

ORDINANCE/RESOLUTION REQUEST

All Fields must be completed

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: 11/19/2018

Please mark one: **Bill Request** or **Resolution Request**

1. Type of Request:

- Contract/Grant Agreement** **Intergovernmental Agreement (IGA)** **Rezoning/Text Amendment**
 Dedication/Vacation **Appropriation/Supplemental** **DRMC Change**
 Other:

2. Title: Amends HTC Restaurant, HTC Convenience, Concourse B and Concourse C, Contract Number 201523998-01 for MCE-DIA, LLC., to remove all obligations and rights for Simrae Solutions, LLC.

3. Requesting Agency: Denver International Airport (DEN)

4. Contact Person:

| | |
|---|---|
| Contact person with knowledge of proposed ordinance/resolution | Contact person to present item at Mayor-Council and Council |
| Name: Patrick Heck | Name: Angela Casias |
| Email: Patrick.Heck@flydenver.com | Email: Angela.Casias@flydenver.com |

5. General description or background of proposed request. Attach executive summary if more space needed:

The City and County of Denver, has entered into a Standard Food and Beverage Concession Agreement with MCE-DIA, LLC., for the operation of four (4) concession locations at the Denver International Airport (DEN). In accordance with the amended operating agreement for MCE-DIA, LLC., and as required by the City's Department of Excise and Licensing, the City seeks to amend the original agreement to extinguish the rights and obligations that were in effect under the old agreement for Simrae Solutions, LLC., an Airport Concessions Disadvantaged Business Enterprises (ACDBE) partner of MCE-DIA, LLC, and guarantor under the agreement from any and all obligations under the Agreement.

- a. **Contract Control Number:** 201523998-01
- b. **Duration:** 10 years from Package Completion Date
- c. **Location:** DEN
- d. **Affected Council District:** 11
- e. **Benefits:** The benefits of the Concession program are to provide a continuous innovative, first class retail and dining services at a fair price to all passengers and airport users that meet the needs of the customer and complement the design of the terminal, provide business opportunities for Airport Concession Disadvantaged Business Enterprises (ACDBE), and optimize Airport revenues and concession sales.
- f. **Costs:** \$1,960,000.00 Minimum Annual Privilege Fee (MAPF) in estimated annual revenue to DEN

6. City Attorney assigned to this request (if applicable): George Hypolite

7. City Council District: District 11

8. **For all contracts, fill out and submit accompanying Key Contract Terms worksheet**

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: RR18 1394

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property): Revenue Concession Agreement

Vendor/Contractor Name: MCE-DIA, LLC

Contract control number: 201523998-01

Location: Denver International Airport (DEN)

Is this a new contract? Yes No **Is this an Amendment?** Yes No **If yes, how many?** 1

Contract Term/Duration (for amended contracts, include existing term dates and amended dates): 10 years from Package Completion Date

Contract Amount (indicate existing amount, amended amount and new contract total):

| <i>Current Contract Amount</i> | <i>Additional Funds</i> | <i>Total Contract Amount</i> |
|--------------------------------|-------------------------|------------------------------|
| (A) | (B) | (A+B) |
| \$1,960,000.00 MAPF | N/A | \$1,960,000.00 MAPF |

| <i>Current Contract Term</i> | <i>Added Time</i> | <i>New Ending Date</i> |
|---------------------------------------|-------------------|---------------------------------------|
| 10 years from Package Completion Date | N/A | 10 years from Package Completion Date |

Scope of work: This Amendment will extinguish the rights and obligations that were in effect under the old agreement for Simrae Solutions, LLC., an ACDBE partner of MCE-DIA, LLC., and guarantor under the agreement from any and all obligations under the Agreement. Thereafter, Midfield Concessions Enterprises, Inc. and Pangea Concessions Group, LLC., will be solely responsible for the obligations of MCE-DIA, LLC., under the original agreement. Midfield Concessions Enterprises, Inc., is a 100% ACDBE, and therefore this change will not reduce the ACDBE participation under the agreement. The City’s Department of Excise and Licensing has requested this change to the agreement for liquor license compliance purposes.

Was this contractor selected by competitive process? No. **If not, why not?** This is a non-competitive amendment to existing agreement which was procured through a competitive Request for Proposal (RFP).

Has this contractor provided these services to the City before? Yes No

Source of funds: Revenue

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): This contract requires construction to be performed on City Property. The DEN Tenant Project Manager will present the construction contract to DSBO Goals Committee when the scope of work for the build-out/remodel of the space has been established.

The Division of Small Business Opportunity (DSBO) has for Revenue Concessions, established a 25% level of ACDBE goal type participation in 2015. 90% (Midfield Concession Enterprises, Inc., is 100% ACDBE) 10% (Pangea Concessions Group, LLC).

Who are the subcontractors to this contract? The DEN Tenant Project Manager will work with DSBO to ensure that any construction performed meets with DSBO commitments. Who are the subcontractors to this contract? MCE-DIA, LLC., will ensure that they meet the 25% MWBE goal.

To be completed by Mayor’s Legislative Team:

Resolution/Bill Number: RR18 1394

Date Entered: _____