



DENVER

DEPARTMENT OF FINANCE

REQUEST FOR PROPOSALS FOR

Museum At McNichols Civic Center

City and County of Denver Division of Real Estate

Initial Release: November 25, 2025



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DEPARTMENT OF FINANCE
CITY AND COUNTY OF DENVER

REQUEST FOR PROPOSALS
MUSEUM AT MCNICHOLS CIVIC CENTER BUILDING

NOTICE OF AVAILABILITY OF REQUEST FOR PROPOSALS

IT SHALL BE CONCLUSIVELY PRESUMED THAT THE PROPOSER DID, BEFORE SUBMITTING A PROPOSAL, CLOSELY REVIEW THE RFP, ALL EXHIBITS AND ATTACHMENTS, AND OTHER ITEMS RELEVANT TO THE RFP.

RESPONSES DUE:

Proposals must be submitted electronically via email; see Section C – *Submittal Requirements* for details. Responses must be received no later than:

12:00 PM MST, January 16, 2026

SUMMARY OF REQUEST FOR PROPOSALS

GENERAL DESCRIPTION: The City and County of Denver Department of Finance is soliciting proposals for a museum at McNichols Civic Center Building.

PRE-PROPOSAL MEETING & TOUR: Proposers are encouraged to attend the pre-proposal meeting which shall take place in-person December 11, 2025, at 10:00 A.M. MT at the McNichols Civic Center Building (Second Floor), 144 W. Colfax Ave., Denver, CO 80202. Interested attendees are asked to RSVP to DAV_Downtown@denvergov.org by December 4, 2025.

DESIGNATED CONTACT: Michelle Luko, Department of Real Estate Asset Manager, is the Designated Contact for this Request for Proposals. All inquiries and questions regarding proposals should be directed to her in writing at Michelle.Luko@denvergov.org.

REVIEW PROCESS: The Director of Real Estate issued this solicitation pursuant to the authority vested in the Executive Director by the Charter of the City and County of Denver. The Executive Director of Real Estate reserves the right to terminate, suspend, or modify the selection process; reject any or all submittals; modify the terms and conditions of this selection process; and/or waive any informalities, irregularities, or omissions in any submittals, as the City's best interests may appear.

Lisa Lumley, Director of Real Estate

SECTION A: INVITATION TO SUBMIT PROPOSAL

A.1 INVITATION TO SUBMIT A PROPOSAL

By issuance of this Request for Proposals (“RFP”), the City and County of Denver (the “City”), acting through the Director of Real Estate (the “Director”), invites all qualified proposers to submit a proposal for the award of a Lease Agreement for the purpose of establishing and operating a museum in the Boettcher Cultural Pavilion (second floor) of the McNichols Civic Center Building at 144 W. Colfax Ave., Denver, CO 80202. The museum space is approximately 8,500 square feet.

Proposers are expected to familiarize themselves with the details in connection with the proposed operations. Any person, firm, entity, joint venture, or corporation desiring to submit a proposal shall examine this RFP and shall judge for themselves their own qualifications and all the circumstances and conditions affecting their proposal. Failure on the part of any proposer to make such thorough examination or to thoroughly investigate the conditions of the proposal shall be grounds for a declaration that the successful proposer did not understand the RFP. Proposals shall be disqualified if the proposer is in default or past due under any previous or existing agreement with the City, if any unresolved monetary claims by the City exist against the proposer, or if the proposer is unable to show evidence of their financial capabilities to execute the work of this contract.

Should a proposer find a discrepancy or omission in this RFP, or should a proposer be in doubt as to the meaning of any provision of this RFP, the proposer should promptly notify the Designated Contact in writing, and any necessary clarifications or addenda will be provided in writing to all proposers. All communications regarding this proposal shall only be through the designated contact. No communication is to be directed to any other City personnel. **THE CITY WILL NOT BE RESPONSIBLE FOR ANY ORAL INSTRUCTIONS OR INTERPRETATIONS GIVEN BY OR TO ANYONE.**

The instructions contained within are not intended to completely define the proposed contractual relationship between the City and County of Denver and the successful proposer. The successful proposer and the City and County of Denver will execute a formal contract to be completed post award.

In making a final selection recommendation, the competitive selection process provided under this RFP will focus consideration on the qualifications and prior history of similar performance of each submitting proposer, in accordance with the evaluation criteria set forth in E.1. Written responses to this RFP will enable the City to select the most qualified candidate. The Director will appoint a selection committee to evaluate the proposals. The selection committee will recommend a finalist or finalists to the Director who will decide on the successful proposer and will approve the contract before submittal to the Denver City Council and Mayor for ordinance approval, if applicable, and Mayoral signature of the contract. **NO RIGHTS TO PROVIDE SERVICES SHALL ARISE UNLESS AND UNTIL THE CONTRACT IS APPROVED BY ORDINANCE (IF APPLICABLE) and signed by the Mayor.**

The City reserves the right to postpone or cancel this RFP, or reject any and all proposals, if in its judgment it deems it to be in the best interest of the City to do so.

The Director of Real Estate reserves the right to waive any technical or formal errors or omissions and to reject any and all proposal(s), or to award contract for the items hereon, either in part or whole, if he deems it to be in the best interests of the City to do so.

The City shall not be liable for any costs incurred by proposer in the preparation of proposals or for any work performed in connection therein.

