

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at [MileHighOrdinance@DenverGov.org](mailto: MileHighOrdinance@DenverGov.org) by **9 a.m. Friday**. Contact the Mayor's Legislative team with questions

Date of Request: 12/7/2023

Please mark one: Bill Request or Resolution Request

1. Type of Request:

- Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment
 Dedication/Vacation Appropriation/Supplemental DRMC Change
 Other:

2. **Title:** (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Approves a Use and Lease agreement with 21 Air LLC for rates and charges and through 2/28/2028 for air cargo services at Denver International Airport in Council District 11 (PLANE-202369682).

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: George Karayiannakis, SVP Airline and Commercial Affairs	Name: Kevin Forgett, Manager of Legislative Affairs
Email: George. Karayiannakis@flydenver.com	Email: Kevin.Forgett@flydenver.com

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

This request is for a non-competitive agreement between 21 Air LLC and Denver International Airport (DEN). 21 Air LLC is operating as an affiliate cargo airline at DEN. They do not lease any space but use the leased space of their host cargo airline. Airline Rates and Charges apply.

Airline rates and charges are established on "cost recovery" concepts whereby the annual cost of operating DEN forms the basis for the rate, fee, or charge assessed to the airlines. The Airport recalculates airline rates and charges each year based on its operating budget, debt service, amortization and projected aviation activity levels and reconciled at year-end based on actuals "true-up." The airline/airport use and lease agreement specify the types of costs that are used to calculate airline rates and charges. Examples of rates and charges include landing fee (fee for every time a plane lands on the runway), Terminal Complex rental rate (Per square foot rate to lease space in the Terminal (e.g., office, holdroom, ticketing)), concourse ramp, fee to recover the cost of leasing the ramp area associated with a gate, Automatic Guideway Transportation System (Passenger fee to use the train system between the terminal and concourses).

6. **City Attorney assigned to this request (if applicable):** David Steinberger

7. **City Council District:** 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: Lease of Real Property

Vendor/Contractor Name (including any dba's): 21Air LLC

Contract control number (legacy and new): PLANE-202369682

Location: Denver International Airport

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

Contract Term/Duration (for amended contracts, include existing term dates and amended dates): 09/01/2023–2/28/2028

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)
Rates & Charges	N/A	Rates & Charges

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
09/01/2023–2/28/2028	N/A	2/28/2028

Scope of work: This request is for a non-competitive agreement between 21 Air LLC and Denver International Airport (DEN). 21 Air LLC is operating as an affiliate cargo airline at DEN. They do not lease any space but use the leased space of their host cargo airline. Airline Rates and Charges apply.

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Was this contractor selected by competitive process? No **If not, why not?** This procurement qualifies under Executive Order 8, Memorandum No. 8B exception applicable where competition does not exist.

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

Source of funds: Revenue

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

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

Who are the subcontractors to this contract? N/A

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