

EXECUTIVE SUMMARY – Visible Services LLC

Background:

In 2019 Denver Arts & Venues (DAV) issued an RFP for a cellular service sponsor at Red Rocks Amphitheatre (Red Rocks). Cellco Partnership d/b/a Visible Service LLC (Visible) was awarded a three-year contract THTRS-201953078, from 5/1/2020 – 4/3/2022 (plus a one-year extension option). Due to the ongoing COVID-19 pandemic, both DAV and the Contractor seek to adjust the contract to reflect mass gathering limitations that affected Sponsor benefits during 2020.

Pursuant to the contract, the Sponsor is entitled to certain rights and benefits at Red Rocks including, but not limited to, signage, an on-site presence, branded social media promotion and digital advertising. In return the Sponsor pays DAV fees in each of the contract years totaling \$1,077,421 (if the option to extend is exercised).

Current Request:

DAV is seeking City Council approval to amend the sponsorship contract with Visible, to reflect current circumstances related to the COVID-19 pandemic.

- For much of 2020, performance venues have been closed and/or nearly vacant to ensure safety of patrons and staff pursuant to public health orders and social distancing mandates.
- The viability of both the Sponsors' and DAV's performance of the contract depends upon ticket sales for events occurring at Red Rocks that are close to or at full capacity.
- The amendment does not result in additional costs for the City.
- It is uncertain on what date performance venues in Denver will be able to resume normal activity levels.
- The ability to resume normal levels of activity Red Rocks rests on factors outside of the City's or Contractor's control.
- In consideration of the 2020 concert season, the amendment seeks to extend the contract by one year (and retain the existing option to further extend the agreement by one year).
- Additionally, the final sponsorship payment would be due from the Sponsor to DAV on 8/1/2023 instead of 8/1/2022 (provided the option to extend is exercised).
- In consideration of uncertainty related to mass gatherings during part or all of 2021, the amendment shall retain the existing option to extend the contract by one year