

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: 3/24/2015

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:** *Ben & Jerry's & Caribou Coffee Eleventh Amendment* between the City and County of Denver and F&B CONCESSIONS, LLC d/b/a Ben & Jerry's & Caribou Coffee (AC 38011).

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

4. **Contact Person:**

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

5. **Contact Person:** Neil Maxfield, Senior Vice President of Concessions

- **Name:** Eric Hiraga, Chief of Staff
- **Phone:** (303) 342-2206
- **Email:** Eric.Hiraga@flydenver.com

6. **General description of proposed ordinance including contract scope of work if applicable:**

Amending the holding over provision to clarify that the compensation will not increase after the Original Agreement expires. Updated provision is needed if the City asks Concessionaire to hold over to avoid interruption of services to the traveling public, pending Phase III PVC Program determination of eligibility and any ensuing competitive solicitation or new contract execution process.

a. **Contract Control Number:** AC 38011 (11)

b. **Duration:** 20 years, 1 month

c. **Location:** DIA

d. **Affected Council District:** 11

e. **Benefits:** Continued services at the Denver International Airport's Concourse-A gates area.

f. **Costs:**

<i>Current Contract Amount</i> <i>(A)</i>	<i>Additional Funds</i> <i>(B)</i>	<i>Total Contract Amount</i> <i>(A+B)</i>
Greater of \$70,512 MAG or percentage compensation of 13% on food & beverage	\$0.00	Greater of \$70,512 MAG or percentage compensation of 13% on food & beverage

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
2/28/1995 to 3/31/2015 20 years, 1 month	None	3/31/2015

g. **Date Goals Assigned:** 9/11/2014

h. **Goals:** ACDBE 33%; Construction M/WBE 30%

7. **Is there any controversy surrounding this ordinance? No. Please explain.**

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date: _____

Key Contract Terms

Vendor/Contractor Name: F&B CONCESSIONS, LLC d/b/a Ben & Jerry's & Caribou Coffee

Contract control number: AC 38011 (11)

City's contract manager: Irina Tenenbaum

Was this contractor selected by competitive process? Was it the low bid? Initially selected by a competitive process (revenue contract –low bid N/A); currently, a non-competitive Amendment.

Term/Duration of contract/project: 20 Years, 1 month

Renewal terms: N/A

Purpose: Sixth Amendment to contract number AC 38011 with F&B CONCESSIONS, LLC d/b/a Ben & Jerry's & Caribou Coffee updates the holding over provision to change the rent structure to 100% of final rent when holding over with permission of the Aviation's Chief Executive Officer.

Scope of services to be provided with performance bench marks: Operation of a high-quality Food and Beverage concession at DIA.

Cost/value: Future value is to be determined at greater of \$70,512 MAG or percentage compensation of 13% on food and beverage.

Source of funds: N/A

Benefit: Amendment will allow for continue uninterrupted food and beverage services pending Phase III PVC Program determination of eligibility and any ensuing competitive solicitation or new contract execution process.

Termination provision for City and for contractor: City retains the right to terminate per existing concession agreement (Section 9.02 Remedies).

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): N/A
Who are the subcontractors to this contract? N/A

Location: Denver International Airport's Concourse-A, Center Core, Concourse Level

Affected Council District: 11

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date: _____