

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo, Public Works

at jason.gallardo@denvergov.org by 12:00pm NOON on Monday. Contact Jason with questions.

Date of Request: 04/19/2019

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.)

Approves a purchase order with Public Service Company of Colorado d/b/a Xcel Energy for the relocation of an electric transmission line residing in an Xcel easement in the general location of Steele St and E 39th Avenue for the 39th Avenue Greenway project.

3. Requesting Agency: Public Works

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Terri Goodwin	Name: Jason Gallardo
Email: terri.goodwin@denvergov.org	Email: jason.gallardo@denvergov.org

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

The franchise agreement with Public Service of Colorado d/b/a Xcel Energy states that Xcel must relocate their facilities when requested by the Manager of Public Works. Manager of Public Works requested that Xcel relocate transmission line 3911 out of their easement to accommodate the 39th Avenue Greenway project. Article 5.7.E. Utility Easements states that where a Utility Easement is involved, the Company (Xcel) shall be paid for such relocation unless otherwise provided in the applicable terms of the Utility Easement. The relocation cost is \$567,481.51.

6. City Attorney assigned to this request (if applicable): N/A

7. City Council 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):

Vendor/Contractor Name: Public Service Company of Colorado d/b/a Xcel Energy

Contract control number: PO-00058542

Location: E. 39th Avenue and Steele Street.

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):

02/01/2019 to 02/01/2020

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> <i>(A)</i>	<i>Additional Funds</i> <i>(B)</i>	<i>Total Contract Amount</i> <i>(A+B)</i>
\$567,481.51	0	\$567,481.51

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
02/01/2019		02/01/2020

Scope of work:

Approves a purchase order with Public Service Company of Colorado d/b/a Xcel Energy for the relocation of an electric transmission line residing in an Xcel easement in the general location of Steele St and E 39th Avenue for the 39th Avenue Greenway project.

Was this contractor selected by competitive process? No, Public Service Company of Colorado d/b/a Xcel Energy is under contract with the City to provide Utility Services. A sole source justification has been submitted.

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

Source of funds: PRJ-10001261/PC702/72802/C5061000

ELEVATE DENVER BOND: ☐

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

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

Who are the subcontractors to this contract? N/A

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____



SOLE SOURCE REQUEST– Bidding Exception Justification – DRMC Sec. 20-64 (a)(1)

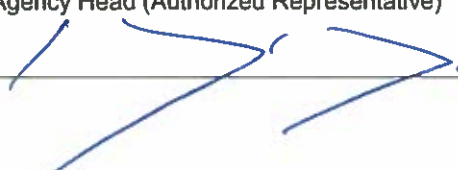
Agency: Public Works Finance and Administration Workday RQ: RQ- 000 31579

Supplies or services indispensable to the city which are obtainable, for practical purposes, from only one (1) single source (a sole source purchase)

Requests for a "Sole Source" bidding exception must be provided on this form (with any necessary attachments) and attached to the Workday requisition. This "Sole Source" bidding exception must be signed by the Head of the Agency or their authorized designee.

Supplier: <u>Public Service Company of Colorado d/b/a/ Xcel Energy, Inc.</u>
Part Number: <u>Transmission line relocation</u>
Description: <u>Public Service Company of Colorado d/b/a Xcel Energy, Inc. Relocation of transmission line #3911 that resides in an Utility Easement to accommodate the 39th Avenue Greenway project.</u>
Why can't the good or service provider be substituted with another that may meet the same need or fulfill the same function? <u>The City has an agreement with Xcel Energy whereas Section 5.7. Relocation of Company Facilities. Subsection E. Utility Easements which states that the relocation obligation will not apply to any Company facilities located pursuant to a valid and enforceable Utility Easement, but will apply to any Company Facilities located under any other type of easement, utility right of way, license or permit. Where a Utility easement is involved, the Company shall be paid for such relocation unless otherwise provided in the applicable terms of the Utility Easement.</u>
If there is an alternative source or an "approved, acceptable equal" to the good or service desired, why, for "practical purposes" can't the alternative or "equal" fulfill your needs?
What verifiable efforts have you made to investigate alternative or "equal" goods or services? (Include any source documents/ website links you've reviewed during this process.)
<u>Xcel Franchise Agreement is attached.</u>
Provide supporting documentation from the manufacturer that indicates the good or service is only provided from the supplier identified. <u>I have attached the Xcel Energy/PSCo Franchise Agreement that states they are to be paid for any relocation of the Company Facilities that reside in a Utility Easement. Section 5.7.E.</u>
What additional information would you like to present in support of your "Sole Source" justification? <u>N/A</u>

