

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2013

COUNCIL BILL NO. CB13-0249  
COMMITTEE OF REFERENCE:  
BUSINESS, WORKFORCE, & SUSTAINABILITY

**A BILL**

**For an ordinance approving an Amendment to Agreement between the City and County of Denver and Transportation Security Administration (TSA) for the checked baggage inspection system at Denver International Airport.**

**BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

**Section 1.** The proposed Agreement between the City and County of Denver and Transportation Security Administration (TSA) in the words and figures contained and set forth in that form of Agreement available in the office and on the web page of City Council, and to be filed in the office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, under City Clerk's Filing No. 2012-0119-A, is hereby approved.

COMMITTEE APPROVAL DATE: April 18, 2013

MAYOR-COUNCIL DATE: April 23, 2013

PASSED BY THE COUNCIL: \_\_\_\_\_, 2013

\_\_\_\_\_ - PRESIDENT

APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2013

ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2013; \_\_\_\_\_, 2013

PREPARED BY: John M Redmond, Assistant City Attorney  DATE: April 25, 2013

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Douglas J. Friednash, City Attorney for the City and County of Denver

BY: \_\_\_\_\_, Assistant City Attorney      DATE: April 25, 2013

2. AMENDMENT/MODIFICATION NO. P0001	3. EFFECTIVE DATE See Item 16C	4. REQUISITION/PURCHASE REQ. NO. 2113203CT4067	5. PROJECT NO. (If applicable)
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6. ISSUED BY Transportation Security Administration Office of Acquisition 601 South 12 <sup>th</sup> Street Arlington, VA 20598-6025	7. ADMINISTERED BY (If other than Item 6)
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8. NAME AND ADDRESS OF CONTRACTOR (No. Street, county, State and ZIP: Code) The City and County of Denver Attn: Woods Allee Denver International Airport 8500 Pena Boulevard, Suite 7830 Denver, Colorado 80249 DUNS: 840544881 CAGE: 300B7 CODE	9A. AMENDMENT OF SOLICITATION NO.
	9B. DATED (SEE ITEM 11)
	10A. MODIFICATION OF CONTRACT/ORDER NO. X HSTS04-12-H-CT1014
	10B. DATED 3/26/2012

**11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS**

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers  is extended,  is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:  
 (a) By completing Items 8 and 15, and returning one (1) copy of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATA SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and data specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)  
 5AV123B010D2013SWE044GE013723006200622CTO/5903001406040000/251B/TSA DIRECT/DEF. TASK \$0.00

**13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**


(4)	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO. (Specify authority)	THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).	
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:	
	D. OTHER (Specify type of modification and authority)	
<b>X</b>	<b>Article XIII – Changes and/or Modifications</b>	

E. IMPORTANT: Contractor \_\_\_ is not, **X** is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation contract subject matter where feasible.)

In accordance with Article XIII, the purpose of this modification is to: 1) modify Article III - Scope, 2) modify Article V – Project Responsibilities, 3) modify Article VI - Effective Date and Term, 4) update Article VIII - Authorized Representatives, and 5) update Payment Information in Article X.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Kerry Toscano Contracting Officer		
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED 4/16/2013
_____ (Signature of person authorized to sign)		BY  (Signature of Contracting Officer)	

## FIRST AMENDMENTARY AGREEMENT

**THIS FIRST AMENDMENTARY AGREEMENT**, is entered into as of the date indicated on the signature page below by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado ("the City"), Party of the First Part, and **DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION ("TSA")**, Party of the Second Part;

### WITNESSETH:

**WHEREAS**, the parties hereto entered an Agreement dated March 26, 2012, for cost sharing of security upgrades to the baggage systems at Denver International Airport (the "Existing Agreement"); and

**WHEREAS**, the parties now desire to amend the Existing Agreement to modify certain terms thereof and to amend the Term of the Agreement; and

**NOW THEREFORE**, for and in consideration of the premises and other good and valuable consideration, the parties hereto agree as follows:

The purpose of Modification P00001 to Agreement HSTS04-12-H-CT1014 is to modify the following articles:

#### **1. Article III – Purpose and Scope –**

**A. Article III- Purpose and Scope is deleted in its entirety and replaced with the following:**

##### **Objectives**

The purpose of this Agreement is to set forth the terms and conditions, as well as establish the respective cost-sharing obligations of the TSA and the CITY with respect to the design, engineering, and construction related services to consolidate and upgrade the Checked Baggage Resolution Areas (CBRAs) located in the Denver International Airport Modules 1E, 1W, 2E, 2W, 3E, 3W and FIS (Project). The CITY shall consolidate and upgrade the TSA CBRAs in accordance with the design submitted by the CITY and reviewed by TSA pursuant to the TSA

