



Legislation Details (With Text)

File #: 21-1319 **Version:** 1

Type: Resolution **Status:** Adopted

File created: 10/27/2021 **In control:** Safety, Housing, Education & Homelessness Committee

On agenda: 11/22/2021 **Final action:** 11/22/2021

Title: A resolution approving a proposed Master Operator 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. Approves master operator agreement with McKinstry Essention, LLC for \$26,000,000 and through 11-1-46 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 (202160096-00). The last regularly scheduled Council meeting within the 30-day review period is on 12-31-21. The Committee approved filing this item at its meeting on 11-10-21.

Sponsors:

Indexes: Emily Lapel

Code sections:

Attachments: 1. RR21 1319 CASR RDCS Operator Agreement, 2. RDCS-McKinstry_Safety Presentation_v3, 3. 21-1319 Filed Resolution_McKinstry Essention, LLC 202160096-00, 4. 21-1319 Master Order Agreement_McKinstry Essention, LLC 202160096-00, 5. 21-1319 Filed Resolution_McKinstry Essention, LLC, 6. 21-1319 - signed

Date	Ver.	Action By	Action	Result
11/22/2021	1	Council President	signed	
11/22/2021	1	City Council	adopted	Pass
11/10/2021	1	Safety, Housing, Education & Homelessness Committee	approved for filing	Pass

Contract Request Template (Contracts; IGAs; Leases)

Date Submitted: 10-27-21

Requesting Agency: Climate Action, Sustainability and Resiliency
Division:

Subject Matter Expert Name:

Name: Jonathan Rogers
Email: Jonathan.Rogers@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 Master Operator 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.

Approves master operator agreement with McKinstry Essention, LLC for \$26,000,000 and through 11-1-46 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 (202160096-00). The last regularly scheduled Council meeting within the 30-day review period is on 12-31-21. The Committee approved filing this item at its meeting on 11-10-21.

Affected Council District(s) or citywide? The first tranche includes solar projects in Districts 5, 6, 8, 9, and 11. Future tranches will seek to ensure that each City Council District hosts at least one community solar project.

Contract Control Number: 202160096-00

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

Type and Scope of services to be performed:

This requests approval of a 25-year Master Operator Agreement 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. The Renewable Denver Community Solar Initiative is an effort aimed at building and operating up to 15 MW of City-owned community solar projects by 2025.

The first tranche of projects set forth in this proposed contract, includes 4.6 MW of community solar projects hosted across public parking lots, rooftops, and vacant land parcels controlled by the City. Creating community benefits is central to the initiative and such benefits include solar training programs to provide job opportunities for local residents, carpools and EV charging for the use and convenience of the public, and power sharing between host-site facilities and income-qualified community members.

The solar arrays are expected to generate over 144 million kWh of renewable electricity, avoiding over 75,000 tons of CO2 over the project life (equivalent to planting more than 625,000 urban trees). The power generated by the arrays will be shared among municipal facilities, other governmental partners, low-income housing managed by the Denver Housing Authority, and income-qualified Denver residents at a guaranteed savings vs the rate paid to Xcel Energy, resulting in immediate energy cost savings.

This contract will create \$500,000 or more in net positive revenue for CASR on an annual basis,

which is intended to be reinvested into additional equity-focused clean energy programs.

This contract is also supported by a \$1,000,000 grant from the Colorado Department of Local Affairs (Contract Control No. CASR-202055160-00).

Total Contract Amount: \$26,000,000

- i) \$18,000,000 for Capital Expenses (development, design, and construction predominantly occurring throughout 2022)
- ii) \$8,000,000 for Operating Expenses (25 years of asset management including O&M and Xcel Energy program compliance)

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: Through November 1, 2046

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: \$26,000,000

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.)