

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor’s Legislative Team
at MileHighOrdinance@DenverGov.org by **3:00pm on Monday**.

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: 11/20/2013

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:** (Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)

First Amendment to the Hotel Management Agreement (CE0A072) between the City and Westin DIA Operator, LLC at Denver International Airport.

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

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

- **Name:** Amy Raaz
- **Phone:** (303) 342-2201
- **Email:** Amy.Raaz@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:** John Ackerman, Chief Commercial Officer
- **Phone:** 303-342-2568
- **Email:** john.ackerman@flydenver.com

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

This Amendment revises certain agreement deadlines associated with the opening of the hotel and the construction progress of the South Terminal Redevelopment Program. There were no changes to the Term provision of the Agreement which will begin upon the date of opening of the hotel and be in effect for 15 years thereafter.

****Please complete the following fields:** (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)

- a. **Contract Control Number:** CE0A072
- b. **Duration:** Hotel opening plus 15 years
- c. **Location:** DIA
- d. **Affected Council District:** 11
- e. **Benefits:** Amend the Hotel Management Agreement to update contractual deadlines and revise a restrictive covenant within the Agreement.
- f. **Costs:** No additional costs associated with this amendment.

<i>Current Contract Amount</i>	<i>Additional Funds</i>	<i>Total Contract Amount</i>
<i>(A)</i>	<i>(B)</i>	<i>(A+B)</i>
\$27,634,453	\$0.00	\$27,634,453

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
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To be completed by Mayor’s Legislative Team:

SIRE Tracking Number: _____

Date: _____

Hotel opening +15 yrs	0	15 years after hotel opening
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g. **Date Goals Assigned:** April 11, 2011

h. **Goals:** Contractor agrees to use its commercially reasonable efforts to identify and enter into agreements with qualified and available Airport Concession Disadvantaged Business Enterprises as defined in 49 CFR Part 23 to perform portions of this Agreement. Throughout the term of this Agreement, Contractor shall continue to utilize qualified and available ACDBE firms to the fullest extent which is reasonably possible to achieve and to an extent necessary to comply with the requirements of 49 CFR Part 23.

Contractor agrees that it shall include the provisions of this section in every contract entered into in connection with the operation of the hotel, so that such provisions will be binding upon each submanager, supplier or service provider.

Goals associated with the design and construction of The Westin Denver International Airport hotel were included in the South Terminal Redevelopment Program.

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

None.

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Date: _____

Key Contract Terms

Vendor/Contractor Name: Westin DIA Operator, LLC

Contract control number: CE0A072

City's contract manager: Neil Maxfield

Was this contractor selected by competitive process? Was it the low bid? Yes; No

Term/Duration of contract/project: Date of hotel opening, plus 15 years

Renewal terms: None

Purpose: Amend the Hotel Management Agreement to update contractual deadlines and revise a restrictive covenant within the Agreement.

Scope of services to be provided with performance bench marks: This Amendment revises certain agreement deadlines associated with the opening of the hotel and the construction progress of the South Terminal Redevelopment Program. There were no changes to the Term provision of the Agreement which will begin upon the date of opening of the hotel and be in effect for 15 years thereafter.

Cost/value: \$27,634,453, plus reimbursables

Source of funds: Fund #:73130, Org #: 6013000, Acct #: 603200

Benefit: Clarifies language and deadlines within the agreement

Termination provision for City and for contractor:

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):
Who are the subcontractors to this contract?

Location: DIA; Hotel and Public Transit Center

Affected Council District: 11

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