



Legislation Details (With Text)

File #: 22-0776 **Version:** 1

Type: Resolution **Status:** Adopted

File created: 6/27/2022 **In control:** Finance & Governance Committee

On agenda: 7/18/2022 **Final action:** 7/18/2022

Title: A resolution approving a proposed Funding and Assignment Agreement between the City and County of Denver and Denver Botanic Gardens, Inc., for the construction of improvements, as approved by voters in the 2021 RISE Denver General Obligation Bond package.
Approves a Funding and Assignment Agreement with the Denver Botanic Gardens for the construction of improvements totaling an amount not to exceed \$3 million, as approved by voters in the 2021 RISE Denver General Obligation Bond package (202263352-00). The last regularly scheduled Council meeting within the 30-day review period is on 8-8-22. The Committee approved filing this item at its meeting on 7-5-22.

Sponsors:

Indexes: Zach Rothmier

Code sections:

Attachments: 1. RR22-0776 DOF_CPRESolution Request RISE DBG, 2. 22-0776 Filed Resolution_DenverBotanicGardensInc._202263352-00 - BTN REDLINE 2022-07-06, 3. 22-0776 Agr_RISEDenverCulturalFAA_-_DBG_202263352-00, 4. 22-0776 Filed Resolution_DenverBotanicGardensInc._202263352-00 - BTN REDLINE 2022-07-06

Date	Ver.	Action By	Action	Result
7/18/2022	1	Council President	signed	
7/18/2022	1	City Council	adopted	Pass
7/5/2022	1	Finance & Governance Committee	approved by consent	

Contract Request Template (Contracts; IGAs; Leases)

Date Submitted: 7-4-2022

Requesting Agency: Department of Finance and 2021 RISE Denver GO Bond program team on behalf of Denver Botanic Gardens and supporting city departments (Department of Transportation and Infrastructure).

Division:

Subject Matter Expert Name: Emily Snyder, Dept of Finance

Jane Fisher, Dept of Transportation and Infrastructure

Email Address: Emily.Snyder@denvergov.org <<mailto:Emily.Snyder@denvergov.org>>; jane.fisher@denvergov.org <<mailto:jane.fisher@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 Funding and Assignment Agreement between the City and County of Denver and Denver Botanic Gardens, Inc., for the construction of improvements, as approved by voters in the 2021 RISE Denver General Obligation Bond package.

Approves a Funding and Assignment Agreement with the Denver Botanic Gardens for the construction of improvements totaling an amount not to exceed \$3 million, as approved by voters in the 2021 RISE Denver General Obligation Bond package (202263352-00). The last regularly scheduled Council meeting within the 30-day review period is on 8-8-22. The Committee approved filing this item at its meeting on 7-5-22.

Affected Council District(s) or citywide? 10

Contract Control Number: 202263352-00

Vendor/Contractor Name (including any "DBA"): Denver Botanic Gardens (DBG)

Type and Scope of services to be performed:

In November 2021, voters approved a RISE Denver General Obligation Bond measure that included City authorization to issue a total of \$104,040,000 for the Denver facilities system (Referred Question 2A). This resolution request seeks approval for a Funding and Assignment Agreement between the City and County of Denver and the Denver Botanic Gardens (DBG) for roof repairs and improvements to accessibility and waterways for water conservation and sustainability in the gardens totaling an amount not to exceed \$3.0 million in RISE Denver General Obligation Bond proceeds. The Funding and Assignment Agreement provides for bond proceeds to be transferred from the City to the DBG.

Requirements for funding included in the Funding and Assignment Agreement include:

- Submission of design plans to City
- Quarterly draw requests with cash flows, budget, and statement of values information
- Inclusion of City requirements for procurement, prevailing wage, public art, and SBE, MBE/WBE in cultural facility contracts for project
- Final accounting for expenditures on project
- Records retention and audit provisions

The Denver Botanic Gardens intends to redesign gardens for enhanced accessibility. DBG will improve pathways, address multiple roof repairs, and make waterway improvements for water conservation and sustainability.

Location (if applicable): Denver Botanic Gardens

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

Note: Agreement requires cultural institution to include requirements regarding City procurement, prevailing wage, art, and SBE, MBE/WBE in contracts for the Project.

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

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

Was this contractor selected by competitive process or sole source?

For New contracts

Term of initial contract: Agreement shall commence July 2022 and terminate upon the completion of the bond funded project.

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: \$3,000,000

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.)