

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at MileHighOrdinance@DenverGov.org by **11:00am on Monday**. Contact the Mayor's Legislative team with questions

Date of Request: 11/14/2022

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: (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.)

A resolution to amend a capital lease purchase agreement to purchase fleet vehicles #FINAN-202262871-00 (RQ-00082222), for the purposes of modifying the escrow agreement and Acceptance Certificates, both exhibits to the lease purchase agreement.

3. Requesting Agency: Department of Finance

4. Contact Person:

| | |
|---|---|
| Contact person with knowledge of proposed ordinance/resolution | Contact person to present item at Mayor-Council and Council |
| Name: Hannah Stewart | Name: Kiki Turner |
| Email: Hannah.Stewart@denvergov.org | Email: Kiki.Turner@denvergov.org ; |

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

The City and the Lessor (JP Morgan Chase Bank, N.A.) previously entered into a capital equipment lease purchase agreement dated May 20, 2022, related to the purchase of fleet vehicles ("Equipment") on behalf of the City's Department of Transportation and Infrastructure ("DOTI"), from eight separate vendors, 1) Front Range Fire Apparatus, Limited, 2) Hardline Equipment LLC, 3) Kois Brothers Equipment Co., Inc, 4) Neverest Equipment Co., 5) O.J. Watson Company, Inc., 6) Trans-West, Inc., 7) Wagner Equipment Co., and 8) Amrep Manufacturing Company, LLC. The proposed changes to the agreement include:

modifications to the lease purchase agreement equipment list and acceptance certificates as a result of changes to the Hardline Equipment LLC Agreement specifications of equipment required to comply with Colorado vehicle width laws. These changes include replacing originally specified tires and steel wheels with narrower tires and swapping three CNG vehicles with diesel vehicles. The proposed modification will result in funds remaining in escrow after all payments have been made to the vendor. The remaining funds will be applied to the rental payments, as directed in the lease purchase agreement.

These amendments to the lease purchase agreement are necessitated by fleet vehicle amendments originated by DOTI with Hardline Equipment LLC; therefore this resolution request should be read in conjunction with the resolution request being submitted by DOTI to amend the Hardline Equipment LLC (DOTI-202265112-02 [202262302-02]) contract.

The amendments to the lease agreement are administrative changes that will not change to the total contract amount or the contract duration.

6. City Attorney assigned to this request (if applicable): Laurie Heydman

7. City Council District: Citywide

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): Capital Equipment Lease Purchase Agreement

Vendor/Contractor Name: JP Morgan Chase Bank, N.A.

Contract control number: FINAN-202265653/202262871-01 (amends FINAN-202262871-00)

Location: Citywide

Is this a new contract? Yes No **Is this an Amendment?** Yes No **If yes, how many?** 1

Contract Term/Duration (for amended contracts, include existing term dates and amended dates): 5-year Lease term, amendment does not change lease 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) |
|---------------------------------------|--------------------------------|---------------------------------------|
| \$22,476,044.46 | \$0 | \$22,476,044.46 |

| <i>Current Contract Term</i> | <i>Added Time</i> | <i>New Ending Date</i> |
|------------------------------|-------------------|-------------------------|
| 5-year term (9/30/2027) | N/A | 5-year term (9/30/2027) |

Scope of work: This administrative amendment is needed to process payments to the vendor, Hardline Equipment LLC, for build and delivery of the Equipment through USBank, the escrow bank.

Was this contractor selected by competitive process? Yes **If not, why not?**

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

Source of funds: Planned Fleet Fund (11804)

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

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): None

Who are the subcontractors to this contract? None

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