

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: 7/22/2014

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:** *New Belgium Spoke First Amendment between the City and County of Denver and Concessions Colorado, LLC dba New Belgium Spoke (AR 18001 -01).*

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:** Neil Maxfield, Acting Director – Concessions

- **Name:** Patrick Heck, DIA Chief Financial Officer
- **Phone:** 303-342-2207
- **Email:** Patrick.Heck@flydenver.com

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

Circumstances of declining 2013 departure and enplaning passenger numbers at the A-Concourse Regional Jet Facility warranted catastrophic condition consideration. A catastrophic condition is defined as a situation where traffic and/or capacity declined for an extended period. Hardship review resulted in amelioration efforts. Proposed amendment will temporarily waive the MAG for Concessions Colorado, LLC dba New Belgium Spoke (NBS), the only existing Food and Beverage Concession Agreement in that area. NBS will pursue and implement restorative measures to increase sales. Measures will include install of an Amana oven and increasing menu offerings, with prior written Airport approval.

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

- a. **Contract Control Number:** AR 18001 -01
- b. **Duration:** 11/02/2010 to 08/26/2018
- c. **Location:** DIA
- d. **Affected Council District:** 11
- e. **Benefits:** Continued services at the A-Concourse Commuter Facility
- 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 \$250,000 MAG or percentage compensation: 13% if less than \$1M; 14% if \$1M-\$2M; 15% if over \$2M; 17% alcohol	\$0.00	Percentage compensation: 13% if less than \$1M; 14% if \$1M-\$2M; 15% if over \$2M; 17% alcohol

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
7 Years, 9 Mos., 24 days	None	08/26/2018

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date: _____

g. Date Goals Assigned: 4/29/2014

h. Goals: ACDBE 40%

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

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date: _____

Key Contract Terms

Vendor/Contractor Name: Denver and Concessions Colorado, LLC dba New Belgium Spoke

Contract control number: AR 18001 -01

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: 7 Years, 9 Mos., 24 days

Renewal terms: N/A

Purpose: Amendment will address declining 2013 passenger numbers that affect a November 2, 2010 awarded concessionaire. By agreeing to restorative and ameliorating terms in response to significant traffic changes, DIA will continue uninterrupted food and beverage services at the A-Concourse Regional Jet Facility.

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

Cost/value: TBD (13% if less than \$1M; 14% if \$1M-\$2M; 15% if over \$2M; 17% alcohol)

Source of funds: N/A

Benefit: Continued services at the A-Concourse Commuter Facility.

Termination provision for City and for contractor: City retains the right to terminate per existing concession agreement (Section 11.02 Remedies).

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

Who are the subcontractors to this contract? N/A

Location: DIA, A-Concourse Commuter Facility

Affected Council District: 11

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