The Purchasing Division shall review this justification for compliance with applicable law and may require additional information from the agency, from the suggested vendor or alternative vendors or from trade associations, industry experts or other appropriate sources. In some instances, the Purchasing Division may request review of the "sole source" request and supporting documentation by the Office of the City Attorney.

Agency Head (Authorized Representative) 	Date <u>1/31/19</u>
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General Services Purchasing Division Internal Memo: Buyer to select corresponding additional data option button PO standard comment.





DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Contractor:Public Service Company of Colorado d/b/a Xcel Energy, Inc.

Proposed Contract Amount:\$567,481.51

Project Title:Approves a purchase order with Public Service Company of Colorado d/b/a Xcel Energy for the relocation of an electric Transmission line residing in an Xcel easement in the general location of Steele St and E 39th Avenue for the 39th Avenue Greenway project.

Contract Control Number:PO-00058542

Term of this proposed contract (start/end date):02/01/2019 to 02/01/2020

Selection process:

- (a) Date of Bid process:N/A
- (b) How many proposals were received:N/A
- (c) Range:N/A Low: High:

DSBO Assigned Goals:N/A

DSBO Goals Commitment:N/A

Council District:9

Source of funds (CIP/BOND/GRANT/CDOT):PRJ-10001261/PC702/72082/C5061000

Background:Approves a purchase order with Public Service Company of Colorado d/b/a Xcel Energy for the relocation of an electric transmission line residing in an Xcel easement in the general location of Steele St and E 39th Avenue for the 39th Avenue Greenway project. This easement in the general location of 39th Ave and Steele Street is the Market Leed Utility Easement and is owned by Burlington North Santa Fe Railroad and granted to Xcel in perpetuity.

DO NOT INVOICE THIS ADDRESS

City and County of Denver
Purchasing Division
201 W. Colfax Ave Dept. 304
Denver, CO 80202
United States of America
Ph: 720-913-8100 Fax: 720-913-8101



Purchase Order Number	PO-00058542
Purchase Order Date	Feb 1, 2019
Contract ID	
Payment Terms	Immediate
Payment Type	ACH
Buyer	Andrew Miskell (720) 913-8159 Andrew.Miskell@denvergov.org

Supplier
XCEL ENERGY PO BOX 9477 MINNEAPOLIS, MN 55484-9477 United States of America Ph: (303) 5717564

Ship-To
Wastewater Management 2000 W 3rd Ave Denver, CO 80223 United States of America Benjamin Whitney

Bill To
Bill To Same As Ship To Denver, CO 80202 United States of America Terri Goodwin

Currency	Total Lines Amount	Tax Exempt	Total PO Amount
USD	\$567,481.51	98-02890-0000	\$567,481.51
Shipping Terms	Shipping Method	Shipping Instructions	
FOB Destination	Common Carrier		

Service Lines				
Line Number	Item Name	Description	Due Date	Line Amount
1		Xcel Energy; Relocation of a transmission line (line #3911)	12/31/2019	\$567,481.51

AGENCY CONTACT: Terri Goodwin | Terri.Goodwin@denvergov.org

VENDOR: You must contact the agency contact listed above to confirm this order.

Purchase Order price listed herein includes all shipping and handling.

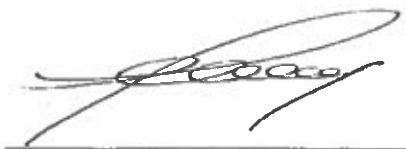
All invoicing must match the purchase order exactly and contain the purchase order number. All invoices must be sent directly to the bill to address listed on the purchase order, this address may be different than the ship to address. Changes to this purchase are not valid without prior approval from purchasing. The terms and conditions of this purchase order shall govern and supersede all Supplier terms and conditions.

For additional questions regarding this purchase order, please contact the Agency Contact listed above.