A.2 SCHEDULE OF EVENTS

RFP Release	November 25, 2025
Pre-Bid Site Visit – all respondents are invited and encouraged to attend; enter at west end of building	December 11, 2025 , 10:00 a.m. MT to 11:00 a.m. MT
Deadline for Respondents to Submit Questions	December 23, 2025 , 10:00 a.m. MT
Deadline for City to Respond to Questions	January 9, 2026 , 10:00 a.m. MT
Deadline for Submission of Proposals	January 16, 2026 , 12:00 PM. MT

SECTION B: SCOPE OF WORK

B.1 GENERAL DESCRIPTION

The Division of Real Estate, in partnership with Denver Arts & Venues (DAV), is seeking a best-in-class museum operator to lease and activate the Boettcher Cultural Pavilion (Second Floor) of the McNichols Civic Center Building, located at 144 W. Colfax Ave., Denver, Colorado. The purpose of this solicitation is to offer a specialized space for the establishment and operation of a museum that highlights the history and culture of the City and County of Denver.

The museum should contribute to the activation of the McNichols Building during daytime hours and serve as a welcoming destination for both Downtown Denver residents and visitors. Connections to the building's historical role as Denver's former

“center of learning” are highly encouraged. Respect for the building’s Landmark status is required and may include restrictions on exterior signage.

B.2 BACKGROUND

Denver Arts & Venues (DAV) (artsandvenuesdenver.com) is an agency of the City and County of Denver whose mission is to amplify Denver’s quality of life and economic vitality through premier public venues, arts, and entertainment opportunities.

DAV operates some of the region’s most renowned facilities, including Red Rocks Amphitheatre, the Denver Performing Arts Complex, Colorado Convention Center, Denver Coliseum, and the McNichols Civic Center Building. These venues host a wide array of public and private events—from concerts and cultural programs to conventions and community gatherings—and contribute significantly to the economic and cultural vibrancy of the Denver metropolitan area. DAV also oversees the Denver Public Art program and a variety of entertainment and cultural events, with a strong commitment to equity, diversity, and inclusion.

McNichols Civic Center Building – 144 W. Colfax Ave., Denver, CO 80204

Originally constructed in 1907 as a Carnegie Library, the McNichols Civic Center Building has long served as a center of learning and civic engagement. Reopened in 2012 by Denver Arts & Venues, the building now functions as a contemporary hub for arts and culture. A second renovation in 2016 added a redesigned courtyard, expanded event space, and other modern upgrades. The building, along with Civic Center Park, is designated a National Historic Landmark.

In addition to hosting exhibits, cultural programming, and special events, the McNichols Building plays a key role in Civic Center Park activations. DAV collaborates with Denver Parks & Recreation, the Office of Special Events, and partners such as the Civic Center Conservancy to coordinate year-round programming in the area.

In alignment with the Mayor’s goal to create a vibrant Downtown Denver—and consistent with the Civic Center Next 100 and Civic Center Master Plan—the City is transitioning the McNichols Building from a primarily event-based venue to a more actively programmed public space. Planned activations include a museum on the second floor (Boettcher Cultural Pavilion), a restaurant and outdoor patio, an arts marketplace, and a potential artist-in-residence pilot program on the first floor. The third floor will continue to serve as event space.

The City is seeking a third-party organization or business to establish and operate a museum that highlights the history and culture of the City and County of Denver within the Boettcher Cultural Pavilion. The available space is approximately 8,500 square feet (see **Attachment 5**). Exhibits may be permanent, semi-permanent, rotating, or otherwise designed to create an engaging, educational experience for the public during daytime hours. Collaboration with local arts, historical, and cultural organizations is highly encouraged.

Connections to the building’s historical role as Denver’s former “center of learning” are highly desirable. The McNichols Building’s Landmark status must be respected, and any modifications—including exterior signage—may be subject to restrictions.

During construction at the McNichols Building (anticipated through late 2027), the selected Museum Operator may have the opportunity to use the first floor of 1245 Champa for museum preparation. This would require a separate agreement with the City and is not included in this lease.

B.3 SERVICES

Minimum services and operating requirements for the life of the contract are as follows:

- Operation of museum to fulfill the greatest public purpose to the Downtown Denver Residents and Visitors of Downtown Denver.
- The operation is to provide exhibits, programs, and community engagement activities.
- Operation shall be open 5-7 days per week. Proposer is to suggest hours of operation, which are subject to mutual agreement but must meet the needs of public.
- The Proposer may schedule or hold special events within the leased premises with prior written approval from the Department of Arts & Venues. Any additional expenses incurred as a result of these events—including, but not limited to, increased utility usage—may be billed to the Operator at a flat rate or based on a reasonable cost allocation determined by the Department.
- Use of AXS as the official ticketing services provider may be required, subject to limited exclusions, in alignment with Denver Arts & Venues policies.
- Operator may also choose to adjust operating hours in conjunction with events happening at Civic Center Park.
- A full-time experienced manager must be appointed to represent and act on behalf of the proposing entity in all matters pertaining to its business operation.
- Premises shall be kept in clean, neat, businesslike, and orderly condition at all times and the Proposer shall provide for timely disposal of trash and debris during special events or after-hour events.
- Proposer shall be responsible for the conduct, demeanor, and appearance of its officers, agents, employees, suppliers, and representatives. All such people will behave professionally and be easily identifiable.
- The Proposer must submit any proposed signage for the premises in writing to the Director of Real Estate for prior approval. All signage must comply with the standards established by the Director, as well as all applicable zoning regulations, code requirements, and landmark requirements.
- Proposer is responsible for cleanup of any trash and/or spillage inside the premises in a timely manner to prevent any damage to City property and avoid risk of injury.
- Proposer shall be responsible for disposing of all trash and recycling consistent with the City of Denver’s policies and subject to utilizing the City’s preferred vendors.
- Proposer will comply with the City’s sustainability efforts, including, but not limited to, energy and water conservation, recycling and biodegradable containers.

B.4 OPERATIONS & SECURITY

Operator shall submit to the City for approval, on or before commencement date, detailed written operation and security procedures for the museum. City shall have a minimum of twenty-one (21) days to review such procedures.

Operations shall fully comply with all applicable rules and regulations.

