

**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: 12/29/2014

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:** *Peak Concepts Sixth Amendment between the City and County of Denver and Denver Airport Enterprises, LLC d/b/a Peak Concepts (AC 38037).*

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, Acting Director – 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:**

Pending Terminal redevelopment, holdover terms of the Airport's Main Terminal location vendors are being adjusted as a result of Terminal stabilization. Sixth Amendment to revise existing Holdover language to allow Chief Executive Officer, at her sole discretion, to waive additional rent equal to 150% of monthly Rent provided for in section 4.03 of the Agreement and allow Concessionaire to holdover at 100% the rental rate. This amendment neither extends the term nor requires a competitive solicitation. Keeping existing Holdover language would mean potential loss of rental income of the space for twenty-four to twenty-eight months.

**\*\*Please complete the following fields:**

- a. **Contract Control Number:**
- b. **Duration:**
- c. **Location:** DIA
- d. **Affected Council District:** 11
- e. **Benefits:** Continued services at the Jeppesen Terminal
- 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 \$63,216 MAG or percentage compensation of 15%	\$0.00	Greater of \$63,216 MAG or percentage compensation of 15%

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
2/28/1995 to 8/31/2014 (19 Years, 6 Months)	None	8/31/2014

g. **Date Goals Assigned:** 6/2/2010

*To be completed by Mayor's Legislative Team:*

SIRE Tracking Number: \_\_\_\_\_

Date: \_\_\_\_\_

**h. Goals:** ACDBE 50%

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

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Date: \_\_\_\_\_

## Key Contract Terms

Vendor/Contractor Name: Denver Airport Enterprises, LLC d/b/a Peak Concepts

Contract control number: AC 38037 (6)

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: 19 Years, 6 Months

Renewal terms: N/A

Purpose:

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

Cost/value: Future value is to be determined at greater of \$63,216 MAG or percentage compensation of 15%.

Source of funds: N/A

Benefit: Amendment will allow for continue uninterrupted retail services pending Terminal redevelopment of the Airport's Main Terminal.

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: DIA, Jeppesen Terminal, 5<sup>th</sup> Level

Affected Council District: 11

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