

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: 3/7/2018

Please mark one: [] Bill Request or [x] Resolution Request

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

[] Yes [x] No

If yes, please explain:

2. Title: Smokin' Bear, LLC – holdover – Amend 5 (Contract No. AC 43012)

3. Requesting Agency: Department of Aviation

4. Contact Person:

- Name: Rachel Marion
Phone: (303) 342-2772
Email: Rachel.Marion@flydenver.com

5. Contact Person:

- Name: Pamela Dechant
Phone: (303) 342-2557
Email: Pamela.Dechant@flydenver.com

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

Fifth Amendment to the Agreement with Smokin' Bear, LLC d/b/a Timberline Steakhouse/Einstein's Bagels revises existing holdover language to allow CEO, Department of Aviation, at her sole discretion, 1) to waive additional rent equal to 200% of month rent provided for in Section 4.03 of the Agreement and allow Concessionaire to holdover at 100% the rental rate, 2) Establish a new Compensation rate for the remainder of the term, 3) and revise the Permitted Uses for the Concession Space.

- a. Contract Control Number: AC 43012
b. Duration: 13 years and 3 months
c. Location: DEN
d. Affected Council District: 11
e. Benefits: The benefits of the Concession are to provide continuous innovative, first class retail and dining services at a fair price to all passengers and airport users that meet the needs of the customer and complement the design of the terminal, provide business opportunities for Airport Concession Disadvantaged Business Enterprises (ACDBE's), and optimize Airport revenues and concession sales.
f. Costs: \$1,200,000.00 minimum annual privilege fee in estimated annual revenue to DEN

Table with 3 columns: Current Contract Amount (A), Additional Funds (B), Total Contract Amount (A+B). Values: \$2,121,028.76/yr., \$(-921,028.70), \$1,200,000.00/yr.

Table with 3 columns: Current Contract Term, Added Time, New Ending Date. Values: 13 years 3 months, N/A, 13 years 3 months

- g. Date Goals Assigned: N/A, No ACDBE goals was assigned for Agreement.
h. Goals: N/A, No ACDBE goals was assigned for Agreement.

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

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 Revenue

Vendor/Contractor Name: Smokin' Bear, LLC

Contract control number: AC 43012

City's contract manager: Rick Neel

Was this contractor selected by competitive process? No.

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

Term/Duration of contract/project: 13 years 3 months

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? 5th

Renewal terms: N/A

Purpose: Fifth Amendment to the Agreement with Smokin' Bear, LLC d/b/a Timberline Steakhouse/Einstein's Bagels revises existing holdover language to allow CEO, Department of Aviation, at her sole discretion, 1) to waive additional rent equal to 200% of month rent provided for in Section 4.03 of the Agreement and allow Concessionaire to holdover at 100% the rental rate, 2) Establish a new Compensation rate for the remainder of the term, 3) and revise the Permitted Uses for the Concession Space.

Source of funds: Revenue/Concession Agreement

Benefit: The benefits of the Concession are to provide continuous innovative, first class dining and retail services at a fair price to all passengers and airport users that meet the needs of the customer and complement the design of the terminal, provide business opportunities for Airport Concession Disadvantaged Business Enterprises (ACDBE's), and optimize Airport revenues and concession sales.

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

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): This contract does not require any construction to be performed on City Property. The DIA Tenant Project Manager will work with DSBO to ensure that no construction is performed on this space. No ACDBE goals was assigned for Agreement.

Location: DEN

Affected Council District: 11

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date: _____