470 and I-25 North 120th to E470 (Segment 3) Express Lanes Projects. The reimbursement request is allowed under the terms of the CDOT-HPTE Intra-Agency Agreements (IAA) for both projects.

Background

In September, HPTE staff held a joint workshop with the TC and HPTE Board of Directors to provide background information regarding the C-470 Express Lanes and I-25 North Segment 3 Project IAA's, specifically the CDOT reimbursement requirements for late delivery of projects outlined in both agreements. For C-470, HPTE is requesting \$7,020,750 from CDOT for debt service, operations, and maintenance obligations, and for I-25 North Segment 3, HPTE is requesting \$313,105 to cover half of its 2020 debt service cost. Please refer to the September workshop packet for additional details, the relevant IAA's and resolutions.

Next Steps

- HPTE will work with the CDOT Office of Financial Management and Budget (OFMB) to ensure that the funds are distributed appropriately to meet HPTE's debt service deadlines and reserve requirements.
- On the C-470 project, HPTE will continue to work with CDOT to take all reasonable actions to recover amounts payable under the provisions of any surety or parent company guarantees provided to CDOT by the Design-Builder; enforce all liquidated damages provisions against the Design-Builder.
- HPTE has debt-service payments due in June and December of each year on the C-470 bonds; therefore, HPTE might have additional requests in the coming year due to the delayed traffic ramp-up.