



## Legislation Details (With Text)

**File #:** 23-1542      **Version:** 1

**Type:** Resolution      **Status:** Adopted

**File created:** 10/17/2023      **In control:** City Council

**On agenda:** 11/13/2023      **Final action:** 11/13/2023

**Title:** A resolution approving a proposed Agreement between the City and County of Denver and ProServe Corporation to design, build, and operate a Bodega DEN retail concession at Denver International Airport.

Approves a premium value concession contract with ProServe Corporations operating as Bodega DEN for a minimum annual guarantee of \$399,840 or percentage fee of 17% and a term of 7 years to design, build, manage, and lease Bodega DEN on the C concourse of the airport, in Council District 11. 202369777. The last regularly scheduled Council meeting within the 30-day review period is on 11-27-2023. The Committee approved filing this item at its meeting on 10-25-2023. Councilmember Parady called out this item, en bloc, at the 11-06-2023 meeting for a one-week postponement to 11-13-2023.

**Sponsors:**

**Indexes:** Melissa Mata

**Code sections:**

**Attachments:** 1. RR23-1542\_DEN\_Resolution Request\_ProServe Corporation dba Bodega, 2. 23-1542 Contract\_ProServe Corporation - 202369777, 3. 23-1542 Filed Resolution\_ProServe Corporation - 202369777, 4. 23-1542 Filed Resolution\_ProServe Corporation, 5. 23-1542\_signed

Date	Ver.	Action By	Action	Result
11/13/2023	1	Council President	signed	
11/13/2023	1	City Council	adopted	Pass
11/6/2023	1	City Council	postponed	
10/25/2023	1	Business, Arts, Workforce, Climate & Aviation Services Committee	approved for filing	Pass

### Contract Request Template (Contracts; IGAs; Leases)

**Date Submitted: 10-23-2023**

**Requesting Agency: DEN**  
**Division:**

**Subject Matter Expert Name: Rita Aguilar**  
**Email Address:** [Rita.aguilar@flydenver.com](mailto:Rita.aguilar@flydenver.com) <<mailto:Rita.aguilar@flydenver.com>>  
**Phone Number:**

**Item Title & Description:**

*(Do not delete the following instructions)*  
*These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney's Office should enter the title above the description (the title should be in **bold** font).*

Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.

**A resolution approving a proposed Agreement between the City and County of Denver and ProServe Corporation to design, build, and operate a Bodega DEN retail concession at Denver International Airport.**

Approves a premium value concession contract with ProServe Corporations operating as Bodega DEN for a minimum annual guarantee of \$399,840 or percentage fee of 17% and a term of 7 years to design, build, manage, and lease Bodega DEN on the C concourse of the airport, in Council District 11. 202369777. The last regularly scheduled Council meeting within the 30-day review period is on 11-27-2023. The Committee approved filing this item at its meeting on 10-25-2023. Councilmember Parady called out this item, en bloc, at the 11-06-2023 meeting for a one-week postponement to 11-13-2023.

**Affected Council District(s) or citywide?**

**Council District 11**

**Contract Control Number:**

**202369777**

**Vendor/Contractor Name (including any "DBA"):**

**ProServe Corporations, BDA Bodega DEN**

**Type and Scope of services to be performed:**

ProServe Corporation will design, build, manage, and lease Bodega DEN on C Concourse, Center Core southeast quadrant. ProServe Corporation has committed to investing a minimum of \$404,280.00 to design and build this space. To amortize ProServe Corporation's capital investment, they will receive a contract term of 7 years. Denver International Airport (DEN) will receive the greater of either a guaranteed rent/Minimum Annual Guarantee (MAG) of \$399,840.00 or a percentage rent of gross sales at 17%. MAG is the initial calculation based on the projected gross sales by the concessionaires for the space multiplied by the proposed percentage fee listed above. MAG is recalculated each contract year and will be equal to the greater of the initial MAG or eighty-five (85%) of the total Privilege fees payable in the prior Contract Year.

**Location (if applicable):**

**WBE/MBE/DBE goals that were applied, if applicable (construction, design, Airport concession contracts):**

**Are WBE/MBE/DBE goals met (if applicable)?**

**Is the contract new/a renewal/extension or amendment?**

**Was this contractor selected by competitive process or sole source?**

**For New contracts**

**Term of initial contract:**

**Options for Renewal:**

**How many renewals (i.e. up to 2 renewals)?**

**Term of any renewals (i.e. 1 year each):**

**Cost of initial contract term:**

**Cost of any renewals:**

**Total contract value council is approving if all renewals exercised:**

**For Amendments/Renewals Extensions:**

**Is this a change to cost/pricing; length of term; terms unrelated to time or price (List all that apply)?**

***If length changing***

**What was the length of the term of the original contract?**

**What is the length of the extension/renewal?**

**What is the revised total term of the contract?**

***If cost changing***

**What was the original value of the entire contract prior to this proposed change?**

**What is the value of the proposed change?**

**What is the new/revised total value including change?**

***If terms changing***

**Describe the change and the reason for it (i.e. compliance with state law, different way of doing business etc.)**