

ORDINANCE/RESOLUTION REQUEST

All Fields must be completed

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: 09/08/2020

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 Lease and License Agreement with Oak Leaf Solar XVIII LLC for construction and operation of a solar array developed and maintained by Oak Leaf Solar XVIII LLC by adding more specific termination provisions. Contract Control Number: PLANE-202055787-01.

3. Requesting Agency:

Department of Aviation

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Scott Morrissey	Name: Angela Casias
Email: Scott.Morrissey@flydenver.com	Email: Angela.Casias@flydenver.com

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

This request is for a 1st amendment to the lease and license agreement to add clarifying language in the event that Denver International Airport (DEN) elects to permanently revoke the access license. This clarifying language does not alter DEN's original understanding of the business arrangement but is required for Oak Leaf Solar XVIII LLC (Oak Leaf) to obtain financing for the project. In consideration for this amendment, Oak Leaf has agreed to further lower the rate DEN pays for electricity under the associated Power Purchase Agreement (PPA), saving DEN approximately \$650k over the twenty-five-year term compared to the original agreement.

The solar array is expected to generate over 571 million kWh of renewable electricity, nearly doubling the amount of solar interconnected to DEN's electric grid and avoiding over 514,000 tons of CO2 over its project life.

Total Contract Amount: \$ 771,611

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

Debra Overn

7. City Council District:

District 11

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):
Lease of Real Property

Vendor/Contractor Name:
Oak Leaf Solar XVIII LLC

Contract control number:
PLANE-202055787-01

Location:
Denver International Airport

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

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

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>
<i>(A)</i>	<i>(B)</i>	<i>(A+B)</i>
\$771,611	0	\$771,611

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
25.5 Years	0	2046

Scope of work:
Lease of Real Property for construction and operation of a solar array to provide electricity for Denver International Airport.

Oak Leaf Solar XVIII, LLC (Oak Leaf) will pay DEN \$525 per acre (prorated for any fractional acre) per year and a \$2,500 annual access license fee. Lease and license payments will begin at the Effective Date, defined as date the City executes this Agreement.

Was this contractor selected by competitive process? **If not, why not?**
No, this procurement qualifies for the Sole Source exception under Memorandum No. 8B and will not be competitively procured. Large solar photovoltaic projects such as this are dependent on incentives provided by Xcel Energy. Xcel completed a competitive procurement process through their 2019 Solar*Rewards Large Program RFP and awarded 100% of their available capacity to the developer of Solar VII. Due to these incentives only being awarded to Oak Leaf Solar XVIII, LLC, no other solar developer has the ability to develop a solar project of this size within Xcel’s solar incentive program under these financial terms.

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

Source of funds: N/A, Revenue

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

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

To be completed by Mayor’s Legislative Team:

Resolution/Bill Number: _____ Date Entered: _____

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____