Planning Design Guidelines and Design Standards (PGDS) Version 4.1 found at:  
<http://www.tsa.gov/research-center/airport-checked-baggage-guidance-materials>

This Project undertaken by the CITY involves the modification to or construction of the Airport terminal building infrastructure to upgrade the TSA in-line Checked Baggage Inspection System (CBIS). Terminal modifications include required changes to baggage conveyor components, mechanical, plumbing, electrical, structural, and telecommunications infrastructure to provide for the installation within the baggage screening area, Explosive Trace Detection (ETD) equipment in the CBRAs, and the installation of the applicable CBIS hardware and software for use with a checked baggage in-line baggage screening system. The objective of the Project is to enhance Airport security and baggage screening capabilities and throughput.

#### **2. Article V – Project Responsibilities –**

**A. The following item is incorporated into Section A – TSA Responsibilities of Article V:**

12. Review the construction project costs at the 30% and 100% design phases for the CBIS Installation based on recommendations and guidelines in the TSA PGDS.

**B. The following item is incorporated into Section B – CITY/Airport Responsibilities of Article V:**

**11. The CITY must receive concurrence from TSA at each stage of the design review in order to proceed to the next design review stage.**

**3. Article VI - Effective Date and Term**

**A. In Article VI, the first paragraph is deleted and replaced with the following:**

The period of performance for this Agreement is effective on March 26, 2012 and ends on December 31, 2013 unless earlier terminated by the parties pursuant to Article XV "Termination" as provided herein or extended by mutual written agreement pursuant to Article XIII "Changes and/or Modifications." The period of performance allows the City & County time to submit a final invoice, close out the Design Project, and address any other issues.

**4. Article VIII - Authorized Representatives -**

**A. The Contracting Officer is hereby deleted and replaced with the following:**

Contracting Officer:  
Kerry Toscano  
Transportation Security Administration  
701 South 12th Street  
Arlington, VA 20598-6025  
E-mail: kerry.toscano@dhs.gov  
Phone: 571-227-4932

**5. Article X – Payment**

The last section of Article X beginning with "The Summary Invoice and supporting documentation..." is deleted in its entirety and replaced with the following:  
The Summary Invoice and supporting documentation must be submitted via e-mail and either via CD or paper copy to the below addresses. The final closeout invoice should include proof that all required deliverables have been provided.

Khalid Haider  
Mail Stop TSA TSIF- #32  
Transportation Security Administration  
1 Post Office Way  
Washington, D.C. 20528-6032  
Email: OSTCBD@tsa.dhs.gov

Mr. Henry Edquist  
Faithful & Gould  
1725 Duke Street, Suite #200  
Alexandria, VA 22314  
Phone: 571-403-8777  
Email: henry.edquist@fgould.com

**6. This modification is issued at no additional cost to the Government. All other terms and conditions remain unchanged.**

**7. This First Amendatory Agreement shall not be effective or binding on the City until fully executed by all signatories of the City and County of Denver.**

**[END OF PAGE]**

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at Denver, Colorado as of the day on the City's signature page..

ATTEST:

CITY AND COUNTY OF DENVER

\_\_\_\_\_  
DEBRA JOHNSON, Clerk and Recorder, Ex-officio Clerk of the City and County of Denver

By \_\_\_\_\_  
Mayor

RECOMMENDED AND APPROVED:

APPROVED AS TO FORM:

By  \_\_\_\_\_  
Manager of Aviation

DOUGLAS J. FRIEDNASH,  
City Attorney for the  
City and County of Denver

REGISTERED AND COUNTERSIGNED:

By \_\_\_\_\_  
Assistant City Attorney

By \_\_\_\_\_  
Manager of Finance

Contract Control No. 201204840-01

By \_\_\_\_\_  
Auditor

"CITY"

PARTY OF THE FIRST PART

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

"U. S. DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION"

PARTY OF THE SECOND PART

**Contract Control Number:** PLANE-201204840-01

**Grantor Name:** TSA

**By:** 

**Name:** Keevy Toscano  
(please print)

**Title:** Contracting Officer  
(please print)

**ATTEST: [if required]**

**By:** \_\_\_\_\_

**Name:** \_\_\_\_\_  
(please print)

**Title:** \_\_\_\_\_  
(please print)

