

ORDINANCE/RESOLUTION REQUEST

Please email DPR requests to milehighordinance@denvergov.org by **11:00am on Monday.**

Date of Request: May 8, 2023

Please mark one: Bill Request or Resolution Request

1. Type of Request:

Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment

Dedication/Vacation Appropriation/Supplemental DRMC Change

Other:

2. Title: (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Amends a cooperative agreement between the City and County of Denver and DENVER BOTANIC GARDENS to administer, maintain, plan, manage, and operate the Denver Botanic Gardens, including the parking facility, exhibits, and ancillary facilities on property owned or leased by the City.

3. Requesting Agency: Department of Parks and Recreation

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Mark Bernstein	Name: Jesus Orrantia
Email: mark.bernstein@denvergov.org	Email: jesus.orrantia@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

6. City Attorney assigned to this request (if applicable): Jason Moore

7. City Council District: Citywide and District 10

8. **For all contracts, fill out and submit accompanying Key Contract Terms worksheet**

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Cooperative Agreement

Vendor/Contractor Name: Denver Botanic Gardens, Inc

Contract control number: PARKS-202367269

Location: Denver Parks and Park Facilities

Is this a new contract? Yes No **Is this an Amendment?** Yes No **If yes, how many?** 1

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Extended from Dec 31, 2029 – Dec 31, 2073, plus one year auto renewal

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i>	<i>Additional Funds</i>	<i>Total Contract Amount</i>
(A)	(B)	(A+B)
0.00	0	0.00

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
Mar 15, 2023 -Dec 31, 2029	N/A	Dec 31, 2073

Scope of work:

Background

The City of Denver and the Denver Botanic Garden’s longstanding partnership began with the execution of the first cooperative agreement in 1951 authorizing the Denver Botanic Gardens to promote and maintain the gardens, conduct research of botanical sciences, and enhance educational opportunities. DRMC 2.4.4 (F)(i) authorizes DPR to conduct negotiations for cooperative agreements “for the development of park and recreational facilities, programs and activities and for the establishment and maintenance of the museums, zoological or other gardens.”

Partnership Benefits

The Denver Botanic Gardens remain a critical partner not only in managing the garden facilities, but through the enhancement of educational and cultural programming for the enjoyment of Botanic Garden visitors and the public. The Denver Botanic Gardens mission is to “inspire the public to be good stewards of the environment by connecting people to our past, present and future relationships with plants of the Rocky Mountain region...Denver Botanic Gardens’ mission of connecting people with plants takes many forms. Sometimes the connection is found through something universal like food. Sometimes it’s found through something particular like art. Other times it’s a connection through the elements that sustain plants – water and soil.”

The Denver Botanic Gardens and the City of Denver share many common values found in the Comprehensive Denver 2040 Plan and DPR’s Game Plan for a Healthy City, including equity, resiliency, affordability, access, culture, and education. Together, Denver is:

- Adapting to a changing climate to enhance resiliency, environmental sustainability, and habitat restorations.
- Growing and diversifying facilities and programs to enhance public education and engagement.
- Reinvesting in partnerships to enhance environmental impact and to cultivate the next generation of park stewards.
- And connecting to Denver’s culture and community through innovative, nature-based programming and activities.

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The Denver Botanic Gardens is an invaluable park steward expanding access to environmental education for all, while simultaneously contributing to the ecological health of Denver via water conservation, habitat restoration, turf conversion, and landscape transformation projects. As subject matter experts in horticulture, the Denver Botanic Gardens supports DPR in identifying and inventorying plants in Denver's Mountain Parks, showcasing Denver's unique natural environments. Denver Botanic Gardens Chatfield Farms is a leader in regenerative farming, the restoration of riparian and prairie ecosystems, and is at the center of the food-water nexus, a critical space in the face of rising temperatures paired with declining water availability. The Botanic Gardens creates experiential learning through agricultural training and demonstrations rooted in science. The Denver Botanic Gardens is also a Tier 1 organization of the Scientific & Cultural Facilities District, signifying its prominence as a cultural organization committed to educating the public in areas of preservation, cultural and natural history, and environmental sciences.

2023 Restated Agreement

This restated cooperative agreement updates various provisions of the contract to ensure the continuity of operations of the Denver Botanic Gardens, to clarify responsibilities of the parties, and to support the Garden's continued investment in the facilities and the Denver community at large. Specific modifications include:

- Extends the term of the agreement from December 31, 2029 to December 31, 2073.
- Increases the threshold for which capital construction projects must be reviewed and approved by DPR from \$50,000 to \$250,000, and makes the threshold subject to CPI;
- Adds new language outlining the approval of the cooperative agreement by Bond and Special Counsel to ensure the Denver Botanic Gardens is compliant with any and all limitations or restrictions of the use of bond financing. The new language includes the review of Denver Botanic Gardens contracts by Bond Counsel to ensure the same.
- Adds new protected classes to the non-discrimination clause.

Was this contractor selected by competitive process? N/A If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds: N/A

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): N/A

Who are the subcontractors to this contract?

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