



Legislation Details (With Text)

File #: 22-0725 **Version:** 1

Type: Resolution **Status:** Adopted

File created: 6/10/2022 **In control:** Business, Arts, Workforce, Climate & Aviation Services Committee

On agenda: 7/11/2022 **Final action:** 7/11/2022

Title: A resolution approving a proposed Amendatory Agreement between the City and County of Denver and McKinstry Essention, LLC for the design, development, construction, operation, and maintenance of community solar photovoltaic generating facilities and electric vehicle chargers owned by the City as part of the Renewable Denver Community Solar initiative.
Amends the Master Operator Agreement with McKinstry Essention, LLC, by adding \$5,000,000 for a new total of \$31,000,000 for the design, development, construction, operation, and maintenance of a 1.2 MWdc agrivoltaics project at Denver Botanic Gardens Chatfield Farms, as part of the Renewable Denver Community Solar initiative, citywide. No change to contract duration. (CASR-202263562). The last regularly scheduled Council meeting within the 30-day review period is on 7-25-22. The Committee approved filing this item at its meeting on 6-22-22.

Sponsors:

Indexes: Lucas Palmisano

Code sections:

Attachments: 1. RR22-0725_CASR Solar Operator Agreement Amendment, 2. 22-0725 Amendatory Agreement_Mckinstry Essention, LLC 202263562-01, 3. 22-0725 Filed Resolution_McKinstry Essention, LLC 202263562-01, 4. 22-0725 Filed Resolution_McKinstry Essention, LLC 202263562-01, 5. 22-0725 - signed

Date	Ver.	Action By	Action	Result
7/11/2022	1	Council President	signed	
7/11/2022	1	City Council	adopted	Pass
6/22/2022	1	Business, Arts, Workforce, Climate & Aviation Services Committee	approved by consent	

Contract Request Template (Contracts; IGAs; Leases)

Date Submitted: 6-14-2022

Requesting Agency: Office of Climate Action, Sustainability, Resiliency Division:

Subject Matter Expert Name: Jonathan Rogers (Mayor-Council- Elizabeth Babcock)

Email Address: jonathan.rogers@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 Amendatory Agreement between the City and County of Denver and McKinstry Essention, LLC for the design, development, construction, operation, and maintenance of community solar photovoltaic generating facilities and electric vehicle chargers owned by the City as part of the Renewable Denver Community Solar initiative.

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Affected Council District(s) or citywide? Citywide

Contract Control Number: CASR-202263562

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

Type and Scope of services to be performed:

This amendment adds project Tranche 2 to the 25-year Master Operator Agreement with McKinstry Essention, LLC, for the design, development, construction, operation, and maintenance of community solar photovoltaic generating facilities and electric vehicle chargers owned by the City as part of the Renewable Denver Community Solar Initiative.

Project Tranche 2 is for a 1.2 MWdc agrivoltaics project at Denver Botanic Gardens Chatfield Farms in 2023. Agrivoltaics incorporates solar panels placed on the same land where crops are grown. Early stage demonstrations have shown that this allows growers to expand pollinator habitats and increase agricultural yields in arid environments by supporting water harvesting and redistribution and providing shade to reduce water, thermal, and radiation stress. The proposed agrivoltaics demonstration project covers approximately 4.5 acres. The proposed solar array includes approximately 2,384 bifacial solar modules elevated to an 8' cross bar height to accommodate farm operations at the facility.

Denver has partnered with NREL, a global leader in early stage agrivoltaics research, to support the project. NREL will lead the evaluation of specific research elements such as the use of elevated panel heights, irrigation trials, stormwater runoff and soil hydrology soil quality, carbon sequestration, and multiple crop and planting approaches. Chatfield Farms provides an incomparable opportunity to study integrated agricultural-energy impacts and promote sound environmental stewardship to its 190,000 annual visitors. This project will be the nation's most comprehensive agrivoltaics research demonstration site, advancing fundamental research that would benefit future solar and agricultural investments in Colorado and throughout the nation.

The triggers for new projects are the annual application cycles (typically Spring and Fall) for Xcel Energy that determine whether or not projects get approved. Once CASR receive preliminary approval from Xcel, the agency works with the site host to confirm that CASR can execute a lease to put solar at the property and with the contractor to confirm the scope and budget.

This amendment adds project Tranche 2-1.2 MWdc agrivoltaics project at Denver Botanic Gardens Chatfield Farms-to the 25-year Master Operator Agreement with McKinstry Essention, LLC, for the design, development, construction, operation, and maintenance of community solar photovoltaic generating facilities and electric vehicle chargers owned by the City as part of the Renewable Denver Community Solar Initiative.

Location (if applicable): Denver Botanic Gardens Chatfield

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? Amendment

Was this contractor selected by competitive process or sole source?

Competitive

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)? Cost, scope

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?

\$26,000,000

What is the value of the proposed change? \$5,000,000

What is the new/revised total value including change? \$31,000,000

If terms changing

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