EXECUTIVE ORDER NO. 8

TO: **All Agencies Under the Mayor**

FROM: **Michael Johnston, Mayor**

DATE: **November_, 2025**

SUBJECT: **Contracts and Other Written Instruments of and for the City and County of Denve(**

PURPOSE: The City and County of Denver ("the City") has a duty to its residents to exercise strong financial stewardship when it expends or commits public funds or creates enforceable legal obligations. This Executive Order establishes policies of the City that apply to contracts, grants, and other written instruments or documents which, when executed, will create legally enforceable obligations or duties financial or otherwise.

References in this Executive Order to "agencies" or "agency" includes City agencies, offices, departments, and commissions. For purposes of this Executive Order only, the terms "Executive Director," "Director," and "Manager" have the same meaning.

Executive Order 8 dated February 3, 2020, and all memorandum attachments thereto are hereby canceled and superseded.

1.0 ROLES AND RESPONSIBILITIES.

1.1 The Mayor.

1.1.1 The Mayor issues this Executive Order pursuant to the Authority granted the Mayor in §2.2.1 of the Charter.

1.1.2 All agencies must comply with the requirements of this Executive Order and memorandum attachments that further define the requirements of this executive order and that may, from time to time, be issued or updated.

1.1.3 All contracts must be signed by the Mayor, or the acting Mayor.

1.1.4 No person representing the City may create, or purport to create, a legally enforceable City obligation until all legal and regulatory requirements, and the requirements of this Executive Order, are complied with, and a contract is properly executed.

1.2 The Department of Law (the "City Attorney's Office").

1.2.1 The Department of Law serves as legal counsel and legal advisor to the Mayor, City Council, the Auditor and the heads of all agencies, departments, boards, commissions and officers concerning legal matters affecting the City's interests. Charter §6.1.3{B).

1.2.2 The Department of Law prepares and approves as to form all contracts, deeds, bonds, and other written instruments and documents which when executed, create a legally enforceable obligation or duty of the City, financial or otherwise. Charter §6.1.3{C).

1.2.3 The Department of Law issues, and periodically updates, a user's guide titled Contract Procedures. The Contract Procedures include information about the

agencies involved in the contract process, common contract-related processes, and a guide to the City's contracting system.

1.2.4 The Department of Law determines which contracts, written instruments or documents require execution in accordance with this Executive Order. Charter §6.1.3.

1.3 The Department of Finance.

1.3.1 The Department of Finance establishes and maintains accounting policies, practices and procedures that all departments and agencies of the City must follow. Charter §2.5.3(A)(i).

1.3.2 The Manager of Finance is authorized to adopt and enforce rules and regulations concerning the financial operations and interests of the City consistent with the powers and duties assigned by the Charter or any ordinance adopted pursuant to the Charter. Charter §2.5.3(1).

1.3.3 The Manager of Finance, or the Acting Finance Signatory countersigns all contracts.

1.3.4 The Department of Finance has Charter responsibility for the City's risk and insurance program, except where the Mayor has assigned a specific segment of risk management and insurance to another department. Charter §2.5.3(H).

1.3.5 The Risk Management Division ("Risk Management") within the Department of Finance determines required insurance coverages and limits for contracts.

1.4 Contracting Agencies.

1.4. 1 Contracts are one of the City's highest administrative priorities. Therefore, contracting agencies must regularly review their internal policies, practices, and procedures with the goal of expediting contract procurement and execution.

1.4.2 Contracting agencies must track procurement times in sufficient detail to identify inefficiencies and processes that can be expedited or otherwise improved.

1.4.3 Contracting agencies are responsible for ensuring contract compliance throughout the life of all contracts. At a minimum, contract compliance includes:

1.4.3.1 Confirming the receipt of deliverables;

1.4.3.2 Confirming that deliverables meet the quality standards established by the contract;

1.4.3.3 Enforcing contract pricing and budget;

1.4.3.4 Monitoring ongoing compliance with insurance, bonding, contract requirements, and the requirements of any applicable grant or other funding source;

1.4.3.5 Cooperating with agencies charged with monitoring and/or enforcing City requirements and programs.

1.5 General Services has exclusive charter authority to manage and control the purchasing of all supplies, equipment and personal property and services in connection therewith, for the City and County and for all departments, agencies, boards, commissions and authorities thereof, with the exception of City Council. Charter §2.9.3(A).

