

Resolution – HPTE #458

Sixth Amendment to Managed Lanes Tolling Services Agreement

WHEREAS, pursuant to C.R.S. § 43-4-806, *et seq.*, the General Assembly of the State of Colorado created the Colorado High Performance Transportation Enterprise (“HPTE”)¹ 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, pursuant to C.R.S. § 43-4-806(2)(c)(I), the HPTE Board of Directors (the “Board”) has the authority to establish user fees for the privilege of using surface transportation infrastructure; and

WHEREAS, since 2015 HPTE has contracted with E-470 Public Highway Authority (“E-470”), pursuant to a Managed Lanes Tolling Services Agreement (“TSA”) to collect user fees and provide other back-office services (“BOS”) for CTIO’s Tolling Facilities, except for U.S. 36, which user fees are collected on behalf of the U.S. 36 concessionaire pursuant to a separate agreement with E-470; and

WHEREAS, HPTE has selected a new BOS provider and negotiated a new contract for tolling services. HPTE anticipates the new BOS provider can “Go Live” on January 1, 2027; and

WHEREAS, the existing TSA requires HPTE and E-470 to execute a Future Amendment detailing the activities and timeline for the Wind-Down of the existing TSA on or before December 31, 2024; and

WHEREAS, the existing TSA with E-470 needs to be amended to extend the deadline for executing that Future Amendment to June 30, 2025 and shorten the Termination Wind-Down Period from 24 months to 18 months to reflect the anticipated Go Live date for the new BOS provider; and

WHEREAS, pursuant to Section 43-4-806(6)(h), C.R.S., the HPTE Board of Directors is authorized to make and enter into all agreements necessary or incidental to the exercise of its powers and performance of its duties; and

WHEREAS, pursuant to Article VIII, subsection D of the CTIO Bylaws, the CTIO Director “shall have authority to approve and enter into contracts and any amendments of existing contracts so long as the total projected expenditures for either the operating fund or the special revenue fund respectively do not exceed the estimate of the available funds approved for the fiscal year by the Board”; and

WHEREAS, the Sixth Amendment to the TSA will not cause the total expected expenditures for either the operating fund or the special revenue fund respectively to exceed the estimate of the available funds approved for the fiscal year by the Board; and

¹ The High Performance Transportation Enterprise (HPTE) is now doing business as the Colorado Transportation Investment Office (CTIO). CTIO is how the enterprise refers to itself now and in the future. However, the HPTE name is retained for legislative and legal documents.

WHEREAS, HPTE staff and legal counsel at the Colorado Attorney General's Office negotiated the Sixth Amendment to the TSA with E-470 counsel and staff, and the HPTE Board of Directors has had an opportunity to review the final Sixth Amendment to the TSA.

NOW THEREFORE BE IT RESOLVED, the Board of the High Performance Transportation Enterprise hereby approves the Sixth Amendment to the TSA and supports HPTE's Director executing the Sixth Amendment on behalf of HPTE in the form presented, and such changes thereto as may be approved by the HPTE Director and the office of the Colorado Attorney General, provided such changes shall not substantially and materially affect the terms and conditions of the agreement as presented to the HPTE Directors, nor otherwise be inconsistent with this resolution.

Signed as of _____

Simon Logan
Secretary, HPTE Board of Directors

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