

NCSPHS AMENDMENT

The Neighborhoods, Community Services, Public Health and Safety Committee offers the following amendment to File 2022-321:

- (1) On **page 1, line 8**, after "CONTRACT" **insert** **"("CONTRACT")"**;
- (2) On **page 1, line 21**, after "SMG;" **insert** **"WAIVING THE PROVISIONS OF CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*, AS TO SMG PROCUREMENT POLICIES; REQUIRING CITY COUNCIL APPROVAL FOR ADDITIONAL CITY FUNDING TO BE PROVIDED TO SMG UNDER THE CONTRACT IN EXCESS OF THE ANNUAL APPROPRIATION AUTHORIZED BY THE BUDGET ORDINANCE;"**;
- (3) On **page 1, line 23**, **strike** **"OFFICE"** and **insert** **"DIVISION"**;
- (4) On **page 2, line 1**, **strike** **"On File"** and **insert** **"Revised On File"**;
- (5) On **page 2, lines 18-19**, **strike** Section 3 in its entirety and **insert** a new Section 3, Section 4, and Section 5 to read as follows:

"Section 3. Chapter 126, Ordinance Code, Waiver in regard to the SMG Contract and providing for utilization by SMG of the SMG Procurement Policies. SMG manages certain City owned public assembly facilities (as defined in the Agreement authorized by this Ordinance). To effect guidelines acceptable to both parties to the Agreement, the City Council hereby determines that, on an annual basis during the term of

the Agreement, to the extent that funding is available in the accounts established for the budget related to the Agreement and SMG has received the necessary approvals for expenditures from said accounts from the City's Authorized Representative under the Agreement, said City Authorized Representative is authorized to approve SMG's continued utilization of SMG's competitive procurement policies for the purchase of capital expenditures in the amount of \$250,000 or less and non-capital extraordinary repair and maintenance projects in the amount of \$500,000 or less. Upon said approval by the City's Authorized Representative, the funds required shall carry-forward and shall not lapse, with appropriate notice from the City's Authorized Representative to the City's Accounting Division. For purchases made by SMG above these \$250,000/\$500,000 thresholds, the City's Authorized Representative shall require SMG's utilization of the City Procurement Division's policies (as the same are reflected in *Ordinance Code* Chapter 126). The provisions of this Section shall in no way modify the Contract's requirement that all purchases by SMG are fully accountable to the City pursuant to the Contract. Excluding Section 126.316 (Contracts to Manage and or Promote Sports and Entertainment Facilities), *Ordinance Code*, the City hereby waives any conflicting provision of Part 2 and Part 3, Chapter 126 (Procurement Code), *Ordinance Code*, relating to SMG's procurement of materials, equipment and services for the operation and

maintenance of the City's Public Assembly Facilities pursuant to the Contract.

Section 4. City Council oversight of additional funding to SMG pursuant to the Contract. Any funding to be provided by the City to SMG pursuant to the Contract in excess of the annual appropriations as authorized by the City's Budget Ordinance shall require City Council approval.

Section 5. Oversight. The Sports & Entertainment Division shall provide oversight of the Contract.";

- (6) Renumber remaining Section accordingly;
- (7) Remove **On File** document and replace with **Revised On File** document attached hereto, which places the Revised agreement on file to: correct scrivener's errors; add the Sports and Entertainment Division to receive communications; specify naming rights agreements for entire facilities would require Council approval; attach ASM's updated procurement policies; include annual maximum of \$820,000 for the Performance Fee paid to ASM; and include Concessions Revenue guarantee of \$2.2 million annually/\$11 million total over the 5-year contract term and include as a criteria within the annual Performance Evaluation criteria;
- (8) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

 /s/ Paige H. Johnston

Office of General Counsel

Legislation Prepared By: John Sawyer

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