

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at MileHighOrdinance@DenverGov.org by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: 9/18/24

Please mark one: Bill Request or Resolution Request

Please mark one: The request directly impacts developments, projects, contracts, resolutions, or bills that involve property and impact within .5 miles of the South Platte River from Denver's northern to southern boundary? (Check map [HERE](#))

Yes No

1. Type of Request:

Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment

Dedication/Vacation Appropriation/Supplemental DRMC Change

Other:

2. Title:

Approves a First Amendment to Funding and Assignment Agreement between the City and County of Denver, Urban Peak Denver and The Peak, Inc.

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 (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Adam Lyons	Name: Chris Lowell
Email: Adam.Lyons@denvergov.org	Email: Christopher.lowell@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 in an aggregate principal amount of \$38,600,000 for the Denver housing and sheltering system. This resolution request seeks approval for an amendment to the 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, which will add \$700,000 (through allocation of Purpose Contingency) totaling an amount not to exceed \$17,464,567.00 in RISE Denver General Obligation Bond proceeds. The Funding and Assignment Agreement provides for RISE Denver bond proceeds to be paid by the City to Urban Peak for eligible costs related to the construction of the shelter facility. The additional funding is due to construction cost overruns primarily due to use of residential vs. commercial labor rates in original construction bids. Prevailing wage requires use of commercial labor rates for this project.

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: District 7

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):
Professional Services > \$500K

Vendor/Contractor Name (including any dba's): Urban Peak Denver and the Peak Inc

Contract control number (legacy and new): HOST-202475285-01 (202265966-01)

Location: 2100 Stout Street First Floor, Denver, CO 80205

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):

HOST-202265966 1/1/2023 – 12/31/2083

HOST-202475285-01 1/1/2023 – 12/31/2083

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)
\$16,764,567.00	\$700,000	\$17,464,567.00

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
1/1/2023 – 12/31/2083	N/A	N/A

Scope of work:

Urban Peak is completing 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? Y **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 ACDDBE N/A

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

Who are the subcontractors to this contract? N/A

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