

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: 1/31/2017

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: Denver International Airport requests a Sixth Amendment to Concessions International Panda Express, JV d/b/a Panda Express #AC 38008

3. Requesting Agency: Department of Aviation

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

- **Name:** Aaron Barraza
- **Phone:** (303) 342-2261
- **Email:** Aaron.Barraza@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:** Neil A. Maxfield
- **Phone:** (303) 342-2574
- **Email:** Neil.Maxfield@flydenver.com

6. General description of proposed ordinance including contract scope of work if applicable: This Sixth Amendment to existing Concession Agreement with Concessions International Panda Express, JV d/b/a Panda Express changes the Holdover Language to allow the Manager, at her sole discretion, to waive additional rent and allow the concessionaire to holdover at 100% the rental rate.

The Concession Agreement amendments change the Premium Value Concessions program provision regarding Merchandise Categories. The categories are being changed due to expanded permitted uses; cessation of category; or to correct error in original categorization. The Merchandise Categories set up peer groups such that competition(s) exist within similar types of businesses.

The Premium Value Concessions (PVC) program is designed to provide an objective method of evaluating Concessions to determine which Concessions are top performers in their merchandise category and therefore eligible to receive the Program benefit. Three criteria categories are delineated in the PVC program: (i) Operations (ii) Financial (iii) Customer Service. The Program Benefit provides the successful concessionaire the opportunity to enter into direct negotiations with the Airport for a new concession agreement.

- a. Contract Control Number:** AC 38008-06
- b. Duration:** 23 years
- c. Location:** DEN
- d. Affected Council District:** 11
- e. Benefits:** Amendment changes the Premium Value Concessions (“PVC”) Minor Merchandise Category from Food Court to Quick Serve, as well as it allows the Manager, at her sole discretion, to waive additional rent and allow the concessionaire to holdover at 100% the rental rate.
- f. Costs:**

<i>Current Contract Amount</i>	<i>Additional Funds</i>	<i>Total Contract Amount</i>
(A)	(B)	(A+B)
\$80,256/yr.	N/A	\$80,256/yr.

To be completed by Mayor’s Legislative Team:

SIRE Tracking Number: _____

Date: _____

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
5/19/1993 – 6/30/2016	N/A	No change

g. Date Goals Assigned: N/A

h. Goals: N/A

7. Is there any controversy surrounding this ordinance? (*Groups or individuals who may have concerns about it?*) **Please explain.** None are known.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date: _____

Key Contract Terms

Type of Contract:

Professional Services > \$500K Lease Design or Construction for airport improvements > \$5M

Grant IGA Sale of Real Property Sale of Personal Property

Vendor/Contractor Name: Concessions International Panda Express, JV d/b/a Panda Express

Contract control number: AC 38008-06

City's contract manager: Linda Nedved

Was this contractor selected by competitive process? N/A – amendment to existing agreement

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

Term/Duration of contract/project: 23 years

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? 6

Renewal terms: N/A

Purpose: Amendment which changes the participant's PVC program Minor Merchandise Category to Quick Serve. Amendment which changes the Holdover language to allow the Manager to waive additional rent and allow the concessionaire to holdover at 100% the rental rate.

Cost/value: No change in compensation/revenue requirements

Source of funds: Revenue Agreement

Benefit: Amendment allows the PVC Category to be accurately reflected per the terms and provisions of the program rules. Amendment which changes the Holdover language to allow the Manager to waive additional rent and allow the concessionaire to holdover at 100% the rental rate.

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

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

Who are the subcontractors to this contract? This amendment continues the same construction obligations set forth in the Concession Agreement revising the minimum obligation requirement as to its scope of work. The DEN Tenant Project Manager will work with DSBO to ensure that any construction performed meets with the DSBO commitments.

Location: DEN

Affected Council District: 11

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date: _____