City shall not be responsible for loss or damage to any property or person occasioned by theft, fire, Act of God, public enemy, or other causes beyond its control.

B.5 OPERATION EXPENSES

The Operator shall be responsible for providing and covering the cost of janitorial services for special events, after-hours activities, or any services that exceed the City's standard janitorial or cleaning provisions. Additionally, the Operator shall be responsible for telecommunications and Wi-Fi services, the cost of extra or replacement keys, any security personnel or systems, and the repair of any damage to the premises caused by the Lessee or its invitees.

The Operator shall be responsible for any portion of a single repair or maintenance item costing up to \$2,500. The City shall be responsible for any costs exceeding \$2,500 for a single repair or maintenance item.

Additional utility or operational costs incurred as a result of special events approved under the Minimum Services and Operating Requirements section shall be billed to the Operator, as outlined in that section.

The City shall be responsible for all other building expenses related to standard daily operations, including but not limited to: electricity, gas, water, sewer, chilled water (for building cooling), steam (for building heating), fire systems, fire phone lines, daily janitorial services, exterior litter pickup, trash hauling, and snow removal (including the snow melt system) from building entries and sidewalks surrounding the building.

B.6 OPERATOR QUESTIONS

Your proposal must specifically address each of the questions that are listed below. The quality and detail of your responses will figure significantly in the overall evaluation of your proposal. Operators are encouraged to give examples and provide additional information to support your compliance on each point. To standardize the format of all proposals, Operators are required to respond to all questions in **Attachment 1- Proposer Response Form**. Failure to comply with this requirement may be considered as non-responsive and rejected.

Section 1: Contact Details

Proposer Company Name, Address, Main Contact Name, email address, and phone numbers

Section 2: Qualifications & Experience

1. Provide information about your company's relevant experience in the operation of a museum. Who are your current community partnerships, who will be the museum's community partners and/or how do you plan to engage with other Denver-based cultural or historical organizations

Section 3: Approach

1. Provide a detailed description of the proposed museum operation. Include how the concept is distinct from other museums, galleries, and cultural organizations within the City and County of Denver. Articulate how the museum will specifically focus on the City and County of Denver, rather than a regional or statewide approach.
 - a) Describe your suggested exhibits for the museum.
 - b) Describe your suggested program offerings and community engagement activities.
2. How will you engage the community with publicly accessible programming?
3. Describe how the proposed museum will increase public activity in the downtown area, and why the McNichols Building is the ideal location for the proposed entity, including projected attendance on a monthly and annual basis.
4. Describe how will the proposed museum support the overall vision for Civic Center as outlined in past planning documents for Civic Center, including Civic Center Next 100 and the Civic Center Master plan.
5. Describe how the operation of the museum can co-exist with special events and activities that will take place on the 3rd floor throughout the year, as well as how the entity can support future food and beverage offerings, a local arts marketplace and a potential artist in residence pilot program on the 1st floor by driving sustained traffic to the venue. Additionally, if the Operator anticipates a museum gift shop, describe how that might align with the 1st floor uses outlined above.
6. Provide the proposed hours and days of operation for the museum and include any seasonal variations.
7. Describe your expected timeframe for starting operations and include your rationale.

8. Describe the proposed museum's approach to diversity, equity, and inclusion and how the Denver community would be represented within the museum.
9. Describe your operating plan for the following:
 - a) Management structure
 - b) Total number of full-time and part-time personnel, and number of employees on each shift. How many additional employees do you plan to hire? What is the proposed wage scale for your employees? What benefits do you make available to your employees? What are your employee retention efforts?
 - c) Employees' experience level
 - d) Internal controls and recordkeeping
 - e) Security for the museum
 - f) Maintaining cleanliness at the museum for special events and after hour use litter/debris pick-up
 - g) Communicating with City staff and emergency personnel (fire, police, etc.)
 - h) Customer service philosophy and how complaints will be handled
 - i) Provide details regarding what infrastructure is needed to support museum operations, including tenant improvements such as temperature and atmospheric controls, security, access control, and other conditions relevant to the operation of a museum. How will you provide them?
 - j) Sustainable business practices (recycling, use of compostable items, etc.). What evidence of such efforts will the City be able to view in your operation?
 - k) Marketing approach
10. Disclose if your company is party to any current or pending litigation.

Section 4: Financial Backing

1. Describe your methods for tracking and reporting all sales to the City and for maintaining and auditing financial records related to the museum operation.
2. Have you ever filed Chapter 7, 11, and/or 13 in Bankruptcy Court?
 - a. If yes, provide the date, court jurisdiction, amount of liabilities, amount of assets, and current status
3. If you are a partnership, sole proprietorship, or a closely held corporation or LLC, have any of the partners, owners, or principals personally filed Chapter 7, 11, and/or 13 in Bankruptcy Court, or have any of the partners, owners, or principals been involved in the filing of Chapter 7, 11, and/or 13 in

Bankruptcy Court with respect to any partnership, sole proprietorship, or a closely held corporation or LLC?

4. Describe how the organization/entity can maintain and sustain successful operations including revenue models for admission, corporate and individual fundraising, grants, endowments, and other income support, as well as an expense model for staffing and administrative costs, acquisition expenses, and other expense for the long-term.
5. Describe any major assumptions used in determining revenues, gross profit, payroll, interest, and other expenses.

Section 5: Pricing

1. See section B.7 below.

Section 6: References

1. Provide the names and contact information for three (3) references for similar projects, who the City may contact, that are free to discuss all aspects of their experience working with your company.

B.7 PRICING

This section shall include a description of the proposed costs and prices. It should address all requirements set forth in Section B as well as any other items pertinent to your proposal pricing such as additional discounts for increased quantities, prompt payment, etc. To standardize the format of all proposals and allow the City to uniformly evaluate prices submitted, Operators are required provide this information in **Attachment 1- Proposer Response Form** and **Attachment 2- Pro Forma Statement**. Failure to comply with this requirement may be considered as non- responsive and rejected.

