



Contract Number: CTN. PW. 13 * 364 - 01
Effective Date: 8-19-13
Term Date: 7-2-18
Cost: \$265,000.-
Revenue: 265,000.-
Total: NTE:
Action: 4-1-18
Renewal By:
Term: 7-2-18
Reviewed by: DL

BOARD OF SUPERVISORS AGENDA ITEM SUMMARY

Requested Board Meeting Date: August 19, 2013

ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:

On July 2, 2013, the Board of Supervisors approved two Agreements between the County and Community Healthcare Benefit Foundation of Pima County (CHBFPC) related to the Julian Wash section of the Urban Loop, the Agreement for the Development of the Julian Wash Multi-Use Path (CTN 13*365) and the Escrow Agreement (CTN 13*364). While finalizing the Julian Wash Agreements, County staff identified the amount of \$3,590,000 shown in the Agreements overstated the cost of the project by \$265,000. The management fee of \$265,000 was written in the Julian Wash Agreements as an addition to the project cost when in fact the amount was already included in the initial cost of the project.

This amendment will revise the amount written in the Agreements downward from \$3,590,000 to \$3,325,000 to reflect the actual costs of the project, inclusive of the management fee.

CONTRACT NUMBER (If applicable): CTN 13*364

STAFF RECOMMENDATION(S):

The Project Management Office recommends approving the Amendment to the Escrow Agreement.

CORPORATE HEADQUARTERS: Tucson, AZ

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To: CHH- 8-8-13
CWB- 8-14-13
Agenda 8-19-13
Addendum (3)

916 12/12/08 04:44 PM CLK OF ED

Procure Dept 08/08/13 PM0335

CLERK OF BOARD USE ONLY: BOS MTG. _____

ITEM NO. _____

PIMA COUNTY COST: \$0 and/or REVENUE TO PIMA COUNTY: \$ 265,000

FUNDING SOURCE(S): _____

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

Advertised Public Hearing:

		YES	X	NO
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Board of Supervisors District:

1		2		3		4		5		All	X
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IMPACT:

IF APPROVED:

The Escrow Agreement will reflect the actual cost of the project.

IF DENIED:

The Escrow Agreement will reflect an overstated cost.

DEPARTMENT NAME: Public Works Administration

CONTACT PERSON: Nancy Cole / Lisa Matthews TELEPHONE NO.: (520) 724-6312 or 724-8396

**PIMA COUNTY DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION**

PROJECT: Julian Wash Escrow Agreement

CONTRACTORS: Community Healthcare Benefit
Foundation of Pima County and Landmark Title Assurance
Agency of Arizona, LLC

CONTRACT NO.: CTN 13*364

CONTRACT AMENDMENT NO.: One (#1)

CONTRACT

NO CTN-PW-1300000 00000 00000 364

AMENDMENT NO. 01

This number must appear on all
invoices, correspondence and
documents pertaining to this
contract.

ORIG. CONTRACT TERM: 07/02/2013 - 07/02/2018

TERMINATION DATE PRIOR AMENDMENT: N/A

TERMINATION THIS AMENDMENT: 07/02/2018

ORIG. CONTRACT AMOUNT: \$3,590,000

PRIOR AMENDMENTS: N/A

AMOUNT THIS AMENDMENT: \$265,000

REVISED CONTRACT AMOUNT: \$3,325,000

CONTRACT AMENDMENT

WHEREAS, COUNTY and CONTRACTORS entered into a Contract as referenced above; and

WHEREAS, through a clerical error, CONTRACTORS and COUNTY included the wrong funding amount in the Contract;

NOW, THEREFORE, it is agreed as follows:

CHANGE: RECITAL G:

From: "... desires to assist in the completion of the Project through the dedication of THREE MILLION FIVE HUNDRED NINETY THOUSAND and NO/100 DOLLARS (\$3,590,000.00)..."

To: "...desires to assist in the completion of the Project through the dedication of THREE MILLION THREE HUNDRED TWENTY-FIVE THOUSAND and NO/100 DOLLARS (\$3,325,000.00)..."

CHANGE: ARTICLE 1 – Escrow Deposit and Restrictions on Use:

From: "...the Corporation will irrevocably deposit with the Escrow Agent, the sum of Three Million Five Hundred Thousand Ninety Thousand Dollars (\$3,590,000)..."

To: "...the Corporation will irrevocably deposit with the Escrow Agent, the sum of Three Million Three Hundred Twenty Five Thousand Dollars (\$3,325,000)..."

The effective date of this Amendment shall be August 19, 2013.

All other provisions of the Contract, not specifically changed by this Amendment, shall remain in effect and be binding upon the parties.

IN WITNESS THEREOF, the parties have affixed their signatures to this Amendment on the dates written below.

APPROVED:

**COMMUNITY HEALTHCARE BENEFIT
FOUNDATION OF PIMA COUNTY:**

Ramon Valadez, Chair
Pima County Board of Supervisors

Signature

Date

Name and Title (Please Print)

Date

ATTEST:

**LANDMARK TITLE ASSURANCE AGENCY OF
ARIZONA, LLC, an Arizona limited liability company**

Clerk of Board

Name and Title (Please Print) *EVP*

Date

Date

APPROVED AS TO FORM:

REGINA NASSEN
Deputy County Attorney

Date

APPROVED AS TO CONTENT:

Nanette Slusser

Date