



## Legislation Details (With Text)

**File #:** 21-1392      **Version:** 1

**Type:** Resolution      **Status:** Adopted

**File created:** 11/8/2021      **In control:** Finance & Governance Committee

**On agenda:** 12/6/2021      **Final action:** 12/6/2021

**Title:** A resolution approving a proposed Energy Performance Agreement between the City and County of Denver and McKinstry Essention, LLC for services related to the purchase of energy conservation measure equipment for various City-owned buildings.  
Approves an Energy Performance Agreement with McKinstry Essention, LLC for \$2,346,783 and through 12-31-25 for services related to the purchase of energy conservation measure equipment for various City-owned buildings that will be purchased through both a companion capital lease purchase agreement with JPMorgan Chase Bank, N.A., and a purchase order (GENRL-202161179-00). The last regularly scheduled Council meeting within the 30-day review period is on 12-20-21. The Committee approved filing this item at its meeting on 11-16-21.

**Sponsors:**

**Indexes:** Zach Rothmier

**Code sections:**

**Attachments:** 1. RR21 1392 GS McKinstry Essention LLC Request, 2. RR21 1392 GS McKinstry Essention LLC Buildings List, 3. 21-1392 Energy Performance Agreement\_McKinstry Essention LLC 202161179-00, 4. 21-1392 Filed Resolution\_McKinstry Essention LLC 202161179-00\_Isc, 5. 21-1392 Filed Resolution\_McKinstry Essention LLC, 6. 21-1392 - signed

Date	Ver.	Action By	Action	Result
12/6/2021	1	Council President	signed	
12/6/2021	1	City Council	adopted	Pass
11/16/2021	1	Finance & Governance Committee	approved for filing	Pass

### Contract Request Template (Contracts; IGAs; Leases)

**Date Submitted:** 11-8-21

**Requesting Agency:** General Services  
**Division:**

**Subject Matter Expert Name:**

Name: Kami Johle
Email: kami.johle@denvergov.org

**Item Title & Description:**

*(Do not delete the following instructions)  
These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney's Office should enter the title above the description (the title should be in **bold** font).*

*Both the title and description must be entered between the red "title" and "body" below. Do **not** at any*

*time delete the red "title" or "body" markers from this template.*

**A resolution approving a proposed Energy Performance Agreement between the City and County of Denver and McKinstry Essention, LLC for services related to the purchase of energy conservation measure equipment for various City-owned buildings.**

Approves an Energy Performance Agreement with McKinstry Essention, LLC for \$2,346,783 and through 12-31-25 for services related to the purchase of energy conservation measure equipment for various City-owned buildings that will be purchased through both a companion capital lease purchase agreement with JPMorgan Chase Bank, N.A., and a purchase order (GENRL-202161179-00). The last regularly scheduled Council meeting within the 30-day review period is on 12-20-21. The Committee approved filing this item at its meeting on 11-16-21.

**Affected Council District(s) or citywide?** Citywide

**Contract Control Number:** GENRL-202161179-00

**Vendor/Contractor Name (including any "DBA"):** McKinstry Essention, LLC

**Type and Scope of services to be performed:**

This resolution request is to approve an Energy Performance Agreement for services related to the purchase of energy conservation measure implementation in 23 city buildings throughout the city. Energy Performance Agreements are a strategy to reduce energy use in existing buildings per the Strategic Energy Plan for City and County of Denver Municipal Facilities 100% Renewable Electricity Goal. The strategy prioritizes large buildings with high energy-use intensity (EUI). As outlined in the Strategic Energy Plan for said goal, McKinstry Essention, LLC performed an Investment Grade Audit under contract 201952928-00 resulting in a final report dated August 12, 2021. Energy Conservation Measure recommendations were reviewed by the Denver Energy Office and building stakeholders and a final list of Energy Conservation Measures for implementation was agreed upon by both parties. The equipment will be purchased through a companion capital lease agreement, payments for which will be made from utility savings. Additional funding to support the direct purchase of equipment and required professional services will be from the Climate Protection Fund and Annual Capital Improvement Program.

This request seeks approval for the expenditure of \$2,346,783 for professional services. The companion agreements include \$13,834,597 in Financed Equipment and \$735,094 in Direct Purchase of Equipment through purchase order PO-00107101, amounting to a total project cost of \$16,916,474.

**Location (if applicable):**

**WBE/MBE/DBE goals that were applied, if applicable (construction, design, Airport concession contracts):**

**Are WBE/MBE/DBE goals met (if applicable)?**

**Is the contract new/a renewal/extension or amendment?**

**Was this contractor selected by competitive process or sole source?**

Competitive process

**For New contracts**

**Term of initial contract:** Contract Execution - December 31, 2025

**Options for Renewal:**

**How many renewals (i.e. up to 2 renewals)?**

**Term of any renewals (i.e. 1 year each):**

**Cost of initial contract term:** \$2,346,783

**Cost of any renewals:**

**Total contract value council is approving if all renewals exercised:**

**For Amendments/Renewals Extensions:**

**Is this a change to cost/pricing; length of term; terms unrelated to time or price (List all that apply)?**

***If length changing***

**What was the length of the term of the original contract?**

**What is the length of the extension/renewal?**

**What is the revised total term of the contract?**

***If cost changing***

**What was the original value of the entire contract prior to this proposed change?**

**What is the value of the proposed change?**

**What is the new/revised total value including change?**

***If terms changing***

**Describe the change and the reason for it (i.e. compliance with state law, different way of doing business etc.)**