

# ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@DenverGov.org) by **3:00pm on Monday**. Contact the Mayor's Legislative team with questions

Date of Request: 1/20/2021

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: (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Amends contract CE93003 with SMG for *facility management services* at the Colorado Conventions Center (CCC) to: add language addressing impacts on contractor's performance due to the COVID-19 pandemic; control costs until normal activity levels resume; memorialize the parties' mutual agreement not to terminate the contract due to the Covid-19 pandemic; add language addressing the payment of city minimum wage; and modify minimum, guaranteed, incentive and other negotiated fees, payments and credits.

## 3. Requesting Agency: Arts & Venues

## 4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Ginger White, Frank Delmonte	Name: Ginger White, Frank Delmonte
Email: <a href="mailto:Ginger.White@denvergov.org">Ginger.White@denvergov.org</a> ; <a href="mailto:Frank.Delmonte@denvergov.org">Frank.Delmonte@denvergov.org</a>	Email: <a href="mailto:Ginger.White@denvergov.org">Ginger.White@denvergov.org</a> ; <a href="mailto:Frank.Delmonte@denvergov.org">Frank.Delmonte@denvergov.org</a>

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

SMG was contracted in 2008 to perform facility management services at the CCC, including but not limited to booking, facility maintenance, customer relations and service, advertising, invoicing, approved facility improvements and coordinating with the city and other city representatives. Due to the COVID-19 pandemic and State and local public health orders, neither the agency nor Contractor were able to engage in normal activity during 2020, nor will they be able to do so for part of 2021. This amendment seeks to amend the management contract by modifying certain requirements and guaranteed and other negotiated payments for the 2020 and 2021 calendar years. SMG has agreed to waive its right to incentive compensation for 2020 and 2021 incentives have been modified to reflect on-going conditions. The amendment additionally controls costs until normal conditions resume; clarifies existing force majeure language to ensure Contractor shall not seek to terminate the contract due to Covid-19 impacts, and adds a requirement that contractor pay the city minimum wage for work performed.

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

Franklin Romines

## 7. City Council District:

District 9

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

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: RR21 0166

Date Entered: \_\_\_\_\_

## Key Contract Terms

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

**Vendor/Contractor Name:** SMG

**Contract control number:** CE93003

**Location:** CCC

**Is this a new contract?**  Yes  No **Is this an Amendment?**  Yes  No **If yes, how many?** 3

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

**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)
\$39,965,575.61	\$0	\$39,965,575.61

  

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
1/1/2009 – 12/31/2023	N/A	N/A

**Scope of work:** Facility management services at the CCC, including but not limited to: booking, facility maintenance, customer relations and service, advertising, invoicing, approved facility improvements and coordinating with the city and other city representatives.

**Was this contractor selected by competitive process?** Yes, RFP

**If not, why not?**

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

**Source of funds:** CCC special revenue operating fund and capital fund.

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

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

**Who are the subcontractors to this contract?** N/A

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