

Resolution – HPTE #364

Approving a Reduction in the Termination Wind-Down Period in the Managed Lanes Tolling Services Agreement with the E-470 Public Highway Authority

WHEREAS, the General Assembly created the Colorado High Performance Transportation Enterprise (“HPTE”) as a government-owned business within the Colorado Department of Transportation (“CDOT”) to pursue public private partnerships and other innovative and efficient means of completing surface transportation infrastructure projects; and

WHEREAS, pursuant to C.R.S. § 43-4-806(6)(g), HPTE is empowered to enter into contracts or agreements with any public entity to facilitate a public-private partnership; and

WHEREAS, HPTE is also empowered, pursuant to C.R.S. § 43-4-806(6)(h), to make and enter into all other contracts and agreements, including intergovernmental agreements under C.R.S. § 29-1-103 that are necessary or incidental to the exercise of its powers and performance of its duties; and

WHEREAS, on May 7, 2015, HPTE entered into a *Managed Lanes Tolling Services Agreement* (the “TSA”) with the E-470 Public Highway Authority (“E-470”), which established overarching terms under which E-470 provides certain toll collection, violations enforcement and customer service functions for HPTE Express Lane facilities; and

WHEREAS, at its October 17, 2017 meeting, the HPTE Board of Directors (“Board”) approved the First Amendment to the TSA to allow for routine annual updates to the Performance Standards that E-470 is required to meet in the performance of its obligations under the TSA; and

WHEREAS, at its July 18, 2018 meeting, the Board approved an extension to the TSA term for a period of three (3) years, under the same terms and conditions, to June 30, 2023; and

WHEREAS, HPTE and E-470 now find it in each party’s best interest to reduce the Termination Wind-Down Period term for a period of three (3) months, under the same terms and conditions in Section 26(b)(ii) of the TSA, from twenty-four (24) months to twenty-one (21) months.

NOW THEREFORE BE IT RESOLVED, the HPTE Board of Directors hereby authorizes the HPTE Director to reduce the Termination Wind-Down Period to twenty-one (21) months under Section 26(b)(ii) of the Managed Lanes Tolling Services Agreement with the E-470 Public Highway Authority, with such revisions or modifications, not inconsistent with this Resolution, and at such time, as the HPTE Director may determine to be necessary or appropriate.

Signed as of June 16, 2021

Simon Logan
Secretary, HPTE Board