Accordingly, you should follow these instructions carefully and provide all data requested in the formats specified herein and in any referenced attachments.

The Premises consists of approximately 8,500 square feet. The Initial Term is ten (10) years, with two (2) additional five-year renewal options.

For Years 1 through 5 of the Initial Term, the City will provide the Premises rent-free.

Commencing in Year 6 and continuing through the remainder of the lease term and any renewal periods, the lease will be structured as a modified gross lease, with utilities included in the proposed rental rate. Proposers must submit a modified gross lease rate per rentable square foot for Years 6 through 10, including any proposed annual

escalations, as well as proposed rates for each renewal option period. No tenant improvements will be provided by the City.

The City recognizes the potential public value of activating the space and will consider the overall benefit to the community as part of its evaluation.

In addition, admission or service pricing should be consistent with comparable offerings in the immediate area to promote accessibility and competitiveness.

Proposals that demonstrate cost-effective pricing and a clear understanding of the City's commitment to fiscal responsibility will be viewed favorably.

The City and County of Denver will not be responsible for any brokerage fees, commissions, or other compensation related to this lease. Any such fees shall be the sole responsibility of the proposing party.

SECTION C: SUBMITTAL REQUIREMENTS

C.1 PROPOSAL SUBMITTAL REQUIREMENTS

Proposers must complete **Attachment 1 – Proposer Response Form** in full, including all questions and requested references, and include it with their proposal submission.

Proposers should include the following additional attachments with their proposal submission. Refer **Attachment 8– Proposer's Checklist**

- Letter of Introduction
- Provide copies of all existing business licenses in the market/City in which you are currently doing business
- Provide a business plan
- Attach a preliminary floor plan
- **Attachment 2 – Pro Forma Statement** detailing anticipated gross revenues and expenses for 2026 - 2028
- **Attachment 3 – Disclosure of Principles**
- **Attachment 4 – Diversity & Inclusiveness Form**
- Franchise proposers: Provide information on financial capabilities, franchise operations, and the operations of the franchisor. Franchisees must include a letter from franchisor granting approval to propose.

C.2 TECHNICAL REQUIREMENTS FOR THE ELECTRONIC SUBMISSION

An electronic submission is required in order to obtain detailed information about each proposer, which will assist the evaluation committee in making a selection recommendation for the organization that best meets the needs of the City and the

Project. IT SHALL BE CONCLUSIVELY PRESUMED THAT THE PROPOSER DID, BEFORE SUBMITTING A PROPOSAL, CLOSELY REVIEW THE RFP, ALL EXHIBITS AND ATTACHMENTS, AND OTHER ITEMS RELEVANT TO THE RFP.

All information responsive to this RFP must be submitted by email to:

realestate@denvergov.org

Proposals must be submitted in PDF format and received no later than the date and time indicated in the RFP. The subject line of the email should clearly state the name of the proposer and the RFP title.

Please note that this email inbox is used for multiple purposes. As such, proposers will not receive an automatic confirmation of receipt. It is the proposer's responsibility to follow up within 24 hours of submission to confirm that their proposal was received. The City is not responsible for proposals not received due to technical issues, incorrect email addresses, or failure to follow up.

If a proposer is unable to submit electronically due to technical limitations, a request for an alternative submission method must be made in writing to the Designated Contact no later than the pre-proposal meeting date and time. Approval of alternative submission methods is at the sole discretion of the City.

ACCURACY AND COMPLETENESS OF INFORMATION:

Proposers are hereby notified that the City will rely on the accuracy and completeness of all information provided in making its selection. As such, proposers are urged to carefully review all information submitted to ensure clarity, accuracy, and completeness. The City reserves the right to make inquiries or follow up as necessary to verify the information provided. FAILURE TO PROVIDE ACCURATE OR COMPLETE INFORMATION THAT WOULD BE A SUBSTANTIAL CONSIDERATION IN MAKING A SELECTION MAY RESULT IN REJECTION OF A PROPOSAL OR TERMINATION OF A CONTRACT.

SECTION D: GENERAL REQUIREMENT

D.1 DISCLOSURE OF CONTENTS OF PROPOSALS

All proposals become a matter of public record and shall be regarded as Public Records, with the exception of those specific elements in each proposal which are designated by the proposer as Business or Trade Secrets and plainly marked "Trade Secrets", "Confidential", "Proprietary", or "Trade Secret". Items so marked shall not be disclosed unless disclosure is otherwise required under the Colorado Open Records Act (C.R.S. §§ 24-72-201 through 205) ("CORA"). If such items are requested under the Colorado Open Records Act, the City will use reasonable efforts to notify the proposer, and it will be the responsibility of the proposer to seek a court order protecting the records, and to defend, indemnify, and hold harmless the City from any claim or action related to the City's non-disclosure of such information.

D.2 DIVERSITY AND INCLUSIVENS IN CITY SOLICITATIONS

Diversity and inclusiveness are essential components of successful economic development plans and efforts. As a condition of responsiveness to this solicitation,

each proposer is required to complete the “Diversity and Inclusiveness in City Solicitations Information Request Form” **online** at <https://us.openforms.com/Form/57f3a8ea-39b7-4115-be17-1770f38d3cf6>. **Print/save and include a copy of the completed form with your proposal**; you will have the option to print/save the form after submission. Using the form, please state whether you have a diversity and inclusiveness program for employment and retention, procurement and supply chain activities, or customer service, and provide the additional information requested on the form. The information provided on the “Diversity and Inclusiveness in City Solicitations Information Request Form” will provide an opportunity for proposers to describe their own diversity and inclusiveness practices. Proposers are not expected to conduct intrusive examinations of their employees, managers, or business partners in order to describe diversity and inclusiveness measures. Rather, the City simply seeks a description of the proposer’s current practices, if any. Diversity and inclusiveness information provided by proposers in response to City solicitations for services or goods will be collated, analyzed, and made available in reports consistent with City Executive Order No. 101. However, no personally identifiable Information provided by or obtained from proposers will be in such reports.

