



Legislation Details (With Text)

File #: 17-0556 **Version:** 1
Type: Resolution **Status:** Adopted
File created: 5/8/2017 **In control:** Business, Arts, Workforce, & Aeronautical Services Committee
On agenda: 6/5/2017 **Final action:** 6/5/2017

Title: A resolution approving a proposed Non-Disturbance, Attornment, Concession, and PVC Participation Agreement between the City and County of Denver and Skyport Development Company, LLC and DFASS Partnership Group, LLC concerning concessions at Denver International Airport. Approves a contract with Skyport Development Company, LLC and DFASS Partnership Group, LLC through 6-30-26 for the occupation and operation of four concession spaces on the B Concourse Mezzanine at Denver International Airport (201631945-00). The last regularly scheduled Council meeting within the 30-day review period is on 6-26-17. The Committee approved filing this resolution by consent on 5-24-17.

Sponsors:

Indexes: Debra Bartleson

Code sections:

Attachments: 1. RR17 0556 DIA DFASS - Skyport Attornment Request, 2. 17-0556_Filed Resolution DFASS Partnership Group, 3. CR17-0556_Filed Attornment 201631945, 4. 17-0556- signed.pdf

Date	Ver.	Action By	Action	Result
6/6/2017	1	Council President	signed	
6/5/2017	1	City Council	adopted	Pass
5/24/2017	1	Business, Arts, Workforce, & Aeronautical Services Committee	approved by consent	

Contract Request Template (Contracts; IGAs; Leases)

Date Submitted: 05-16-17

Requesting Agency: Denver International Airport
Division:

- **Name:** Aaron Barraza
- **Phone:** (303) 342-2261
- **Email:** Aaron.Barraza@flydenver.com <<mailto:Aaron.Barraza@flydenver.com>>

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 Non-Disturbance, Attornment,

Concession, and PVC Participation Agreement between the City and County of Denver and Skyport Development Company, LLC and DFASS Partnership Group, LLC concerning concessions at Denver International Airport.

Approves a contract with Skyport Development Company, LLC and DFASS Partnership Group, LLC through 6-30-26 for the occupation and operation of four concession spaces on the B Concourse Mezzanine at Denver International Airport (201631945-00). The last regularly scheduled Council meeting within the 30-day review period is on 6-26-17. The Committee approved filing this resolution by consent on 5-24-17.

Affected Council District(s) or citywide?

Contract Control Number: 201631945-00

Vendor/Contractor Name (including any "DBA"): Skyport Development Company, LLC., and DFASS Partnership Group, LLC

Type and Scope of services to be performed:

This Non-Disturbance, Attornment, Concession, and PVC Participation Agreement ("Attornment") with Skyport Development Company, LLC and DFASS Partnership Group, LLC approves the Standard Mezzanine Sublease and an Amendment Number One to the Standard Mezzanine Sublease for the subleased occupancy and operations of four (4) Concession Spaces through the Tenant's Lease expiration and extended afterward through June 30, 2026. The sublease is governed by the Amended and Restated Mezzanine Lease Agreement with Skyport Development Company, LLC, contract number AC 69004. The concession concepts currently named are Time Travel, Victoria's Secret, Sky Market, and Guess.

The Attornment sets forth the concessions' direct involvement in the Premium Value Concessions program (Major Category: Retail, Minor Category: Specialty Retail) and payment into the Joint Marketing Fund. The Merchandise Categories set up peer groups to prompt competition(s) within similar types of businesses.

The Premium Value Concessions (PVC) program is designed to provide an objective method of evaluating Concessions to determine which Concessions are top performers in their merchandise category and therefore eligible to receive the Program benefit. Three criteria categories are delineated in the PVC program: (i) Operations (ii) Financial (iii) Customer Service. The Program Benefit provides the successful concessionaire the opportunity to enter into direct negotiations with the Airport for a new concession agreement.

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)?

ACDBE

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:12-31-16 - 06-30-26

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.)