

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by **9 a.m. Friday**. Contact the Mayor's Legislative team with questions

Date of Request: October 02, 2024

Please mark one: Bill Request or Resolution Request

Please mark one: The request directly impacts developments, projects, contracts, resolutions, or bills that involve property and impact within .5 miles of the South Platte River from Denver's northern to southern boundary? (Check map [HERE](#))

Yes No

1. Type of Request:

Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment

Dedication/Vacation Appropriation/Supplemental DRMC Change

Other:

2. **Title:** Amends a concession agreement with Tastes Denver, LLC d/b/a Mod Market to extend the term by three years with a new end date of September 30, 2027, for the Excellence in Service (EIS) Program Award at Denver International Airport in Council District 11 (Legacy: PLANE-201311489; Amendment: PLANE-202475002).

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

4. Contact Person:

| | |
|--|---|
| Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert) | Contact person for council members or mayor-council |
| Name: Pamela Dechant, SVP of Concessions | Name: Kevin Forgett, Manager of Legislative Affairs |
| Email: Pamela.Dechant@flydenver.com | Email: Kevin.Forgett@flydenver.com |

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

In alignment with the City and County of Denver's and Vision 100's values, Denver International Airport (DEN) developed the voluntary Excellence in Service (EIS) program for concessionaires. This program motivates and rewards top-performing concessionaires by offering a 3-year contract extension to those who qualify. EIS scoring is based on assessments in Equity, Diversity, Inclusion, and Accessibility (EDIA), Airport Certified Disadvantaged Business Enterprise (ACDBE), Environmental Sustainability, and Customer Service. To receive the contract extension, concessionaires must achieve a score of 90% or higher across these categories. Concessionaires must also maintain contract compliance. The award can only be earned one-time, and after the extended contract term, the space will be re-bid through the Request for Proposal (RFP) process.

DEN requests City Council to approve the three (3) year extension for Contract # PLANE-202475002.

6. **City Attorney assigned to this request (if applicable):** Vianes Rodriguez

7. **City Council District:** 11

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

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

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

Vendor/Contractor Name (including any dba's): Tastes Denver, LLC d/b/a Mod Market

Contract control number (legacy and new): PLANE-202475002 / Legacy Contract 201311489

Location: Denver International Airport

Is this a new contract? Yes No **Is this an Amendment?** Yes No **If yes, how many?** Fourth (4th)

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

Existing: Package Completion Date & Expiration Date: 09/30/2014 – 09/30/2024

Amended: Package Completion Date & Expiration Date: 10/01/2024 – 09/30/2027

10 years, 10 months and 22 days + 3 years

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) |
|--|--------------------------------|--|
| \$575,756.01 Minimal Annual Guarantee (MAG) or percentage fee of 12% of the first \$1,000,000.00 then; 13% \$1,000,000.00 - \$2,000,000.00 then; 14% \$2,000,000.00 - \$3,000,000.00 then; 15% above \$3,000,000.00. | N/A | \$575,756.01 Minimal Annual Guarantee (MAG) or percentage fee of 12% of the first \$1,000,000.00 then; 13% \$1,000,000.00 - \$2,000,000.00 then; 14% \$2,000,000.00 - \$3,000,000.00 then; 15% above \$3,000,000.00. |
| <i>Current Contract Term</i> | <i>Added Time</i> | <i>New Ending Date</i> |
| 10 years, 10 months and 22 days | 3 Years | September 30, 2027 |

Scope of work:

To amend the current lease of Tastes Denver, LLC dba Mod Market on Concourse B, Center Core Food Court which has earned the EIS Program Benefit of a 3-year contract extension. In addition to the contract extension, DEN and the Concessionaire have agreed to update the American Disabilities Act (ADA), Certified Annual Statement (CAS) Requirement, and Minority Women Owned Business Enterprise (MWBE) Provisions in the contract. These provisions are to bring the contracts into standards with the current concessions contract and to ensure that our concession spaces remain regulatory compliant.

Was this contractor selected by competitive process? Yes

If not, why not?

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

Source of funds: Revenue

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

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): 40% Airport Concessions Disadvantaged Business Enterprise (ACDBE) / 25% M/WBE

Who are the subcontractors to this contract? ACDBE is IRG, LLC. The M/WBE firms are reviewed and approved by the Division of Small Business Opportunity (DSBO) prior to DEN's issuance of Notice to Proceed with construction for the concession location. A Notice to Proceed is provided by DEN to the concessionaire after all applicable documents, such as Bonds, Insurance, Permits, and DSBO approval, have been provided by the concessionaire, and their selected general contractor to begin construction of the concession location.

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