

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by **3:00pm on Monday**.

****All fields must be completed.****
Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: 2/3/2014

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. **Title:** *McDonald's USA, LLC d/b/a McDonald's (PLANE-201311268) – New Standard Food Court Concession Space Agreement*

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

4. **Contact Person:** *(With actual knowledge of proposed ordinance/resolution.)*

- **Name:** Amy Raaz
- **Phone:** (303) 342-2201
- **Email:** Amy.Raaz@flydenver.com

5. **Contact Person:** *(With actual knowledge of proposed ordinance/resolution who will present the item at Mayor Council and who will be available for first and second reading, if necessary.)*

- **Name:** John Ackerman
- **Phone:** (303) 342-2568
- **Email:** John.Ackerman@flydenver.com

6. **General description of proposed ordinance including contract scope of work if applicable:** This Concession Agreement comes within the special circumstances described in Executive Order 8B. Contracts that require a concessionaire to make significant capital investment to meet the City's needs, like some concession agreements. The agreement contains an annual MAG of \$734,039.00 or a percentage of compensation of 14%, whichever is greater. It will require a \$391,815.00 capital investment and a mid-term refurbishment of \$78,363.00. The term is 7 years in order for the concessionaire to amortize the investment. McDonald's USA achieved their 40% ACDBE goal through best efforts with vendor suppliers at 1.27% participation.

DIA collaborated with many of its concessionaire partners to develop and implement the Premium Value Concessions program (PVC). The program established an internal competition to recognize the top performing concessions. These top performers are awarded the Program Benefit which is the opportunity to bypass the competitive Request for Proposal (RFP) process and begin lease negotiations with the airport. For those concessions not earning the Program Benefit, DIA will RFP and competitively bid those concession locations.

*****Please complete the following fields:*** *(Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)*

- a. **Contract Control Number:** PLANE-201311268
- b. **Duration:** 7 Years
- c. **Location:** DIA
- d. **Affected Council District:** 11
- e. **Benefits:** DIA worked with its concessionaires to design the Premium Value Concession Program (PVCP). The program is a competitive, merit-based program that rewards excellence resulting in better customer service and higher revenue to DIA. Concessionaires who are in the top third of their defined categories obtain the opportunity to execute a new agreement at the end of their current one and are not required to go through an RFP process (the "Benefit"). McDonald's USA has been determined to receive the Benefit of a new concession agreement during Phase 1 of PVCP.

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SIRE Tracking Number: _____

Date: _____

f. Costs:

<i>Current Contract Amount (A)</i>	<i>Additional Funds (B)</i>	<i>Total Contract Amount (A+B)</i>
\$734,039.00 Annual MAG		\$734,039.00 Annual MAG
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
7 Years		7 Years

g. Date Goals Assigned: 11/28/2012

h. Goals: 40% ACDBE / 1.27% Participation

7. Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) Please explain.

None

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Key Contract Terms

Vendor/Contractor Name: McDonald's USA, LLC d/b/a McDonald's

Contract control number: PLANE-201311268

City's contract manager: John Ackerman

Was this contractor selected by competitive process? Was it the low bid? Yes / No

Term/Duration of contract/project: 7 Year Concession Agreement

Renewal terms: None

Purpose: This concession agreement grants concessionaire the right to use the facilities at DIA to provide the traveling public and employees of the airport with food, retail, or services. This is a revenue contract.

Scope of services to be provided with performance bench marks: None

Cost/value: \$734,039.00 Annual MAG or percentage compensation, whichever is greater

Source of funds: Revenue Agreement

Benefit: Provides concession services to the traveling public and employees at DIA.

Termination provision for City and for contractor: No

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): 40% ACDBE Goal

Who are the subcontractors to this contract? McDonald's USA minority participation is 1.27% through vendor participation.

Location: DIA

Affected Council District: District 11

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