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: 08/29/2024

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: (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.)

Approves a cost sharing and funding agreement with JV LoDo Denargo LLC (c/o Golub and Company) to build a public park in the Denargo Market redevelopment. CCD has agreed that DPR will fund up to but not to exceed $3 million.

3. Requesting Agency: Denver Parks and Recreation

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: Zachary Lovato	Name: Jesus Orrantia
Email: Zachary.Lovato@denvergov.org	Email: jesus.orrantia@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed: (who, what, why)

The City and DPR propose this Cost Sharing Agreement with JV LoDo Denargo LLC (c/o Golub and Company) to plan, design, and construct a 4.26 acre park and open space promenade along the South Platte River frontage immediately adjacent to and associated with JV LoDo Denargo LLC's Denargo Market Redevelopment Project. The area of improvement consists of OS-C zoned open space, DPR property, Right of Way property, Private owned property, and several utility easements. Although most of the park will reside on City owned land, the Developer is incorporating a Metro District into their development plan to maintain the park under a proposed future maintenance agreement. The park will consist of a community garden, a playground, public art, passive shade and seating areas, landscaping and trees, a trail connection to the S. Platte River Trail, and a large Rhino structure, of which a portion is climbable. CCD has agreed that DPR will fund up to but not to exceed $3 million.

6. City Attorney assigned to this request (if applicable): Jason Moore

7. City Council District: District 9

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):
Cost sharing and funding agreement

Vendor/Contractor Name (including any dba's):
JV LoDo Denargo LLC

Contract control number (legacy and new):
202473847

Location: 3399 Denargo St., Denver, CO 80216

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):
This Agreement shall remain in effect until, and shall automatically terminate upon, the later of: (i) completion of construction of the Cost Sharing Improvements, which shall mean completion of the work, acceptance by the City and the District per the City-Approved Designs, and delivery of final lien releases from all parties who have furnished materials or services or performed labor in connection with the construction of the Cost Sharing Improvements; and (ii) payment by DPR of one-third of the City-Approved Budget for the Cost Sharing Improvements.

Contract Amount (indicate existing amount, amended amount and new contract total):
$9,000,000: $3,000,000.00 in City funds; $6,000,000 in additional funds from the Developer

Current Contract Amount (A)	*Additional Funds (B)*	*Total Contract Amount (A+B)*
$9,000,000.00	n/a	$9,000,000.00

Current Contract Term	*Added Time*	*New Ending Date*
Effective date	n/a	Upon final project completion and acceptance

Scope of work:
Planning, design, and construction of a 4.26 acre park and open space promenade along the South Platte River frontage immediately adjacent to the Denargo Market Redevelopment Project. The area of improvement consists of OS-C zoned open space, DPR property, Right of Way property, Private owned property, and several utility easements. The park will consist of a community garden, a playground, public art, passive shade and seating areas, landscaping and trees, a trail connection to the S. Platte River Trail, and a large Rhino structure, of which a portion is climbable. Public art is considered within this project and the current intent to continue with the theme and installations similar to that installed in the Arkins Promenade to the north.

Was this contractor selected by competitive process? No **If not, why not?**

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In 2020 DPR initiated an engagement with JV LoDo Denargo LLC (c/o Golub and Company) and a newly formed Metropolitan District for the Denargo Market redevelopment, with the intent to share the cost of designing, constructing and maintaining public parks along the South Platte River on city-owned land. The Developer/Metro District already had a design team selected (Sasaki Associates) and a CM/GC General Contractor on board (Swinerton). The consultant and general contractor were both selected through a competitive process led by the Developer without DPR involvement. Upon review of their qualifications for the work, DPR found that both Sasaki and Swinerton are qualified to work on DPR projects. Sasaki is on DPR's current design on-call contract and Swinerton is prequalified by DOTI contracts. Currently, Swinerton is prequalified in categories 2A at $50M, 2B at $50M and in 2C at $1.5M. Through the cost sharing agreement, they have agreed to all prevailing wage, DSBO, and public art stipulations required by all City procured construction contracts. The construction of park improvements at Denargo is a relatively small proportion of the overall site development program that Golub, the Metro District and Swinerton are undertaking. The remaining work consists of public and private rights of way, utilities, streets, sidewalks, landscaping, and urban design amenities to build out the entire community. The benefit to DPR is that for a relatively small investment, DPR will receive important assets that benefit both the new development and the larger community

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

Source of funds:
Parks Legacy Fund – Improvement Projects: $3,000,000

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

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): DSBO program applicability to be determined as the work progresses.

Who are the subcontractors to this contract? To be selected by the developer's construction contractor, Swinerton.

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