

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: April 23, 2018

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.)

Approves 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 \$18 million as approved by voters in the 2017 General Obligation Bond package.

3. Requesting Agency: Department of Finance and 2017 GO Bond program team on behalf of Denver Botanic Gardens and supporting city departments (Parks and Public Works).

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution: Laura Perry, DOF Adam Phipps, PW	Contact person to present item at Mayor-Council and Council: Laura Perry, DOF Adam Phipps, PW
Name: Laura Perry	Name: Laura Perry
Email: Laura.Perry@denvergov.org	Email: Laura.Perry@denvergov.org

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

In November 2017, voters approved a General Obligation Bond measure which included City authorization to issue a total of \$116,907,000 for cultural facilities improvements (Measure 2B). In support of the GO bond vote, this resolution request seeks approval for a Funding and Assignment Agreement between the City and County of Denver and the **Denver Botanic Gardens** for the construction of improvements including a new educational building totaling an amount not to exceed \$18 million in general obligation bond proceeds. The Funding and Assignment Agreement provides for bond proceeds (to the extent issued) to be transferred from the City to the cultural 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 procurement, prevailing wage, art, and SBE, MBE/WBE in cultural facility contracts for project
- Participation in workforce outreach, recruitment activities
- Final accounting for expenditures on project
- Records retention and audit provisions

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

7. City Council District: 10

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: Denver Botanic Gardens

Contract control number:

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 May 2018 and terminate upon the completion of all phases of the bond funded project.

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)
\$18,000,000		\$18,000,000

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

Scope of work:

The Denver Botanic Gardens intends to construct new improvements including a new educational building totaling an amount not to exceed \$18,000,000 in 2017 General Obligation Bond funding.

Was this contractor selected by competitive process? [See note below.](#) **If not, why not?**

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

Source of funds: 2017 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 cultural facility contracts for Project.

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

Who are the subcontractors to this contract? N/A