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

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Date of Request: October 13, 2023

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 a contract with McKinstry Essention, LLC, clarifying elements of the scope of work and fee schedule/budget, with no change to the maximum contract value or term of the contract, for the operations and maintenance of distributed energy resources such as solar photovoltaics, battery storage, and other climate action technologies. Amendment to Contract Control Number: CASR-202264633.

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: Drew Halpern	Name: Jonathan Rogers
Email: andrew.halpern@denvergov.org	Email: jonathan.rogers@denvergov.org

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

This amendment to the Solar Asset Management Agreement with McKinstry Essention, LLC, for the term ending October 3, 2027, clarifies elements of the scope of work and fee schedule/budget. Specifically, it updates paragraph 24-No Employment of a Worker without Authorization; includes a provision for the City to request and obtain as-needed operations and management services; and clarifies the fee schedule to improve the administrative efficiency of this contract.

This contract is necessary for the operations and maintenance of a growing portfolio of behind-the-meter distributed energy resources such as solar photovoltaics and battery storage owned by the City. Applicable to this contract are the City's 22 legacy solar projects, an additional 9 projects currently under development, and at least 14 more opportunities for solar and battery storage targeted for installation over the course of 2024 and 2025. Additionally, the City has 17 power purchase agreements with 3 owners and 39 CSG subscriptions from 2 vendors, resulting in 40 distinct invoices. This Agreement provides a mechanism for billing aggregation services related to these existing projects.

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**

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

Vendor/Contractor Name: McKinstry Essention, LLC

Contract control number: Amendment to CASR-202264633

Location: Citywide

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):
Existing Term Dates: October 3, 2022 to October 3, 2027
Amended Term Dates: No change to existing term dates

Contract Amount (indicate existing amount, amended amount and new contract total): $1,200,000.00

Current Contract Amount (A)	*Additional Funds (B)*	*Total Contract Amount (A+B)*
$1,200,000	$0	$1,200,000

Current Contract Term	*Added Time*	*New Ending Date*
11/21/22 – 09/01/2027		

Scope of work:

McKinstry Essention, LLC will provide on-call operations and maintenance support for the city's distributed energy resources such as solar photovoltaics, battery storage, and other climate action technologies.

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**

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

Who are the subcontractors to this contract? N/A

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: Date Entered: _____