

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 7, 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.)

Amends the Master Operator Agreement with McKinstry Essention, LLC, adding the amount of \$5,000,000.00 for the term ending November 30, 2046, for the design, development, construction, operation, and maintenance of community solar photovoltaic generating facilities and electric vehicle chargers owned by the City as part of the Renewable Denver Community Solar initiative. Contract Control Number: CASR-202263562.

3. Requesting Agency: Climate Action, Sustainability, and Resiliency (CASR)

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Jonathan Rogers	Name: Elizabeth Babcock
Email: jonathan.rogers@denvergov.org	Email: Elizabeth.Babcock@denvergov.org

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

This amendment adds project Tranche 2 to the 25-year Master Operator Agreement with McKinstry Essention, LLC, for the design, development, construction, operation, and maintenance of community solar photovoltaic generating facilities and electric vehicle chargers owned by the City as part of the Renewable Denver Community Solar Initiative.

Project Tranche 2 is for a 1.2 MWdc agrivoltaics project at Denver Botanic Gardens Chatfield Farms in 2023. Agrivoltaics incorporates solar panels placed on the same land where crops are grown. Early stage demonstrations have shown that this allows growers to expand pollinator habitats and increase agricultural yields in arid environments by supporting water harvesting and redistribution and providing shade to reduce water, thermal, and radiation stress. The proposed agrivoltaics demonstration project covers approximately 4.5 acres. The proposed solar array includes approximately 2,384 bifacial solar modules elevated to an 8' cross bar height to accommodate farm operations at the facility.

Denver has partnered with NREL, a global leader in early stage agrivoltaics research, to support the project. NREL will lead the evaluation of specific research elements such as the use of elevated panel heights, irrigation trials, stormwater runoff and soil hydrology soil quality, carbon sequestration, and multiple crop and planting approaches. Chatfield Farms provides an incomparable opportunity to study integrated agricultural-energy impacts and promote sound environmental stewardship to its 190,000 annual visitors. This project will be the nation's most comprehensive agrivoltaics research demonstration site, advancing fundamental research that would benefit future solar and agricultural investments in Colorado and throughout the nation.

The triggers for new projects are the annual application cycles (typically Spring and Fall) for Xcel Energy that determine whether or not projects get approved. Once CASR receive preliminary approval from Xcel, the agency works with the site host to confirm that CASR can execute a lease to put solar at the property and with the contractor to confirm the scope and budget.

To be completed by Mayor's Legislative Team:

Resolution/Bill Number:

Date Entered: _____

6. City Attorney assigned to this request (if applicable): Lee Zarzecki

7. City Council District: All

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):
Professional Services

Vendor/Contractor Name: McKinstry Essention, LLC

Contract control number: CASR-202263562

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):

Existing Term Dates: November 30, 2021 to November 30, 2046

Amended Term Dates: No change to existing term dates

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>
\$26,000,000	\$5,000,000	\$31,000,000

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
11/30/2021 – 11/30/2046	n/a	11/30/2046

Scope of work:

This amendment adds project Tranche 2—1.2 MWdc agrivoltaics project at Denver Botanic Gardens Chatfield Farms—to the 25-year Master Operator Agreement with McKinstry Essention, LLC, for the design, development, construction, operation, and maintenance of community solar photovoltaic generating facilities and electric vehicle chargers owned by the City as part of the Renewable Denver Community Solar Initiative.

Was this contractor selected by competitive process? YES

If not, why not? N/A

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

Source of funds: Climate Protection Fund

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

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

Who are the subcontractors to this contract? N/A

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Date Entered: _____