1.6 The Department of Transportation and Infrastructure has exclusive management and control of the designing, planning, construction, and reconstruction of all general public

improvements, including such remodeling thereof as requires designing or structural changes, for the City and County and for all departments, agencies, boards, commissions, and authorities thereof except the Board of Water Commissioners, the Department of Aviation. The Mayor may assign a specific improvement to another department, agency, board, commission, or authority that shall be governed and controlled by al1 limitations and provisions imposed on the Department of Transportation and Infrastructure. Charter §2.3.3(A).

I.7 The Department of Aviation has the exclusive power to supervise and manage the Denver municipal airport system including all contracts for the construction, reconstruction, or remodeling of airport facilities and other contracts required to supervise, manage and operate the airport system. Charter §2.11.3.

1.8 City Council approves by ordinance or resolution, certain contracts and agreements. Charter §3.2.6.

1.9 The Auditor countersigns and registers contracts executed by the Mayor that are not contrary to law. §5.2.1(D).

1.10 The Clerk and Recorder attests contracts. §8.1.2(C).

1.11 See the Contract Procedures for additional role and responsibility information.

2.0 PROCUREMENT ADVISORY GROUP.

2.1 The Mayor, pursuant to the Authority granted by §2.2. 1 of the Charter, establishes the Procurement Advisory Group.

2.2 The Procurement Advisory Group is charged with periodically reviewing this Executive Order 8, associated memos, policies and procedures as well as other Executive Orders, policies and procedures that impact the procurement and execution of contracts. This Executive Order 8 will be reviewed, in its entirety, at least every five years.

2.3 The Procurement Advisory Group may recommend specific changes to this Executive Order 8 and associated policies and procedures to responsibly expedite the procurement and execution of City contracts.

2.4 The Procurement Advisory Group will be led by the Executive Director of General Services or their designee. The Executive Director of General Services will determine the frequency and cadence of meetings. The Executive Director, or their designee, will convene stakeholders to address process issues or issues that arise on specific contracts. All agencies must cooperate with the Procurement Advisory Group.

2.5 Members of the Procurement Group will include: The Mayor's Chief of Staff, the Manager of Finance, the City Attorney, the Manager of the Department of Transportation and Infrastructure, the Manager of Aviation, the Chief Information Officer and the Manager of Parks and Recreation. These individuals may designate someone within their agency to attend meetings on their behalf. The Executive Director of General Services may invite other interested agencies to attend meetings. At the request of the Executive Director of General Services, Denver Peak will support the Procurement Advisory Group.

3.0 APPLICABILITY.

3.1 Unless excluded below, this Executive Order applies to all contracts, agreements, deeds, and other written instruments and documents, regardless of title, which when executed, will create a legally enforceable obligation or duty of the City, financial or otherwise.

3.2 Excluded agreements. The requirements of this Executive Order do not apply to the following contracts and agreements:

3.2.1 Purchases Orders and Contracts for goods and services incidental to those goods procured by the Department of General Services pursuant to the Charter at §2.9.3(A) & 2.9.4.

3.2.2 Rental agreements, permits, contracts, licenses, easements or other instruments that grant the exclusive use of all or a portion of real property that is, or will be, owned by the City for thirty days or less. Charter §3.2.6(A)(ii).

3.2.3 Agreements related to the City's issuance of bonds and the City's incurrence of other financing obligations, such as loans and certificates of participation.

4.0 PROCUREMENT.

4.1 Competitive Selection Required.

4.1.1 It is the City's policy to award contracts by an open, fair, and competitive process to maintain public trust and ensure that the City gets the best value when expending public funds.

4.1.2 Denver's Charter and Code require that certain contracts be competitively bid or selected; such as, construction contracts and purchases of supplies, equipment, personal property and services in connection therewith. Construction contracts must be awarded by a competitive process regardless of Special Circumstances. Charter §2.3.3(A)(i).

4.1.3 Each contract request must specify whether a competitive selection process was used and must state the method of selection (formal competitive selection with advertisement, infonnal competitive selection, or no competitive process Special Circumstance).

4.2 Formal Competitive Selection.

4.2.1 The City's preference is to award contracts following a formal competitive selection that includes advertisement. In specific cases it may be in the City's best interest to use an informal competitive selection process for contracts of $150,000 or less.

4.3 Informal Competitive Selection.

4.3.1 Unless prohibited by law or agreement, the executive director of an agency may, for contracts of $150,000.00 or less, determine that it is not in the City's best interest to utilize a formal competitive process to select a contractor for a specific contract and that an informal competitive process should be used.

