



Legislation Details (With Text)

File #: 23-0647 **Version:** 1

Type: Resolution **Status:** Adopted

File created: 5/16/2023 **In control:** Land Use, Transportation & Infrastructure Committee

On agenda: 6/5/2023 **Final action:** 6/5/2023

Title: A resolution approving a proposed Third Amendatory Agreement between the City and County of Denver and Denver Zoological Foundation, Inc. for updating terms and conditions to manage and operate the portion of City Park presently reserved for their use. Amends a cooperative agreement with the Denver Zoological Foundation, Inc. by adding 25 years for a new end date of 12-31-2048, with 10-year auto renewals unless council action is taken and updating terms and conditions to manage and operate the portion of City Park presently reserved for their use (PARKS-XC4035-03/ 202367337-03). The last regularly scheduled Council meeting within the 30-day review period is on 6-26-2023. The Committee approved filing this item at its meeting on 5-23-2023.

Sponsors:

Indexes: Lucas Palmisano

Code sections:

Attachments: 1. RR23-0647_P&R_DenverZoo_CoopertiveAgreement_Amend#3, 2. RR23-0647_DPR_Zoo_Fact Sheets, 3. LUTI Zoo Coop Agreement 05232023 presentation pdf, 4. 23-0647 Filed Resolution_Denver Zoological Foundation, Inc. 202367337-03, 5. 23-0647 Contract_Denver Zoological Foundation Inc. 202367337-03, 6. 23-0647 Filed Resolution_Denver Zoological Foundation, Inc., 7. 23-0647 - signed

Date	Ver.	Action By	Action	Result
6/5/2023	1	Council President	signed	
6/5/2023	1	City Council	adopted	Pass
5/23/2023	1	Land Use, Transportation & Infrastructure Committee	approved for filing	Pass

Contract Request Template (Contracts; IGAs; Leases)

Date Submitted: 05-22-2023

**Requesting Agency: Parks and Recreation
Division:**

**Subject Matter Expert Name: Mark Bernstein
Email Address: mark.bernstein@denvergov.org
Phone Number:**

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 Third Amendatory Agreement between the City and County of Denver and Denver Zoological Foundation, Inc. for updating terms and conditions to manage and operate the portion of City Park presently reserved for their use.

Amends a cooperative agreement with the Denver Zoological Foundation, Inc. by adding 25 years for a new end date of 12-31-2048, with 10-year auto renewals unless council action is taken and updating terms and conditions to manage and operate the portion of City Park presently reserved for their use (PARKS-XC4035-03/ 202367337-03). The last regularly scheduled Council meeting within the 30-day review period is on 6-26-2023. The Committee approved filing this item at its meeting on 5-23-2023.

**Affected Council District(s) or citywide?
Citywide and Council District 9**

Contract Control Number: PARKS-XC4035-03;202367337-03

**Vendor/Contractor Name (including any "DBA"):
Denver Zoological Foundation, Inc.**

**Type and Scope of services to be performed:
2023 Amendment**

This third amendment to the cooperative agreement updates various provisions of the contract to ensure the continuity of operations of the Denver Zoo, to clarify responsibilities of the parties, and to support the Zoo's continued investment in the Denver Zoo facilities and the Denver community at large. Specific modifications include:

- Extends the term of the agreement from December 31, 2023, to December 31, 2048, with subsequent ten year automatic renewals until the parties agree upon new terms.
- Increases the threshold for which capital construction projects must be reviewed and approved by DPR from \$50,000 to \$250,000, and makes the threshold subject to CPI; Adds new language outlining the approval of the cooperative agreement and this amendment by Bond and Special Counsel to ensure the Denver Zoo is compliant with any and all limitations or restrictions of the use of bond financing. The new language includes the review of Denver Zoo contracts by Bond Counsel to ensure the same.
- Adds new protected classes to the non-discrimination clause.

Location (if applicable):

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

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

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

Was this contractor selected by competitive process or sole source? N/A

For New contracts

Term of initial contract:

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:

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)? Length of term

If length changing

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

1998 - 2023

What is the length of the extension/renewal?

Expiring December 31, 2048 + 10 year auto renewals unless action taken

What is the revised total term of the contract?

1998 - December 31, 2048

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.)