

# EXECUTIVE SUMMARY

## **Background:**

In 2019 Denver Arts & Venues (DAV) issued an RFP for ticketing and other related customer services at DAV facilities with the assistance of the GS Purchasing Division. AXS Group, LLC. was awarded a five-year service contract THTRS-201952501, from 1/1/2020 – 12/31/2024 with two city options for two-year extensions (potentially through 12/31/2028). Due to the ongoing COVID-19 pandemic, both DAV and the Contractor have experienced loss of business due to various health restrictions.

To address the impacts of COVID-19 on the ability to fulfill the terms of the contract by both the Contractor and the City of Denver, as well as address the “Health and Safety” restriction period that has impacted performance pursuant to the contract, DAV is seeking this amendment.

## **Current Request:**

DAV is seeking City Council approval of an ordinance that will authorize Denver Arts & Venues to amend the ticketing and customer service contract with AXS Group, LLC. to reflect 2020 and current ticketing conditions related to the COVID-19 pandemic.

- For much of 2020, performance venues were closed and/or nearly vacant to ensure safety of patrons and staff pursuant to the public health orders and social distancing mandates.
- The viability of Contractor’s performance of the contract depends upon ticket sales for events occurring at DAV facilities; as such, we recognize that it is not necessarily feasible to make certain minimum payments or other scheduled payments for the 2020 calendar year.
- The amendment does not extend the originally contracted for period, nor does it anticipate additional costs for the City.
- It remains uncertain on what date performance venues in Denver will be able to resume normal activity levels.
- The ability to resume normal levels of activity in DAV facilities rests on factors outside of the City’s or Contractor’s control.
- The resumption of “normal business activity” will be determined by the Director of Arts & Venues.
- The amendment identifies and controls costs prior to resumption of normal activity levels.
- The amendment prevents opportunistic cancellation of services pursuant to force majeure.
- The amendment temporarily suspends ticket sales-based guarantees to AXS from DAV.
- Patron refund processes are being clarified and improved.

- Minimum payment commitments and other payments to the City shall resume in 2021. Certain digital expenses incurred by the City in 2020 shall be rolled over and credited against DAV's 2021 budget allowance.