

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

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

Date of Request: June 27, 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 and the Denver Botanic Gardens for the construction of improvements totaling an amount not to exceed \$3.0 million 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 Denver Botanic Gardens and supporting city departments (Department of Transportation and Infrastructure).

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution: Emily Snyder, Dept of Finance Jane Fisher, Dept of Transportation and Infrastructure	Contact person to present item at Mayor-Council and Council: Emily Snyder, Dept of Finance Jane Fisher, Dept of Transportation and Infrastructure
Name: Emily Snyder	Name: Emily Snyder
Email: Emily.Snyder@denvergov.org	Email: Emily.Snyder@denvergov.org

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 a total of \$104,040,000 for the Denver facilities system (Referred Question 2A). This resolution request seeks approval for a Funding and Assignment Agreement between the City and County of Denver and the Denver Botanic Gardens (DBG) for roof repairs and improvements to accessibility and waterways for water conservation and sustainability in the gardens totaling an amount not to exceed \$3.0 million in RISE Denver General Obligation Bond proceeds. The Funding and Assignment Agreement provides for bond proceeds to be transferred from the City to the DBG.

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 cultural facility contracts for project
- Final accounting for expenditures on project
- Records retention and audit provisions

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

7. City Council District: 10, Chris Hinds

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):

Funding and Assignment Agreement

Vendor/Contractor Name: Denver Botanic Gardens

Contract control number: 202263352-00

Location: Denver Botanic Gardens

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 July 2022 and terminate upon the completion of the bond funded project.

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>
\$3,000,000		\$3,000,000

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

Scope of work:

The Denver Botanic Gardens intends to redesign gardens for enhanced accessibility. DBG will improve pathways, address multiple roof repairs, and make waterway improvements for water conservation and sustainability.

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, and SBE, MBE/WBE in contracts for the Project.

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

Who are the subcontractors to this contract? N/A

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____