

Resolution – HPTE #409

Approving an Inter-Agency Agreement between the Colorado Department of Personnel and Administration and the Colorado High Performance Transportation Enterprise for the Burnham Yard Property

WHEREAS, the General Assembly created the Colorado High Performance Transportation Enterprise (“CTIO”), 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, CTIO is authorized, pursuant to Section 43-4-806(2)(c)(I), C.R.S., to impose user fees on the travelling public for the privilege of using surface transportation infrastructure, and is further authorized pursuant to Section 43-4-806(2)(c)(III), C.R.S. to contract with any governmental or non-governmental source of funding for loans to be used in support of CTIO’s functions; and

WHEREAS, pursuant to Section 43-4-806(6)(g)(I), C.R.S., CTIO is authorized to make and enter into contracts or agreements with any private or public entity to facilitate a public-private partnership, including, an agreement pursuant to which the transportation enterprise or the enterprise on behalf of the department operates, maintains, or provides services or property in connection with a surface transportation infrastructure project; and

WHEREAS, the General Assembly created the Colorado Department of Personnel and Administration (“DPA”), pursuant to Section 24-30-101 et seq., to eliminate unnecessary functions, avoid duplication, reduce costs, increase efficiency, and improve services to the state and the public; and

WHEREAS, DPA provides government agencies the ability to focus their resources on delivering quality services to Coloradoans through collaboration with employees, agencies, vendors, and citizens to develop innovative, cost-effective solutions that further the State's ability to conduct its business; and

WHEREAS, in May 2021, the Union Pacific Railroad (“UPRR”) and CTIO entered into a Purchase and Sale Agreement the Burnham Yard Property (“Burnham Yard”), the 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, under the Purchase and Sale Agreement, IAA, and Financing Documents for Burnham Yard, CTIO is responsible for performing certain obligations on the property;

WHEREAS, recognizing the usefulness of DPA’s expertise as well as DPA’s experience in procuring and administering administrative services on behalf of the State entities, CTIO desires to utilize DPA to perform and/or manage certain responsibilities of CTIO for

Burnham Yard, as further detailed in the Inter-Agency Agreement attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the CTIO Board (“Board”) has also reviewed the Scope of Work in Exhibit A, and finds the services set forth to be within DPA’s expertise and the compensation amounts set forth therein to constitute fair and reasonable compensation for the services to be provided by DPA to CTIO.

NOW THEREFORE BE IT RESOLVED, the Board hereby approves the Inter-Agency Agreement between CTIO and DPA for the Burnham Yard project in substantially the form presented and authorized the CTIO Director to execute the IAA with such revisions or modifications, not inconsistent with this Resolution, as the CTIO Director may determine to be necessary or appropriate, whose signature thereon shall constitute conclusive evidence of such approval.

Signed as of April [], 2023

Simon Logan
Secretary, CTIO Board