

1 BY AUTHORITY

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF \_\_\_\_\_

COUNCIL BILL NO. CB13-0133  
COMMITTEE OF

4 REFERENCE:

5 Business,  
6 Workforce and Sustainability

7 A BILL

8  
9 For an ordinance repealing and reenacting section 20-69, D.R.M.C., concerning  
10 disclosure of political contributions made by certain persons doing business with the  
11 city  
12

13 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

14 **Section 1.** That section 20-69, D.R.M.C. shall be repealed and re-enacted by deleting the  
15 language stricken and adding the language underlined, to read as follows:  
16

17 **Sec. 20-69. - Political contributions and donations.**

18 ~~(a) It is in the public interest to provide for maximum disclosure of political contributions. It is~~  
19 ~~the purpose of this section to identify owners, officers, and persons with interests in~~  
20 ~~companies and individuals doing business with the city so that information regarding~~  
21 ~~political contributions may be more readily accessible in the city clerk's office. Failure to~~  
22 ~~provide the required information in a timely fashion shall render any bid or proposal to which~~  
23 ~~this section applies not responsive. However, nothing contained in any documents~~  
24 ~~submitted in response to this section will be considered in evaluating the acceptability or~~  
25 ~~merit of any bid or proposal. This section shall not apply to city contracts with other~~  
26 ~~governmental agencies.~~

27  
28 ~~(b) Purchase orders and bid award contracts. In accordance with subsection (f) below,~~  
29 ~~every bidder shall provide on a separate, detachable page of each formal bid, as defined at~~  
30 ~~section 20-63, D.R.M.C., which requires the payment by the city of over one hundred~~  
31 ~~thousand dollars (\$100,000.00), the information as required in subsection (d) below.~~  
32

33 ~~(c) Regularly executed written contracts. All regularly executed written contracts which~~  
34 ~~concern:~~

35 ~~(1) Contracts for professional or personal services which will exceed twenty five~~  
36 ~~thousand dollars (\$25,000.00); or~~  
37

38 ~~(2) All proposals for use of real property of or by the city, the duration of which is one~~  
39 ~~(1) year or longer and which exceed twenty five thousand dollars (\$25,000.00) in~~  
40 ~~revenue or cost; or~~

1  
2 ~~(3) All proposals for concession agreements for the use of city facilities or property;~~  
3 ~~of~~

4  
5 ~~(4) Contracts which require the payment by the city of over one hundred thousand~~  
6 ~~dollars (\$100,000.00);~~

7 shall, on a separate detachable page, provide the information as required in subsection (d)  
8 below.

9  
10 ~~(d) Information required. The information required to be submitted in response to this~~  
11 ~~section shall be:~~

12 ~~(1) The name of any officer, director, owner or principal of the business entity and his~~  
13 ~~or her spouse, and children, if any, under eighteen (18) years of age or the name of~~  
14 ~~any officer, director, owner or principal of the business entity, and a statement that he~~  
15 ~~or she or his or her spouse, or children, if any, under eighteen (18) years of age have~~  
16 ~~or have not made a contribution, as defined at section 15-32, D.R.M.C., or a~~  
17 ~~contribution in kind as defined at section 15-32 D.R.M.C. to a candidate, as defined~~  
18 ~~at section 15-32, D.R.M.C. during the five year period preceding the date of such~~  
19 ~~statement and identifying by name himself or herself or any spouse or child under the~~  
20 ~~age of eighteen (18) who has made such a contribution or contribution in kind to a~~  
21 ~~candidate;~~

22  
23 ~~(2) The identity of the shareholder who owns or controls five (5) percent or more of~~  
24 ~~the business entity and his or her spouse, and children, if any, under eighteen (18)~~  
25 ~~years of age, or the identity of the shareholder who owns or controls five (5) percent~~  
26 ~~or more of the business entity and a statement that he or she or his or her spouse, or~~  
27 ~~children, if any, under eighteen (18) years of age have or have not made a~~  
28 ~~contribution, as defined at section 15-32, D.R.M.C. or a contribution in kind as~~  
29 ~~defined at section 15-32, D.R.M.C., to a candidate as defined at section 15-32,~~  
30 ~~D.R.M.C. during the five year period preceding the date of such statement and~~  
31 ~~identifying by name any spouse or child under the age of eighteen (18) who has~~  
32 ~~made such a contribution or contribution in kind to a candidate;~~

33  
34 ~~(3) The name of any subcontractors or suppliers whose share of the bid exceeds~~  
35 ~~one hundred thousand dollars (\$100,000.00) of the contract or formal bid amount;~~  
36 ~~and~~

37  
38 ~~(4) The names of any unions with which the bidder has a collective bargaining~~  
39 ~~agreement.~~

40  
41 ~~(e) The detachable page, which accompanies the bids and proposals, will be sent to the~~  
42 ~~office of the city clerk where the information will be on file and available for public inspection~~  
43 ~~for four (4) years.~~