4.3.2 At a minimum, agencies must identify, and make a written request of at least three responsible, likely qualified bidders or proposers and request bids, proposals and/or rates and qualifications in writing.

4.3.3 Agencies must retain documentation of the decision to use an informal competitive selection, their request and responses received according to their retention policies.

4.3.4 Agencies are encouraged to develop written procedures to implement informal competitive selections.

4.4 Special Circumstances.

4.4. 1 While all contracts should be competitively bid or selected, in Special Circumstances, and when not prohibited by law or agreement, contracts may be

awarded without a competitive process. Regardless of Special Circumstances, agencies should award contracts through a competitive process when doing so will not negatively impact the City's interests.

4.4.2 Special Circumstances.

4.4.2.1 Emergency. An unexpected situation which, if it continues to exist, would endanger the health or safety of the public or City employees and insufficient time exists to conduct a competitive process. The term of emergency contracts may not exceed the time reasonably anticipated to be necessary to address the emergency. If the emergency is expected to continue for more than six months, the term must be limited to the time needed to competitively procure a long-term contract.

4.4.2.2 Unusual and Compelling Urgency. Unusual and compelling circumstances that would result in serious financial injury to the City or that would seriously negatively impact important government services or programs if a competitive process were used to award the contract. Contracts based on unusual and compelling urgency should not exceed the duration needed to address the urgent and compelling situation and may not exceed a term of one year.

4.4.2.3 Single Source. Supplies or services indispensable to the City obtainable from only one source.

4.4.2.4 Professional Preference. Supplies, equipment or services required by reason of a preference based on professional advice. A "Professional" is a person who is uniquely knowledgeable and technically qualified in the supply, equipment or service due to an on-going day-to-day familiarity with the supply, equipment or service because of professional qualifications such as a degree or professional certification.

4.4.2.5 Standardization. When the City requires standardized equipment or software only available from a single source.

4.4.2.6 Continuity of Service. When continuity of service is required.

4.4.2.7 Real Property. Acquisition of interests in real property, including temporary interests.

4.4.2.8 No Competition Exists. Situations where competition does not exist, such as membership in professional organizations, attendance at meetings or conventions, or services provided by other governments.

4.4.2.9 $25,000 or Less. Supplies or services that cost $25,000 or less. Agencies may not divide projects or contracts to avoid exceeding this limit.

4.4.3 The applicable manager must determine if Special Circumstances exist and document the basis for their determination in writing. No documentation is required for acquisition or lease of real property or contracts of $25,000 or less.

4.5 Best Value Selection.

4.5.1 When not prohibited by law or agreement, agencies must evaluate whether it is appropriate to award contracts based upon the bid or proposal that represents the best value to the City.

4.5.2 Best value considerations may include predetermined factors that impact the total value to the City in addition to price such as quality, qualifications, experience, technical approach, long-term cost, responsibility, past performance, and history of compliance with City wage requirements.

4.5.3 Personal relationships, individual preference, and political views are not best value considerations.

4.5.4 Agencies may evaluate best value criteria through prequalification, short listing, or a similar process.

4.6 Diversity and Inclusiveness.

4.6.1 Diversity and inclusiveness are essential to the economic success of the City as they foster business growth, lead to innovation, increase the availability of a qualified workforce, enhance the workplace and lead to better outcomes for the residents of Denver. When not prohibited by law, Agencies must implement policies to encourage inclusiveness and diversity in City procurement and contracting.

4.6.2 Executive Order No. 101, dated February 19, 2014, is hereby canceled and superseded by this Executive Order No. 8.

4.7 Sample Language and Agreements.

4.7.1 The City Attorney's Office provides agencies standardized contract forms or language for use in Invitations for Bids, Requests for Proposals, and Requests for Qualifications.

4.7.2 Agencies should include sample contracts in procurement documents and require that proposers and bidders identify any objections or requested changes as part of their bid or proposal. Contracting agencies should discuss objections and requested changes with the City Attorney's Office before selection. After selection, additional changes should only be considered in exceptional cases.

4.7.3 Any changes to standardized contract forms or language must be approved by the City Attorney's Office.

4.7.4 Procuring agencies and the City Attorney's Office should identify situations where agencies can maintain standardized contracts prepared by the City Attorney's Office to include in procurements. Agencies may not make changes to standardized contracts provided by the City Attorney's Office without its prior approval.