D.3 APPLICABLE LAW

This selection process and the performance of any selected proposer shall be subject to, governed by, and construed in accordance with the laws of the State of Colorado and the Charter, Revised Municipal Code, rules and regulations, written policies, and Executive Orders of the City and County of Denver, as the same may be amended from time to time

D.4 PERMITS & LICENSING

Operator shall be responsible for securing any and all applicable licenses and/or permits required to operate the museum. Proof of licensing should be displayed and current at all times. Refer to <https://www.denvergov.org/content/denvergov/en/denver-business-licensing-center/business-licenses.html>.

Provide copies of all existing business licenses for the current market / City in which you are currently doing business.

D.5 ASSIGNMENT AND SUBCONTRACTS

Assignments and subcontracts are restricted.

D.6 HOLD HARMLESS

The successful proposer will be required to provide appropriate indemnification and insurance. The agreement will not be executed until all required proof of insurance has been provided to the Director.

D.7 CONFLICTS OF INTEREST

All proposers must review and comply with the City’s Code of Ethics governing City Officers’ or Employees’ interest in any contract with the City not related to the Officers’ or Employees’ employment with the City. The Code of Ethics Ordinance can be found here.

The proposer and its subsidiaries, affiliates, subcontractors, principals, or employees shall not engage in any transaction, activity or conduct which would result in a conflict of interest. If applicable, prior to submitting a proposal, the proposer must disclose to the Designated Contact any and all current or potential conflicts of interest, including transactions, activities, or conduct that would affect the judgment, actions, or work of the proposer by placing the proposer's own interests, or the interest of any party with whom the proposer has a contractual arrangement, in conflict with those of the City. The proposer should contact the Designated Contact with any questions regarding what may constitute a conflict. The City, in its sole discretion, shall determine the existence of a conflict of interest and may disqualify proposals in the event such a conflict exists.

D.8 NON-EXCLUSIVE CONTRACT

The awarded contract(s) shall be non-exclusive. In the City's best interests, the City reserves the right to purchase the same materials and services through other procurements.

D.9 ACCESS

The City reserves the right to close or restrict access to the building for special city/park events or city holidays. The Museum will be notified in advance and the City will make every effort to keep Museum entry/access available.

City has right to close or restrict access building in event of emergencies/safety concerns.

D.10 SECRETARY OF STATE REGISTRATION

Prior to finalization of award and contracting, the successful proposer will be required to furnish a Certificate of Good Standing from the Colorado Secretary of State's Office as proof that they are properly registered to do business in the State of Colorado. See <http://www.sos.state.co.us/pubs/business/businessHome.html> for more information.

D.11 DENVER WAGE LAWS

The services being requested in this RFP may involve services that are covered pursuant to Division 3.75 of Article IV of Chapter 20 of the Denver Revised Municipal Code ("D.R.M.C."), which is designed to address the issue of wage equity and cost of living affordability in the City & County of Denver. The services may also be subject to the City's Wage Theft laws under Chapter 58 of the D.R.M.C. The successful proposer agrees that any contract with the City shall include a requirement that contractor will comply with the provisions of D.R.M.C. §§20-82 through 20-84, including, but not limited to, paying all covered workers no less than the City Minimum Wage for all covered services rendered in connection with the contract; and shall include a requirement that the contractor will comply with provision of D.R.M.C. §§58-1 through 58-26. Additionally, the successful proposer agrees that the contract shall require compliance with all current and future federal and state laws and City ordinances.

D.12 INSURANCE REQUIREMENTS

The successful proposer will be required to obtain and maintain insurance coverage acceptable to the City throughout the term of the agreement. A sample ACORD certificate is provided as **Attachment 6**, which includes the required format and additional insured language.

Based on the nature of the proposed use, the successful proposer may be required to carry some or all of the following types of insurance, subject to final review and approval by the City's Risk Management Office:

- Commercial General Liability (CGL)
- Property Insurance (for proposer-owned equipment or improvements)
- Workers' Compensation (as required by law)
- Business Automobile Liability (if vehicles are used in operations)
- Liquor Liability (if alcohol will be sold or served)
- Cyber Liability (if applicable based on operations)
- Builder's Risk or Installation Floater (if construction or installation work is proposed)
- All applicable coverages must include a waiver of subrogation in favor of the City. The City and its officers, agents, and employees must be named as additional insureds on all required policies.

Contractors, consultants, and any subcontractors engaged by the proposer must also maintain insurance coverage consistent with these requirements.

Proof of insurance must be submitted prior to lease execution, and updated certificates may be requested by the City at any time during the term of the agreement.

D.13 SUSTAINABILITY

Proposer is expected to minimize environmental impacts throughout day-to-day operations and align with the City's aggressive climate goals and sustainability efforts

D.14 FRANCHISE PROPOSERS

Franchise proposers must provide the required information on financial capabilities, franchise operations, and information on the operations of the franchisor. Franchisees must include a letter from franchisor granting approval to propose.

D.15 VENDOR PERFORMANCE MANAGEMENT

The City's Purchasing Department may administer a vendor performance management program as part this proposal and resulting contract. The purpose of this program is to create a method for documenting and advising the Purchasing Department of exceptional performance or any problems related to the purchased goods and services.

Propose as part of your response specific performance measures that may be used to develop a vendor performance management report card. Also provide any other data,

criterion or methods that would be effective in measuring vendor performance over the life of this contract.