1 ~~(f) The information required to be submitted in subsection (d) above shall be provided at the~~  
2 ~~time of submittal for all bids and proposals covered by subsections (b) and (c) above, except~~  
3 ~~that such information from the apparent successful bidder on proposed contracts and formal~~  
4 ~~bid awards over one hundred thousand dollars (\$100,000.00) and less than five hundred~~  
5 ~~thousand dollars (\$500,000.00) will be submitted in a timely fashion, but in all cases, prior to~~  
6 ~~award. All bids and proposals for contracts or formal bids of five hundred thousand dollars~~  
7 ~~(\$500,000.00) and over must include the required information for the bidding firm prior to, or~~  
8 ~~at the time of, bid opening. Information concerning subcontractors and unions shall be~~  
9 ~~provided in a timely fashion by the apparent successful bidder, but in all cases, prior to~~  
10 ~~award. A bidder or proposer who has submitted the information required by subsection (d)~~  
11 ~~above need not provide such information with a second or subsequent bid or proposal~~  
12 ~~unless such information has changed from its latest submission. It shall be the responsibility~~  
13 ~~of each bidder and proposer to see that current information required by subsection (d)~~  
14 ~~above is submitted to the city and on file with the city clerk.~~  
15

16 (a) Legislative declaration. In addition to requiring candidates for office to report the identity  
17 of their campaign contributors under Article III of Chapter 15, it is in the public interest to  
18 require disclosure of political contributions and certain donations by certain persons who do  
19 business with the city. To the extent city laws may allow certain contracts or similar  
20 instruments to be awarded by the city without the use of competitive bidding or any other  
21 competitive selection process, it is particularly important for the public to know whether or  
22 not the recipients of these contracts have made political contributions to the elected officers  
23 who may exercise authority or influence over the award of the contract, or whether the  
24 recipients of these contracts have made donations to the city or to a charitable organization  
25 to the behest of an elected officer. The purpose of this section is to improve the availability  
26 and accessibility of information to the public about such campaign contributions and  
27 donations.  
28

29 (b) Applicability. The requirements of this section shall apply only to:  
30

- 31 1. Expenditure contracts and purchase orders awarded by the city to any person or  
32 business entity without the use of formal competitive bidding procedures or other  
33 competitive selection process, and not expressly exempted from competitive bidding  
34 requirements under section 20-64.
- 35 2. Any lease or concession agreement granted by the city to a person or business  
36 entity without the use of formal competitive bidding procedures or other competitive  
37 selection process. The process by which the city grants airline leases consistent with  
38 federal law shall be deemed to be a competitive selection process within the meaning  
39 of this paragraph.  
40  
41

1           3. Any amendment to a lease or concession agreement which grants a term extension  
2           longer than one year without the use of formal competitive bidding procedures or  
3           other competitive selection process.

4  
5       (a) Certificate required. Any person or business entity awarded a contract, purchase order,  
6       lease or concession agreement as defined in subsection (b) of this section shall furnish  
7       to the city a written certificate disclosing the following:

8  
9       (1) Whether any political contribution or contribution in-kind, as required to be reported in  
10       Article III of chapter 15 of the code, has been made to any current city elected officer  
11       by any of the following persons: the person or his or her spouse; the business entity;  
12       any officer, director, principal of the business entity or his or her spouse; or any  
13       shareholder who owns or controls five percent or more of the stock in the business  
14       entity or his or her spouse. If and only if a political contribution or contribution in kind  
15       has been made by any such person or business entity, the certificate shall identify  
16       the name of the contributor, the elected officer to whom the contribution was made,  
17       the date of the contribution, and the amount of the contribution.

18  
19       (2) Whether any donation or donations in an aggregate amount of one thousand dollars  
20       (\$1,000.00) or more has been personally and directly solicited by any current city  
21       elected officer and made to any charitable organization by any of the following  
22       persons: the person or his or her spouse; the business entity; any officer, director,  
23       principal of the business entity or his or her spouse; or any shareholder who owns or  
24       controls five percent or more of the stock in the business entity or his or her spouse.  
25       If and only if a donation has been made by any such person or business entity, the  
26       certificate shall identify the name of the donor, the elected officer who solicited the  
27       donation, the date of the donation, the amount of the donation, and the purpose for  
28       which the donation was made.

29  
30       (3) Whether, within the preceding five years, any donation or donations in an aggregate  
31       amount of one thousand dollars (\$1,000.00) or more has been to the City and County  
32       of Denver itself or any of the city's departments, agencies or programs by any of the  
33       following persons, regardless of whether or not the donation was personally or  
34       directly solicited by any current city elected officer: the person or his or her spouse;  
35       the business entity; any officer, director, principal of the business entity or his or her  
36       spouse; or any shareholder who owns or controls five percent or more of the stock in  
37       the business entity or his or her spouse. If and only if a donation has been made by  
38       any such person, the certificate shall identify the name of the donor, the date of the  
39       donation, the amount of the donation, and the purpose for which the donation was  
40       made.

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42  
43       (d) Documentation. Any person or business entity awarded a contract, purchase order,  
44       lease or concession and required to furnish a certificate under subsection (c) of this section

1 shall file the certificate with the clerk and recorder prior to execution of the contract,  
2 purchase order, lease or concession by the city. The clerk and recorder shall keep a file of  
3 such certificates and make the certificates available for public inspection in accordance with  
4 any and all state and city laws providing for access to public records.

5  
6 COMMITTEE APPROVAL DATE: March 6, 2013.

7 MAYOR-COUNCIL DATE: March 12, 2013.

8 PASSED BY THE COUNCIL \_\_\_\_\_ 2013

9 \_\_\_\_\_ - PRESIDENT

10 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2013

11 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
12 EX-OFFICIO CLERK OF THE  
13 CITY AND COUNTY OF DENVER  
14

15 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2013; \_\_\_\_\_ 2013

16  
17 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: March 21, 2013

18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
19 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
20 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §  
21 3.2.6 of the Charter.  
22

23  
24 Douglas J. Friednash, City Attorney

25  
26 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney DATE: \_\_\_\_\_  
27  
28  
29