



Legislation Details (With Text)

File #: 23-0644 **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 Amended and Restated Agreement between the City and County of Denver and Denver Botanic Gardens, Inc. for updating terms and conditions to manage and operate the Denver Botanic Gardens and ancillary facilities on property owned or leased by the city. Amends a cooperative agreement with Denver Botanic Gardens, Inc. by adding 50 years for a new end date of 12-31-2073 and updating terms and conditions to manage and operate the Denver Botanic Gardens and ancillary facilities on property owned or leased by the city (PARKS-202367269). 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. RR230644_PR_Denver Botanic Gardens_Amend#1_05-15-2023, 2. RR23-0644 DPR_DBG Fact Sheet, 3. LUTI DBG Coop Agreements 05232023 presentation pdf, 4. 23-0644 Filed Resolution_Denver Botanic Gardens, Inc 202367269-00, 5. 23-0644 Contract_Denver Botanic Gardens 202367269-00, 6. 23-0644 Filed Resolution_Denver Botanic Gardens, Inc, 7. 23-0644 - 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 Amended and Restated Agreement between the City and County of Denver and Denver Botanic Gardens, Inc. for updating terms and conditions to manage and operate the Denver Botanic Gardens and ancillary facilities on property owned or leased by the city.

Amends a cooperative agreement with Denver Botanic Gardens, Inc. by adding 50 years for a new end date of 12-31-2073 and updating terms and conditions to manage and operate the Denver Botanic Gardens and ancillary facilities on property owned or leased by the city (PARKS-202367269). 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 10

Contract Control Number:
PARKS-202367269

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

Type and Scope of services to be performed:

2023 Restated Agreement

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

- Extends the term of the agreement from December 31, 2029 to December 31, 2073.
- 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 by Bond and Special Counsel to ensure the Denver Botanic Gardens is compliant with any and all limitations or restrictions of the use of bond financing. The new language includes the review of Denver Botanic Gardens 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? Amendment

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)?

If length changing

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

Term expired on December 31, 2029

What is the length of the extension/renewal?

50 years

What is the revised total term of the contract?

December 31. 2079 plus one year auto renewal

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.)