

# ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@DenverGov.org) by **3:00pm on Monday**. Contact the Mayor's Legislative team with questions

Date of Request: December 12, 2022

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:

Approves a Funding and Assignment Agreement between the City and County of Denver, Urban Peak Denver and The Peak, Inc., for the construction of a shelter facility comprised of at least 136 beds, totaling an amount not to exceed as approved by voters in the 2021 RISE Denver General Obligation Bond package.

**3. Requesting Agency:** Department of Finance and 2021 RISE Denver GO Bond program team on behalf of Urban Peak and supporting city departments (Department of Housing Stability and Department of Transportation and Infrastructure).

## 4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution: David Solin, Dept of Finance Jane Fisher, Dept of Transportation and Infrastructure Megan Yonke, Dept of Housing Stability	Contact person to present item at Mayor-Council and Council: David Solin, Dept of Finance Jane Fisher, Dept of Transportation and Infrastructure Megan Yonke, Dept of Housing Stability
Name: David Solin	Name: David Solin
Email: <a href="mailto:David.Solin@denvergov.org">David.Solin@denvergov.org</a>	Email: <a href="mailto:David.Solin@denvergov.org">David.Solin@denvergov.org</a>

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

In November 2021, voters approved a RISE Denver General Obligation Bond measure that included City authorization to issue in an aggregate principal amount of \$38,600,000 for the Denver housing and sheltering system (Referred Question 2B). This resolution request seeks approval for a Funding and Assignment Agreement between the City and County of Denver, Urban Peak Denver and The Peak, Inc. (a special purpose entity created for the project) for the construction of a shelter facility comprised of at least 136 beds that will serve minors or transition-age youth, totaling an amount not to exceed \$16,764,567 in RISE Denver General Obligation Bond proceeds. The Funding and Assignment Agreement provides for bond proceeds to be paid by the City to Urban Peak for costs related to the construction of the shelter facility.

Requirements for funding included in the Funding and Assignment Agreement include:

- Submission of design plans to City
- Quarterly draw requests with cash flows, budget, and statement of values information
- Inclusion of City requirements for procurement, prevailing wage, public art, and SBE, MBE/WBE in contracts for project
- Final accounting for expenditures on project
- Records retention and audit provisions
- Recording of a covenant against the property to ensure that the project operates as a shelter
- Execution of a shelter operating agreement detailing operating requirements

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

**7. City Council District:** 7, Jolon Clark

*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

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

**Key Contract Terms**

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

Funding and Assignment Agreement

**Vendor/Contractor Name:** Urban Peak

**Contract control number:** 202265966-00

**Location:** Shelter Facility at 1630 South Acoma Street, Denver, Colorado

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

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

Agreement shall commence upon mutual execution and terminate upon the completion of the bond funded project in accordance with the terms of the agreement; however, the associated covenant will have a 60-year term.

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

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
\$16,764,567		\$16,764,567

  

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

**Scope of work:**

Urban Peak intends to complete the construction of a shelter structure that will include at least twenty (20) congregate shelter beds serving minors, thirty-two (32) congregate shelter beds serving transition-age youth, and eighty-four (84) non-congregate shelter beds serving minors or transition-age youth.

**Was this contractor selected by competitive process?** N/A – See note below. **If not, why not?**

**Has this contractor provided these services to the City before?**  Yes  No  N/A

**Source of funds:** 2021 RISE Denver General Obligation Bond proceeds

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

**Note:** Agreement requires cultural institution to include requirements regarding City procurement, prevailing wage, art, workforce development, and SBE, MBE/WBE in contracts for the Project.

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

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**Who are the subcontractors to this contract? N/A**

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