

# Second-Year TIP Delay Policy

February 18, 2015





# Board Themes:

- Provide opportunity for Board appeal
- Allow the opportunity for a variance
  - Unforeseen issues
  - Project is close, but didn't meet deadline
- Remove requirement for reimbursement of federal funds expended on project
- Enact a consequence for sponsors delayed a second year.



# Board Themes:

- Provide opportunity for Board appeal

# ATTACHMENT I

## Staff/TAC recommended TIP Policy language for project delays

February 18, 2015

If, in the following year, the sponsor fails to achieve initiation of the delayed phase by October 15<sup>th</sup>, OR has breached the Board conditions placed upon that delay, the project's federal funding will be automatically suspended. **The sponsor may appeal at the next available Board meeting to explain the reasons why the delayed phase has not been initiated.** Upon hearing the appeal, the Board has the following options:

1. Deny the request. The sponsor shall stop all future reimbursement payment requests beyond September 30<sup>th</sup>.
2. Allow a variance, if the Board believes good faith efforts and progress has been made by the sponsor to advance the delayed project phase. The sponsor would be granted (on a case-by-case basis) an extension to initiate the delayed phase. If the sponsor is unable to abide by the conditions of the Board variance, the sponsor shall stop all future reimbursement payment requests beyond September 30<sup>th</sup>. The length of the extension shall be no greater than 120 days from October 1<sup>st</sup>.

If the sponsor decides not to appeal to the Board at its next available meeting, the sponsor must return all unspent federal funds allocated to the delayed project. In subsequent contracts with any sponsor that has experienced a deletion of a project due to such delay, RTD or CDOT may include a “termination for performance” clause.



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### Second-Year Delay Consequence

The following consequence will be faced by the sponsor whose project phase was not initiated by October 15<sup>th</sup>, and therefore experiences a second-year delay: reduce by 20 percent the maximum number of applications a sponsor may submit in the next TIP Call for Projects (rounded up). For example, if the sponsor was designated a maximum of 5 project applications per the adopted TIP policy, it would be reduced to 4.



# QUESTIONS/DISCUSSION

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