



E-470 Public Highway Authority
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Adams County
Arapahoe County
Aurora, CO
Brighton, CO
Commerce City, CO
Douglas County
Parker, CO
Thornton, CO

May 26, 2020

**RE: REQUEST FOR QUALIFICATIONS (No. OP-20-AHOS-1-RFQ)
Administrative Hearing Officer Services—Toll Adjudication**

The E-470 Public Highway Authority (“Authority”) is issuing this Request for Qualifications (“RFQ”) to solicit responses from interested parties for administrative hearing officer services related to the adjudication of tolls within the Authority’s administrative law court. The Colorado Department of Transportation’s High Performance Transportation Enterprise (“HPTE”) may also use the information received in response to this RFQ to select one (1) or more administrative hearing officer(s) for adjudication of HPTE tolls.

The Authority is a body corporate and political subdivision of the State of Colorado, which owns, operates, and maintains the E-470 Public Highway (“E-470”), a 75-mph public toll highway that runs along the eastern perimeter of the Denver metropolitan area. E-470 is a user-financed roadway, receiving no local, state, or federal funds for financing, construction, operation, or maintenance. The Authority’s headquarters office and its administrative law court (“ALC”) are located at 22470 East Stephen D. Hogan Parkway, Aurora, Colorado, 80018. Additional information regarding the Authority can be found on its website: <https://www.e-470.com/>.

Toll Enforcement & Adjudication

The Authority imposes tolls for use of the E-470 Public Highway and assesses civil penalties and fees for non-payment of those tolls pursuant to the Public Highway Authority Law, Sections 43-4-501, *et seq.*, C.R.S., as amended from time to time (“PHA Law”). In accordance with the PHA Law, the Authority established an administrative toll enforcement process to administratively adjudicate toll evasions and civil penalty assessments. The Authority also provides various back office tolling services to HPTE, a government-owned business within the Colorado Department of Transportation (“CDOT”) and a division of CDOT, and HPTE’s concessionaire, Plenary Roads Denver, LLC (“Plenary”) for their tolled facilities in Colorado, including providing administrative toll adjudication services.

The Authority’s Board of Directors promulgated rules for toll enforcement, assessment, and adjudication known as the Toll Collection, Evasion, and Administrative Adjudication Rules (the “E-470 Tolling Rules”). The Authority anticipates amending the E-470 Tolling Rules in the near future; however, a copy of the current E-470 Tolling Rules can be found on the Authority’s website ([here](#)). HPTE’s Board of Directors has also promulgated Rules Governing the Administrative Toll Enforcement Process (the “HPTE Tolling Rules”), a copy of which can be found [here](#). Toll adjudications and hearings for the Authority and HPTE are conducted pursuant to and in accordance with the E-470 Tolling Rules and HPTE Tolling Rules, respectively.

Administrative Hearing Officer Duties & Qualifications

Hearing officer duties will include conducting toll adjudication activities related to the Authority's administrative toll enforcement process in accordance with the E-470 Tolling Rules and HPTE Tolling Rules, respectively. Among those responsibilities, the hearing officer will be responsible for reviewing affidavits and related filings prior to processing written orders of liability in default, reviewing filings in advance of and presiding over contested toll adjudication hearings, and issuing written orders of liability following contested hearings. The hearing officer will also interact with the Authority's Operations Department and the Authority's back office service provider, WSP USA Services Inc., in a direct and recurring manner regarding administrative hearings in the ALC and additional matters as needed. Hearing officers will have the same degree of independence as is granted by the State to its administrative law judges. Hearing officers will also be required to comply with the Colorado Code of Judicial Conduct in the adjudication of toll violations.

All administrative hearings and adjudications are held at the Authority's ALC located at its headquarters. The hearing officer will need to be physically present at the ALC at least one day per week to adjudicate tolls in default.¹ The Authority may also consider contracting with one or more on-call hearing officers. Where possible, contested hearings will be scheduled on the same day during which the hearing officer would normally be present at the Authority to adjudicate tolls in default.

The contract, if awarded, is anticipated to be for a three (3) year term with the potential for two (2) one (1) year renewal periods in the discretion of the Authority. Compensation for toll adjudication will be as follows: \$300 per day for adjudication of toll evasions in default; \$400 per contested hearing.

The services to be provided are vital to the Authority's customers' experience and its financial condition; therefore, the Authority requires that respondents meet or exceed the following criteria:

- Must be an attorney admitted to the practice of law in good standing in the courts of the State of Colorado;
- Must not be an employee of the Authority;
- Must have over five (5) years of experience conducting administrative hearings; and
- Must be able to comply with Article 17.5 of Title 8, C.R.S., regarding public services contracts and illegal aliens.

Although not required, the Authority also prefers the following additional qualifications:

- Experience in conducting administrative hearings related to the collection of delinquent debts; and
- Located within the larger Denver metropolitan area.

¹ In response to the COVID-19 pandemic, the Authority has currently elected to have its hearing officers adjudicate tolls every other week to limit the number of days the hearing officers need be physically present in the ALC.

Response Submittals

All responses to this RFQ are due before 3:00 p.m. MT Friday, June 19, 2020. Responses should include the following:

- Cover letter, including contact information and availability for toll adjudication services at the ALC (including whether you would be willing to serve as an on-call hearing officer)
- Professional Resume
- Reference list (up to two with whom you have worked with in the past three years, preferably as an administrative hearing officer)
- Evidence of good standing and admission to the practice of law in the State of Colorado (which may be in the form of the applicable [Colorado Supreme Court Attorney Search & Disciplinary History](#) page)
- Additional supporting documentation (if necessary)

The response must be no longer than ten (10) pages. Failure to furnish all required information and documents may result in rejection of the response. Responses must be submitted via e-mail prior to the deadline for responses as follows:

To: Procurement@e-470.com

Subject Line: “OP-20-AHOS-1-RFQ, [Name of Respondent]”

Attn: Mike Hancock, Procurement Supervisor

As is pertains to the Authority, evaluation of responses and, if the Authority so chooses, selection of qualified respondents shall be performed in a manner which the Authority determines, in its sole discretion, to be in the Authority’s or public interest. As it pertains to HPTE, evaluation of responses and, if HPTE so chooses, selection of qualified respondents shall be performed in a manner which HPTE determines, in its sole discretion, to be in HPTE’s or the public interest. If the contract is awarded, separate contracts are anticipated to be entered into with both the Authority and HPTE. The Authority may cancel this RFQ or make any change to the RFQ, and any change to the RFQ made prior to the opening of responses will be issued by the Authority by addendum. The Authority and HPTE also reserve the right to reject any or all responses, to waive any and all informalities or technicalities, or to advertise for new responses if either the Authority or HPTE, respectively, determines, in its sole discretion, that such actions are desired.

Respondents shall have no right to any administrative, legal, or other protest, appeal, or challenge of any matter or grievance in connection with the solicitation or award of any contracts, including the evaluation of responses. Respondents acknowledge and agree that all documents submitted to the Authority and HPTE are subject to the provisions of the Colorado Open Records Act, Sections 24-72-200.1, et seq., Colorado Revised Statutes (the “Open Records Act”), and the Respondents acknowledge that the Authority and HPTE shall abide by the Open Records Act, including honoring all proper public records requests made thereunder.