



Legislation Text

File #: 21-0188, Version: 1

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

**Date Submitted:** 2-12-21

**Requesting Agency:** Arts and Venues  
**Division:**

**Subject Matter Expert Name:**

Name:	Brian Kitts
Email:	Brian.Kitts@denvergov.org

**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 Amendatory Agreement between the City and County of Denver and AXS Group, LLC to address COVID-19 impacts on Contractor's performance, force majeure, costs prior to resumption of pre-pandemic activity levels, clarify refund practices, and modify 2020 and 2021 compensation and ticket guaranties.**

Amends a contract with AXS Group, LLC by adding language addressing the "Health and Safety Restrictions Period" due to the COVID-19 pandemic, memorializing the parties' mutual agreement not to terminate the contract due to the "Health and Safety Restrictions Period," adding language addressing the process for issuance of refunds, and modifying ticket requirements, minimum, guaranteed and other negotiated payments and credits. No change to contract amount or duration (THTRS-201952501). The last regularly scheduled Council meeting within the 30-day review period is on 3-30-21. The Committee approved filing this item at its meeting on 2-24-21.

**Affected Council District(s) or citywide?** Council District 9 and Mountain Parks

**Contract Control Number:** THTRS-201952501

**Vendor/Contractor Name (including any "DBA"):** AXS Group, LLC

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

AXS Group, LLC was contracted in 2019 to provide ticketing and customer services at Denver Arts & Venues facilities. Due to the COVID-19 pandemic and State and local public health orders, neither the agency nor Contractor are able to engage in normal ticketing activity during 2020. This amendment seeks to modify the contract by modifying ticketing requirements, and guaranteed and other negotiated payments for the 2020 calendar year. The amendment additionally adds Force Majeure language ensuring the Contractor shall not seek to terminate the contract due to the "Health and Safety Restriction Period," and clarifies the process re: the issuance of advance ticketing refunds.

See attached summary.

**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.)**