

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at MileHighOrdinance@DenverGov.org by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: September 4, 2025

Please mark one: ☐ Bill Request or ☒ Resolution Request

Please mark one: The request directly impacts developments, projects, contracts, resolutions, or bills that involve property and impact within .5 miles of the South Platte River from Denver's northern to southern boundary? (Check map [HERE](#))

☐ Yes ☒ No

1. Type of Request:

☒ Contract/Grant Agreement ☐ Intergovernmental Agreement (IGA) ☐ Rezoning/Text Amendment

☐ Dedication/Vacation ☐ Appropriation/Supplemental ☐ DRMC Change

☐ Other:

2. **Title:** Amends a concession agreement with WH Smith DEN, LLC d/b/a Market 5280 to add two years for a new end date of 1-17-2033, due to increased costs to design and build a concession at Denver International Airport. No change to agreement amount, in Council District 11 (PLANE-202055583/PLANE-202579213-01).

3. **Requesting Agency:** Department of Aviation

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Pamela Dechant, SVP Concessions	Name: Kevin Forgett, State and Local Legislative Advisor
Email: Pamela.Dechant@flydenver.com	Email: Kevin.Forgett@flydenver.com

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

This request is for an amendment between WH Smith DEN, LLC and Denver International Airport (DEN) to right size this contract based on the increased cost of designing and building a Concession at DEN. This amendment will help the concessionaire amortize their investment by accounting for the increased capital costs incurred between the time they submitted their proposal and the time they began designing and constructing the concession

No funding or capital investment will be provided by DEN, as the space was turned over as-is. This project supports Vision 100's goal of "Growing Our Infrastructure" by adding new concession opportunities to meet future passenger demands, which will enhance the customer experience and increase non-aeronautical revenue.

6. **City Attorney assigned to this request (if applicable):** Cora Weatherford

7. **City Council 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: _____

Date Entered: _____

Key Contract Terms

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

Vendor/Contractor Name (including any dba's): WH Smith DEN, LLC d/b/a Market 5280

Contract control number (legacy and new): Legacy: 202055583-01; Amendment: PLANE-202579213-01

Location: Denver International Airport

Is this a new contract? ☐ Yes ☒ No **Is this an Amendment?** ☒ Yes ☐ No **If yes, how many?** _01_

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Current Term: 7 years

Amended Term: 9 years

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

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
\$663,000.00 Minimal Annual Guarantee (MAG) or percentage fee of 26% of Gross Revenue.	N/A	\$663,000.00 Minimal Annual Guarantee (MAG) or percentage fee of 26% of Gross Revenue.

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
7 years	2 years	9 years

Scope of work:

To amend the current lease of WH Smith DEN LLC d/b/a Market 5280 on Concourse A West Subcore 3 by two (2) years due to the rising cost to design and build a concession at DEN. In addition to the contract extension, DEN and the Concessionaire have agreed to update the: Key Dates, Business License Address identifier, Square Footage and Space Exhibit A, Insurance Requirements Exhibit E, EcoPass Program RTD Exhibit, General Civil Rights Provisions Appendix B, American Disabilities Act (ADA), Certified Annual Statement (CAS) Requirement, and Minority Women Owned Business Enterprise (MWBE) Provisions in the contract. These provisions are to bring the contracts into standards with the current concessions contract and to ensure that our concession spaces remain regulatory compliant.

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

Source of funds: Revenue

Is this contract subject to: ☒ W/MBE ☐ DBE ☐ SBEC ☐ XO101 ☒ ACDBE ☐ N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

30% ACDBE / 25% M/WBE

Who are the subcontractors to this contract? WH Smith DEN LLC will be partnering with Innovation Retail Group, LLC – 20% and M2 Concepts, LLC – 10% participation to meet the ACDBE goal. M/WBE firm(s) will be selected by the concessionaire's selected General Contractor, after the execution of the concession agreement and the construction contract. The M/WBE firm(s) are reviewed and approved by DSBO prior to DEN's issuance of Notice to Proceed with construction for the concession location. A Notice to Proceed is provided by DEN to the concessionaire after all applicable documents, such as Bonds, Insurance, Permits, and DSBO approval, have been provided by the concessionaire, and their selected general contractor to begin construction of the concession location.

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____