D.16 BACKGROUND CHECKS:

The successful proposer shall submit to The City's Background Checks policy and be required to successfully pass a criminal background check. Additionally, any and all employees that may work at City location shall submit to the same requirement.

D.17 ADDENDA

In the event it becomes necessary to revise, change, modify or cancel this RFP or to provide additional information, addenda will be issued to all recipients of this RFP.

D.18 ALTERNATE RESPONSES

It is our intent to solicit proposals that afford the City the most cost efficient, technically responsive proposal for the acquisition (Leasehold Interest) of the subject matter of this RFP. However, we recognize that there may be arrangements different from that requested hereunder that would offer additional benefits to the City while satisfying the applicable requirements of this RFP. Accordingly, you may submit alternative proposals for consideration, which offer such benefits in addition to the requested primary (baseline) proposal. These alternatives will be evaluated in conjunction with the primary (baseline) approach for each proposal.

D.19 ACCEPTANCE PERIOD

Proposals in response to this RFP shall indicate that they are valid for a period no less than 180 days from the Proposal Due Date indicated on the cover page of this RFP.

D.20 GRATUITIES AND KICKBACKS

It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding of application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.

It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime proposer or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

In the event that any gratuities or kickbacks are offered or tendered to any City and County of Denver employee, the proposal shall be disqualified and shall not be reinstated.

D.21 NON-COLLUSIVE PROPOSER CERTIFICATION

By the submission of this proposal, the proposer certifies that:

- A. The proposal has been arrived at by the proposer independently and has been submitted without collusion with any other proposer.
- B. The contents of the proposal have not been communicated by the proposer, nor, to its best knowledge and belief, by any of its employees or agents, to any person not an employee or agent of the proposer or its surety on any bond furnished herewith, and will not be communicated to any such person prior to the official opening of the proposal.
- C. No proposer shall submit more than one proposal for this purchase. It shall be the responsibility of each proposer to obtain the prior written permission of the Director of Real Estate before proposal opening in every situation in which the proposer, due to corporate association or other affiliation, may be found to be impermissibly associated with another proposer. Failure to observe this requirement could result in all such affiliated proposals being rejected.

SECTION E: EVALUATIONS

E.1 SELECTION COMMITTEE

The Selection Committee shall consist of Real Estate and Arts and Venue representatives and other appropriate individuals as appointed by the Director. The Selection Committee shall review the written responses to the RFP, consider the causes for rejection or disqualification and the Evaluation Criteria listed in Section E.5, and make its recommendation to the Director. Proposers may be requested to participate in oral interviews to further assess their qualifications.

E.2 CONTACTS

Any proposer who contacts any member of the Selection Committee other than the Designated Contact from the date of issuance of the RFP and prior to the completion of the selection process may be disqualified from further participation in the selection process, at the Director's sole discretion

E.3 DIRECTOR'S DECISION

The Director will review the recommendation of the Selection Committee and decide on a successful proposer. As the City's best interests may appear, the Director reserves the right to terminate, suspend, modify the selection process; reject any or all submittals; modify the terms and conditions of this selection process; and waive any informalities, irregularities, or omissions in any submittal. the Director reserves the right to conduct negotiations with one or more proposers. The proposers will be notified of the Director's decision.

An agreement will be prepared for execution following the submittal of all required documentation by the successful proposer. The contract will then be submitted to the City Council and Mayor for approval by ordinance, if applicable, and Mayoral signature.

NO RIGHTS TO PROVIDE SERVICES SHALL ARISE UNTIL THE CONTRACT IS APPROVED BY ORDINANCE (IF APPLICABLE) AND SIGNED BY THE MAYOR.

E.4 CAUSES FOR APPLICATION REJECTION AND DISQUALIFICATION

- Failure to provide complete information and/or documentation as required
- Evidence of collusion or fraud
- Evidence of gratuity or kickback
- Default or termination of other contracts pertinent to proposer's ability and willingness to perform contractual obligations
- Delinquent federal, state, or local tax obligations
- Lack of ability to operate as required
- Omissions or fraudulent statements
- Outstanding debts to the City
- Breach or violation of terms and conditions of existing agreements, licenses, or permits with the City
- Conviction or indictment of a proposer, manager, or staff for a felony involving violence, including sexual offenses, and/or listing of same on the Colorado sex offender registry or a similar sexual offender registry of another state or the federal government
- Not being in good standing with the Secretary of State
- At its discretion, the City does not accept proposals submitted by other governmental agencies

E.5 EVALUATION CRITERIA

The criteria to be used for the proposal evaluation include but are not limited to:

- Qualifications and Experience
- Approach
- Financial Backing
- Response to questions/requests for information as listed in Section
- Pricing
- Diversity & Inclusiveness in City Solicitations

No weighting or relative importance of criteria is intended or implied by this list.

ATTACHMENTS:

ATTACHMENT 1 PROPOSER RESPONSES FORM

ATTACHED SEPARATELY

ATTACHMENT 2 PRO FORMA STATEMENT

EDITABLE VERSION ATTACHED SEPARATELY

ATTACHMENT 2 - Pro Forma Statement			
PRO FORMA INCOME STATEMENT			
Edit the Pro Forma Income Statement as needed. It must include at a minimum the gross revenue, total cost of sales, gross profit, total operating expenses, and net income. Complete the explanation of factors and assumptions box below.			
PROPOSER NAME: _____			
	2026 (Year 1)	2027 (Year 2)	2028 (Year 3)
Gross Revenue			
Admission			
Fundraising			
Grants			
Endowments			
Special Events			
Other			
Total Gross Revenue	\$ -	\$ -	\$ -
Cost of Sales			
Labor			
Other			
Total Cost of Sales	\$ -	\$ -	\$ -
Gross Profit (Gross Revenue minus Cost of Sales)	\$ -	\$ -	\$ -
Operating Expenses			
Staff Salaries			
Administrative Costs			
Janitorial/After Hour Expenses			
Acquisition Expenses			
Depreciation			
Insurance and bonds			
Repair and maintenance			
Storage			
Indirect costs			
Marketing and advertising			
Other Expenses			
Total Operating Expenses	\$ -	\$ -	\$ -
Net Income (Gross Profit minus Operating Expenses)	\$ -	\$ -	\$ -
Please provide any explanations of factors and assumptions below:			