ALL INVOICING AND CORRESPONDENCE MUST CONTAIN THE PURCHASE ORDER NUMBER IN FULL (PO-#####)

This purchase is pursuant to DRMC 20-64(A)(1) - Sole Source

This purchase order is contingent on 3.26(e) action by the City Council and is void without action



Authorized By

By accepting this Purchase Order you agree to the Terms and Conditions of the General Services Purchasing Division.
Follow the URL provided to the Purchase Order Terms and Conditions –
<http://www.denvergov.org/content/denvergov/en/purchasing-main-page/POterms.html>



MAILING ADDRESS	ACCOUNT NUMBER	DUE DATE
CCOD CODM 201 W COLFAX AVE DENVER CO 80202-5329	53-0012023778-2	01/12/2019
	STATEMENT NUMBER	STATEMENT DATE
	619189547	12/14/2018
		AMOUNT DUE
		\$587,030.41

NON-RECURRING CHARGES / CREDITS DETAILS

DESCRIPTION	CHARGE
Invoice Number 758295907 12/13/18 to 12/13/18	12562733 39TH & STEEL ST 12562733 579574 DENVER CO
NewElectProjNR PASW	\$567,481.51
Invoice Number 758296047 12/13/18 to 12/13/18	12281447 38TH & BLAKE BRIDGE 12281447 506119 DENVER CO
St/Area Lig New Const 12023778 WRITE OFF	\$19,548.90 - \$9,043.90 CR
Total	\$577,986.51

PLEASE PAY UPON RECEIPT.
 CONTRACT#1744668 & 1745554
 WO#12562733 & 12281447
 FOR QUESTIONS PLEASE CALL THAINE MANDERFELD AT 303-571-3779
 REGARDING THIS INVOICE.
 COMMENTS TO CUSTOMER:



Together we power stability.

Energy Outreach Colorado is a nonprofit partnering with Xcel Energy to provide energy bill payment assistance and energy efficiency upgrades for affordable housing and nonprofit facilities. We need your help today!



**ENERGY
OUTREACH
COLORADO**

CHECK THE RED BOX on the front-left side of this payment stub AND select a tax-deductible contribution below.

Monthly donation:

\$20___ \$10___ \$5___ Other___

Or, visit the Energy Outreach Colorado website at www.energyoutreach.org to make a one-time donation.



PUBLIC SERVICE COMPANY OF COLORADO

Page 1 of 4

MAILING ADDRESS	ACCOUNT NUMBER	DUE DATE
CCOD CODM 201 W COLFAX AVE DENVER CO 80202-5329	53-0012023778-2	01/12/2019
	STATEMENT NUMBER	STATEMENT DATE
	619189547	12/14/2018
		AMOUNT DUE
		\$587,030.41

QUESTIONS ABOUT YOUR BILL?

See our website: xcelenergy.com
 Email us at: Customerservice@xcelenergy.com
 Please Call: 1-800-481-4700
 Hearing Impaired: 1-800-895-4949
 Fax: 1-800-311-0050
 Or write us at: XCEL ENERGY
 PO BOX 8
 EAU CLAIRE WI 54702-0008

SUMMARY OF CURRENT CHARGES (detailed charges begin on page 2)

Non-Recurring Charges / Credits	\$577,986.51
Current Charges	\$577,986.51

ACCOUNT BALANCE

Previous Balance	\$9,043.90
No Payments Received	\$0.00
Balance Forward	\$9,043.90
Current Charges	\$577,986.51
Amount Due	\$587,030.41

000000 1/2



RETURN BOTTOM PORTION WITH YOUR PAYMENT • PLEASE DO NOT USE STAPLES, TAPE OR PAPER CLIPS



Please help our neighbors in need by donating to Energy Outreach Colorado. Please mark your donation amount on the back of this payment stub and CHECK THE RED BOX under your address below.

AB 01 003698 88134 B 15 A



CCOD CODM
201 W COLFAX AVE
DENVER CO 80202-5329

ACCOUNT NUMBER	DUE DATE	AMOUNT DUE	AMOUNT ENCLOSED
53-0012023778-2	01/12/2019	\$587,030.41	

JANUARY						
S	M	T	W	T	F	S
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		



XCEL ENERGY
P.O. BOX 9477
MPLS MN 55484-9477



32 53011219 00120237782 0005779865100058703041