

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: 4/16/2015

Please mark one: [X] Bill Request or [ ] Resolution Request

1. Has your agency submitted this request in the last 12 months?

[ ] Yes [X] No

If yes, please explain:

2. Title: IGA for FasTracks East Corridor/ DIA- Regional Transportation District (RTD)

3. Requesting Agency: Department of Aviation

4. Contact Person: (With actual knowledge of proposed ordinance/resolution.)

- Name: Amy Raaz
Phone: (303) 342-2201
Email: Amy.Raaz@flydenver.com

5. Contact Person: (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor Council and who will be available for first and second reading, if necessary.)

- Name: Dan Poremba
Phone: 303-342-2260
Email: Dan.Poremba@flydenver.com

6. General description of proposed ordinance including contract scope of work if applicable:

RTD and DIA have entered into an Intergovernmental Agreement for Fastracks East Corridor/DIA, dated March 16, 2010, and a First Amendatory Agreement, dated May 9, 2012. This Second Amendatory Agreement between RTD and DIA sets forth the payment terms and a maximum dollar amount that DIA will fund for construction of the platform based on estimates in the Concession and Lease Agreement with Denver Transit Partners, LLC. The term in the existing agreement will remain the same. DIA and RTD have reached an agreement where DIA shall fund the design and construction as dictated in Exhibit B through H in the amount of \$12,189,520.00. The agreement also details the ruling from Judicial Arbitrator Group Case No. 12-0872 dated June 25, 2013 that DIA is owed \$7,793,515.00 from RTD based on the ruling. Though the offsetting funds are not directly related to the \$12MM costs of the project, the total due to RTD is reduced to \$4.4MM.

\*\*Please complete the following fields: (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)

- a. Contract Control Number: AR0A001-2
b. Duration: 47 years
c. Location: DIA
d. Affected Council District: 11
e. Benefits: The Pena Station Phase One - 1) a mechanism for RTD funding to provide Station at 61st and Pena, 2) provides cost-sharing mechanism for construction of the station and Phase 1 infrastructure for the Transit Oriented Development, 3) provide a mechanism for reimbursement of \$17M, and 4) provides the mechanism for financing, designing and construction Phase 1 infrastructure. All of these benefits will enhance the customer experience to DEN and generate additional non-aviation revenue to the airport.

f. Costs:

Table with 3 columns: Current Contract Amount (A), Additional Funds (B), Total Contract Amount (A+B). Values: \$12,189,520.00, 0, \$12,189,520.00

To be completed by Mayor's Legislative Team:

SIRE Tracking Number:

Date:

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
3/16/10 - 1/1/2057	none	N/A

- g. Date Goals Assigned:** Not subject to DSBO Ordinance. 4/13/15
- h. Goals:** N/A

**7. Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) Please explain. No.**

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

SIRE Tracking Number: \_\_\_\_\_

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

## Key Contract Terms

Vendor/Contractor Name: Regional Transportation District

Contract control number: AR0A001-2

City's contract manager: Dan Poremba

Was this contractor selected by competitive process? Was it the low bid? No- Sole Source

Term/Duration of contract/project: 47 years

Renewal terms: Renewal must be a written amendatory or other agreement properly executed by the parties.

Purpose: RTD and DIA have entered into an Intergovernmental Agreement for Fastracks East Corridor/DIA, dated March 16, 2010, and a First Amendatory Agreement, dated May 9, 2012. This Second Amendatory Agreement between RTD and DIA sets forth the payment terms and a maximum dollar amount that DIA will fund for construction of the platform based on estimates in the Concession and Lease Agreement with Denver Transit Partners, LLC. The term in the existing agreement will remain the same. DIA and RTD have reached an agreement where DIA shall fund the design and construction as dictated in Exhibit B through H in the amount of \$12,189,520.00. The agreement also details the ruling from Judicial Arbitrator Group Case No. 12-0872 dated June 25, 2013 that DIA is owed \$7,793,515.00 from RTD based on the ruling. Though the offsetting funds are not directly related to the \$12MM costs of the project, the total due to RTD is reduced to \$4.4MM.

Scope of services to be provided with performance bench marks: None

Cost/value: \$12,189,520.00

Source of funds: 73850 ENG 1650 Z50B 6006 TBD

Benefit: The Pena Station Phase One - 1) a mechanism for RTD funding to provide Station at 61<sup>st</sup> and Pena, 2) provides cost-sharing mechanism for construction of the station and Phase 1 infrastructure for the Transit Oriented Development, 3) provide a mechanism for reimbursement of \$17M, and 4) provides the mechanism for financing, designing and construction Phase 1 infrastructure. All of these benefits will enhance the customer experience to DEN and generate additional non-aviation revenue to the airport.

Termination provision for City and for contractor: N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):  
Who are the subcontractors to this contract? N/A

Location: DIA

Affected Council District: 11

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

SIRE Tracking Number: \_\_\_\_\_

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