4.8 Designation of Manufacturers, Subcontractors, Suppliers, or Equipment.

4.8.1 Agencies should only designate specific manufactures, subcontractors, suppliers, or equipment when necessary to meet a business or operational need. Agency preference, unless supported by a business need, is not a basis for designation.

5.0 CONTRACT TERM.

5.1 Unless a longer term is justified, agencies must limit contract terms to no more than five years to promote competition, manage costs, and allow for the periodic review of performance and pricing.

5.2 Terms of more than five years may be justified in situations, including but not limited to:

5.2.1 When the project or program will take more than five years to complete, and it would be detrimental to the City to reprocure after five years.

5.2.2 Contracts that require that a contractor make significant capital investments;

5.2.3 Concessions agreements;
5.2.4 Where standardization of equipment or continuity of service is required;
5.2.5 Situations where competition does not exist;
5.2.6 Supplies or services provided by other governments;
5.2.7 Where economic factors make it unfavorable to re-bid a contract.

5.3 Justification of Longer Terms.

5.3.1 The applicable manager must justify in writing each request for a contract with a term of more than five years and any amendment to a contract that extends the term of a contract if the term will exceed five years. No term justification is required for amendments that do not extend the term of a contract.

6.0 GRANTS.

6.1 Grants received by the City.

6.1.1 The City receives grants from the Federal and state government and from private organizations. Agreements by which the City receives grants are reviewed, approved, and executed as required by the grant provisions of the Contract Procedures.

6.1.2 Subawards and subcontracts: When the City uses grant funds for services to complete the grant objectives or makes a subaward to further the grant's purpose, the subaward or subcontract must comply with the requirements of the grant.

6.2 Grants made by the City.

6.2.1 City grants provide financial assistance to a non-City entity to carry out an authorized public purpose. The public purpose must be documented in the grant agreement.

6.2.2 Agencies should follow a written process when awarding grants that includes notice to potentially interested grantees, an application, and eligibility and award criteria.

6.2.3 Grants of more than $50,000 are reviewed, approved, and executed in the same manner as other contracts.

6.2.4 Grants of $50,000 or less are mini grants. Mini grants that do not distribute state or federal funds, and that meet other requirements set forth in the Contract Procedures, may use the simplified mini grant process in the Contract Procedures.

7.0 EXECUTION.

7.1 All contracts of the City must be signed by the Mayor (or the acting Mayor) and attested by the City Clerk (or Deputy Clerk), approved as to form by a City Attorney, countersigned by the Manager of Finance (or Acting Finance Signatory), and countersigned by the Auditor (or acting Auditor) (collectively, the "Charter Signatories").

7.2 Before presentation for signature to the Charter Signatories, each contract must be approved by the appropriate manager or their designee. Managers are encouraged to limit the number of agency approvals required.

7.3 The use of an electronic signature process for the City's execution of contracts is preferred.

8.0 CONTRACT MANAGEMENT.

8.1 Work should not start, and services should not be provided until a contract is executed to avoid legal and financial risk.

8.2 Managers must not pennit work to start before contract execution until they have conferred with the City Attorney's Office regarding risks and confirmed that all required insurance is in place and active.

8.3 Contracts should not be revived and amended after they expire. Agencies should allow sufficient time to process amendments before contract expiration. The City Attorney's office may decline requests to revive and amend expired contracts.

9.0 UNSOLICITED PROPOSAL POLICY.

9.1 Agencies that receive unsolicited proposals must follow the Unsolicited Proposal Policy attached to this Executive Order 8 as Memorandum 8C.

10.0 EFFECTIVE DATE.

10.1 This revised X08 must be effective on execution and apply to agreements, as defined in Section 3 above, executed on or after January 1, 2026.

EXECUTIVE ORDER 8 IS APPROVED:

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MicniKo.(MiKo1 Ando Brown
Acting City Attorney

Signed by:
Michael Johnston
Michael Johnston
Mayor

arm.Mcuowen
Executive Director
Department of Public Health and Environment

Signed by:
Adrma Ut bson
Executive Director
General Services

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Executive Director
Department of Parks and Recreation

Signed by
Amy Ford
Executive Director
Department of Transportation and Infrastructure

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Chief Executive Officer
Denver International Airport

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Acting Director
Community Planning and Development

Executive Director
Public Safety

Executive Director
Denver Human Services

Executive Director
Agency of Human Rights and Community Partnerships

Memorandums A and B - Reserved.

Memorandum C Unsolicited Proposal Policy (Attached).