

**Resolution – HPTE #349**

**Approving the Fiscal Year 2021-22 Fee for Service Intra-Agency Agreement between HPTE and the Colorado Department of Transportation**

**WHEREAS**, the General Assembly created the Colorado High Performance Transportation Enterprise (“HPTE”), pursuant to Section 43-4-806, C.R.S., 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**, HPTE is empowered, pursuant to Section 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**, HPTE and CDOT previously entered into prior year Fee for Service Intra-Agency Agreements in which CDOT acknowledged that HPTE possesses expertise and legal powers unavailable to CDOT, and agreed to compensate HPTE for the fair market value of certain services to be provided to CDOT during those fiscal years; and

**WHEREAS**, for the upcoming fiscal year, HPTE has prepared a new Statement of Work describing the services CDOT has requested HPTE to provide CDOT during the 2021-22 fiscal year (the “Services”), which is attached as Exhibit A (the “Statement of Work”) to the Fiscal Year 2021-22 Fee for Service Intra-Agency Agreement (the “Agreement”); and

**WHEREAS**, the HPTE Board of Directors (the “Board”) has reviewed the FY 2021-22 Statement of Work and finds the compensation amounts set forth to constitute fair and reasonable compensation for the specific Services to be provided by HPTE to CDOT during the 2021-22 fiscal year as detailed in the Statement of Work; and

**WHEREAS**, the Board has also reviewed the Agreement and by this Resolution accepts and confirms the findings and statements contained in the recitals.

**NOW THEREFORE BE IT RESOLVED**, the Board hereby approves the Agreement in substantially the form presented and authorizes the HPTE Director to execute the Agreement with such changes therein and additions thereto, including revisions or modifications to the FY 2021-22 Statement of Work, as the HPTE Director may determine to be necessary or appropriate.

Signed as of March 17, 2021

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Simon Logan  
Secretary, HPTE Board of Directors