ATTACHMENT 3 DISCLOSURE OF PRINCIPALS

Pursuant to D.R.M.C. 20-69: all contract for professional or personal services which will exceed twenty-five thousand dollars (\$25,000.00); all proposals for use of real property of or by the City, the duration of which is one year or longer and which exceeds twenty-five thousand dollars (\$25,000.00) in revenue or cost; and all proposals for concession agreements for the use of City facilities or property must be accompanied by a separate detachable page setting forth the following information:

- (1) the names of any officer, director, owner or principal of the business entity, including the identity of any shareholder who owns or controls 5% or more of the business entity, and either 1) the names of his or her spouse, and children under eighteen years of age; or 2) a statement that he or she or his or her spouse, or children, if any, under the age of eighteen have or have not made a contribution, as defined in D.R.M.C. 15-32, or contribution in-kind, as defined in D.R.M.C. 15-32, to any candidate, as defined in D.R.M.C. 15-32, during the last five years and identifying by name himself or herself or any spouse or child under the age of eighteen who has made such a contribution or contribution in-kind to a candidate.
- (2) the name of any subcontractors or vendors whose share of the proposal exceeds \$100,000.00 of the contract or formal proposal amount; and
- (3) the names of any unions with which the vendor has a collective bargaining agreement.

See the following page for a form which may be used for such vendor disclosure.

The information required in (1) above must be provided at the time of proposal submittal, and the information required in (2) and (3) must be submitted in a timely fashion prior to award.

Failure to provide the required information in a timely fashion shall render any proposal to which D.R.M.C. 20-69 applies non-responsive.

While a vendor who has already disclosed such information need not provide such information with a second or subsequent proposal unless such information has changed, it shall be the responsibility of each such vendor to verify that such information is still current as of the date of such subsequent proposal and is in fact on file with the City Clerk **by so stating and signing the Disclosure Form**. Failure to provide or update the required information in a timely fashion shall render any proposal to which D.R.M.C. 20-69 applies non-responsive.

PROPOSER DISCLOSURE

Bidding Entity's/Proposer's Name

Date this form was completed

Address (_____)_____

Telephone Number

City, State, Zip Code
Officer/Owner

Signature of

Section 20-69, D.R.M.C. requires the disclosure of the name of each officer, director, shareholder who owns or controls 5% or more of the business entity, principal, and owner of each bidding or proposing entity, and either the names of the spouses of those individuals and the names of their children under the age of eighteen (18), or a statement in lieu of the disclosure of the names of such spouses and children as set forth below in the "Certified Statement in Lieu of Disclosure". **The names of officers, directors, 5% shareholders, principals and owners must be disclosed in either event.** Required disclosures also include the names of any subcontractor/supplier receiving more than \$100,000.00 of work and the names of any unions with which the bidder/Vendor has a collective bargaining agreement.

This page may be photocopied if additional space is required.

The individuals listed below are disclosed as having the noted relationship with the business entity/Vendor listed above. Show appropriate letter in the box to the left. Use center box for relationship to another line number: A=Officer, B=Director, C=Principal, D=Owner, E=Controller of 5% or more of the stock, F=Spouse, G=Child under age 18, H=Subcontractor, I=Supplier, J=Union. Identify with an asterisk (*) all listed persons who have made a contribution or contribution in-kind, as defined by Section 15-32 D.R.M.C., within the last five years.

- 1. [] [] _____
- 2. [] [] _____
- 3. [] [] _____
- 4. [] [] _____
- 5. [] [] _____
- 6. [] [] _____
- 7. [] [] _____

- 8. [] [] _____
- 9. [] [] _____
- 10. [] [] _____
- 11. [] [] _____
- 12. [] [] _____
- 13. [] [] _____
- 14. [] [] _____

**BIDDER/CONTRACTOR/PROPOSER CERTIFIED STATEMENT
IN LIEU OF DISCLOSURE OF NAMES OF SPOUSES AND CHILDREN**

I hereby certify that, except as identified by an asterisk above, no officer, director, shareholder who owns or controls 5% or more of the business entity, principal, or owner or his or her spouse or child under eighteen years of age has made a contribution, as defined at Section 15-32 D.R.M.C., or a contribution in kind, as defined at Section 15-32 D.R.M.C., to a candidate, as defined at Section 15-32 D.R.M.C., during the last five years.

