



Contract Number: CTN-FM-13\*0055-05  
 Effective Date: 4-15-14  
 Term Date: 1-12-16  
 Cost: \_\_\_\_\_  
 Revenue: ✓  
 Total: \_\_\_\_\_ NTE: \_\_\_\_\_  
 Action  
 Renewal By: 11-1-15  
 Term: 1-12-16  
 Reviewed by: SR

**BOARD OF SUPERVISORS AGENDA ITEM SUMMARY**

Requested Board Meeting Date: January 13, 2015

**ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:**

***This Fifth Amendment to Lease with Accelerate Diagnostics, Inc. will add D.L. Withers to the general contractors that can enter into a written agreement with Accelerate for the tenant improvement build out of expansion premises located on the fourth floor of Herbert K. Abrams Public Health Building. D.L. Withers has previous experience building out different expansion premises for Accelerate at Abrams. Accelerate is solely responsible for paying the tenant improvement construction costs directly to the general contractor who is awarded the contract based on sealed bids submitted to Accelerate's architect.***

CONTRACT NUMBER (If applicable) CTN FM 13\*55

**STAFF RECOMMENDATION(S):**

***Approve this Fifth Amendment to Lease with Accelerate Diagnostics.***

CORPORATE HEADQUARTERS: \_\_\_\_\_

JAN 02 15 08:58 PM CLK OF PD  
 JES

Procure Dept 12/31/14 PM 03:38

CLERK OF BOARD USE ONLY: BOS MTG. \_\_\_\_\_

ITEM NO. \_\_\_\_\_

COST TO PIMA COUNTY: \$0

REVENUE TO PIMA COUNTY: \$0

FUNDING SOURCE(S): NA

(i.e. General Fund, State Grant Fund, Federal Fund, Stadium D. Fund, etc.)

**Advertised Public Hearing:**

		YES	X	NO
--	--	-----	---	----

**Board of Supervisors District:**

1		2	X	3		4		5		All	
---	--	---	---	---	--	---	--	---	--	-----	--

**IMPACT:**

**IF APPROVED:** D.L. Withers, a general contractor with an office located in downtown Tucson will be able to submit a bid for Accelerate Diagnostics, Inc., tenant improvement expansion project in a portion of the Abrams building.

**IF DENIED:** D.L. Withers who has previous experience building out different expansion premises for Accelerate on the fourth floor of Abrams will not be able to bid this upcoming expansion project. The knowledge that D.L. Withers has acquired of Accelerate's equipment and the Abrams building systems could be useful in this expansion project.

DEPARTMENT NAME: Facilities Management

CONTACT PERSON: Melissa Loeschen TELEPHONE NO.: 724-8230

<b>PIMA COUNTY FACILITIES MANAGEMENT DEPARTMENT</b>	
<b>LEASE: 3950 S. COUNTRY CLUB ROAD, 4<sup>th</sup> FLOOR TUCSON, ARIZONA</b>	<b>CONTRACT</b>
<b>TENANT: ACCELERATE DIAGNOSTICS, INC.</b>	<b>NO. CTN-FM-13000000200000000055</b>
<b>LEASE NO.: CTN FM 13*55</b>	<b>AMENDMENT NO. 05</b>
<b>LEASE AMENDMENT NO.: FIVE (5)</b>	This number must appear on all invoices, correspondence and documents pertaining to this contract.

<b>ORIGINAL LEASE TERM:</b>	<b>01/13/13-01/12/16</b>	<b>ORIG. LEASE AMOUNT:</b>	<b>\$418,914.00</b>
<b>TERMINATION DATE PRIOR AMENDMENT:</b>	<b>N/A</b>	<b>PRIOR AMENDMENTS:</b>	<b>\$624,553.09</b>
<b>TERMINATION THIS AMENDMENT:</b>	<b>01/12/16</b>	<b>AMOUNT THIS AMEND.:</b>	<b>\$0.00</b>
		<b>REVISED AMOUNT:</b>	<b>\$1,043,467.99</b>

**FIFTH AMENDMENT TO LEASE**

Pima County (“Landlord”) and ACCEL8 TECHNOLOGY CORPORATION, a Colorado corporation (“Tenant”), entered into a lease agreement for premises located at 3550 S. Country Club Road (the “Building”) dated August 20, 2012 and amended on October 15, 2013, whereby Tenant’s name was changed to ACCELERATE DIAGNOSTICS, INC. and subsequently amended on April 15, 2014, June 1, 2014 and December 16, 2014 (the “Lease”).

- MODIFICATION OF LEASE.** Landlord and Tenant hereby agree to modify the terms of Section 4 of the Fourth Amendment to Lease as set forth in this Fifth Amendment to Lease to add the name of an additional contractor and to update an exhibit. Capitalized terms not otherwise defined in this Fifth Amendment to Lease have the meanings set forth in the original Lease and the Fourth Amendment to Lease. This Fifth Amendment to Lease will be effective when approved and executed by both parties.
- TENANT IMPROVEMENTS.** The language of Section 4 of the Fourth Amendment to Lease is amended to read: “Tenant will, at Tenant’s sole cost and expense, enter into a written agreement with either D.L. Withers, Barker Morrissey, W.E. O’Neil or BFL Construction to build out the Expanded Premises in accordance with the plans shown on Exhibit A which was depicted as Exhibit C in the Fourth Amendment to Lease. Tenant will provide all necessary equipment and furnishings, including chairs.”
- REMAINING LEASE TERMS UNCHANGED.** Except as modified as provided in this Fifth Amendment to Lease, all of the terms and conditions of the Lease as previously amended remain in full force and effect.

JAN 02 15:01:40 POC CLK OF DD  
AF3

IN WITNESS WHEREOF, the parties hereto have executed this Fifth Amendment to Lease as of the day, month and year written below.

**LANDLORD:**

PIMA COUNTY, a political subdivision of the State of Arizona

**TENANT:**

ACCELERATE DIAGNOSTICS, INC. a foreign corporation

\_\_\_\_\_  
Chair, Board of Supervisors

  
\_\_\_\_\_  
Steve Reichling, Chief Financial Officer

Date \_\_\_\_\_

Date 12/30/14

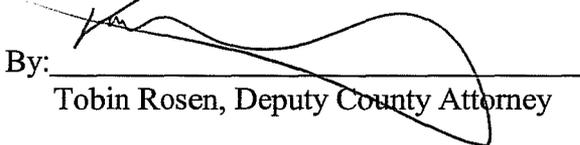
ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO CONTENT:

By:   
\_\_\_\_\_  
Michael L. Kirk Director, Facilities Management Department

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
Tobin Rosen, Deputy County Attorney

Exhibits:

Exhibit A: Tenant Improvements for Option Space "B", New Space, Existing Space & IT Room