Printed Name of Officer/Owner of Bidding/Proposing entity

Signature of Officer/Owner of Bidding/Proposing entity

ATTACHMENT 4 DIVERSITY & INCLUSIVENESS FORM

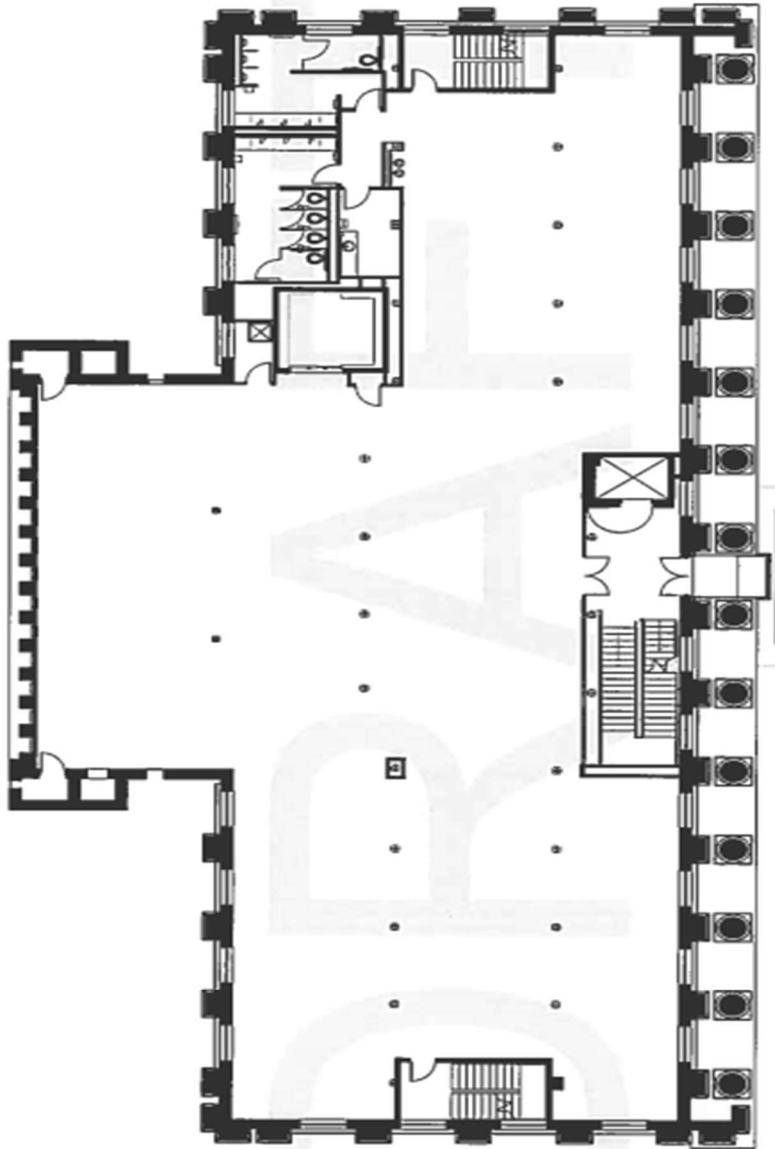
THE DIVERSITY AND INCLUSIVENESS IN CITY SOLICITATIONS INFORMATION REQUEST FORM MUST BE COMPLETED **ONLINE** AT

<https://us.openforms.com/Form/57f3a8ea-39b7-4115-be17-1770f38d3cf6>.

When prompted to “*Enter Email Address of City and County of Denver contact person facilitating this solicitation*” please enter dpr.proposals@denvergov.org

YOU MUST PRINT/SAVE A COPY OF YOUR SUBMISSION AND INCLUDE IT WITH YOUR PROPOSAL

ATTACHMENT 5 SITE PLAN



NO.	4.9
DATE	08/02/2018
PROJECT	McNichols Building
NO.	TBD
DATE	12/1/2018

SCALE: 0 5 10 20 30 40 50

Level 2

ATTACHMENT 6 ACORD CERTIFICATE



City and County of Denver Contractor Certificate of Insurance

Contractors, Please provide this sample certificate to your insurance agent or broker
Certificates must mirror this sample

Note the Additional Insured special instructions below

ACORD® CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE FOLLOWING INSURED(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an additional insured, the policy(s) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: Insurer Broker Name & Address

INSURED: Contractor's Legal Name and Address

COVERAGE: COMMERCIAL GENERAL LIABILITY, AUTOMOBILE LIABILITY, UMBRELLA LIABILITY, EXCESS LIABILITY, CYBER LIABILITY, INFORMATION SECURITY, PRIVACY LIABILITY, NETWORK SECURITY, CYBER SECURITY.

CERTIFICATE HOLDER: City & County of Denver, Applicable Dept Address, Denver, CO 80XXXX

CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE SHALL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

Annotations:

- Contractor's Legal Name → [INSURED]
- Types of insurance required in contract → [COVERAGE]
- If other insurance (Cyber Liability, Professional Liability, for example) is required, please list it here → [COVERAGE]
- Additional insured language in this box* → [ADDITIONAL INSURED]
- Verify correct address & contact information → [CERTIFICATE HOLDER]
- Policy limits must be same or greater than required in the contract → [COVERAGE]
- Policy start date must be prior to effective date of the contract → [COVERAGE]

***The Additional Insured language must state "As required by written contract, the City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers are included as Additional Insured" with regards to the appropriate policies ONLY.**

Project/contract detail such as the contract name and number can be added to the description box.
Qualifying language such as "subject to the terms and conditions of this policy" and "if required per written contract" **CAN NOT BE ADDED.**

DO NOT attach additional insured endorsements or policies.

If the requirements can not be complied with, we reserve the option to move on to another contractor.

ATTACHMENT 7 PREVAILING WAGES SCHEDULE

ATTACHED SEPARATELY

ATTACHMENT 8 PROPOSER'S CHECKLIST

The following check list should be used to ensure required documentation is attached to the proposal. This form does not need to be submitted as part of your proposal.

REQUIRED DOCUMENTS & FORMS:

1. Proposer Response Form (Attachment 1)
 - a. Includes the on-site manager resume or job description attach separately
2. Pro Forma Statement (Attachment 2)
3. Disclosure of Principles (Attachment 3)
4. Diversity & Inclusiveness Form ONLINE (Attachment 4). Print or save completed form and include with your proposal
5. Have you attached a letter of introduction
6. Have you attached copies of all existing business licenses in the market/City in which you are currently doing business reviewed all proposal prices, checked unit costs, extensions and totals?
7. Have you attached your business plan
8. Attached a preliminary floor plan
9. Franchise proposers, have you attached a letter from franchisor granting approval to propose.
10. Have you supplied any alternatives or additional information attached separately?