



BOARD OF SUPERVISORS AGENDA ITEM REPORT CONTRACTS / AWARDS / GRANTS

Award Contract Grant

Requested Board Meeting Date: 12/03/2019

* = *Mandatory, information must be provided*

or Procurement Director Award

***Contractor/Vendor Name/Grantor (DBA):**

Fidelity National Title Agency Trust Number 30,226

***Project Title/Description:**

Amendment to the Avra Valley Expansion Credit Agreement

***Purpose:**

This amendment to the Connection Fee Credit Agreement (now referred to as Avra Valley Expansion Credit Agreement) with Trust Number 30,226 for \$439,145.87 allows a five (5) year extension of their contract that expires on 02/08/2020.

Like other residential housing developers in the Avra Valley area, the largest impact to project development over the past ten (10) years was the housing market down-turn. With a recovered market, this developer is again working through the process to bring their housing project to completion. This development's water supply Camino Verde Village (Trust #30,226) was impacted by the 2010 City of Tucson service area change and is currently in the process of establishing a wheeling agreement with Tucson Water and Metropolitan Water to serve the development.

***Procurement Method:**

This is a non-Procurement contract and not subject to Procurement rules.

***Program Goals/Predicted Outcomes:**

This extension of the Avra Valley Expansion Credit Agreement allows the developer five (5) additional years to recoup their funds expended in the upgrade of the Avra Valley Water Reclamation Facility and if additional time is needed to expend the Credits, the Pima County Director of Procurement may sign for one (1) additional five (5) year term.

***Public Benefit:**

Assisting the continued economic development in the southwest area.

***Metrics Available to Measure Performance:**

A zero (0) balance in their County CBS Account.

***Retroactive:**

No.

To: CoB- 11-19-19

Ver. - 1

Revised 9/2019

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775 - 2 (1)

Procure Dept 11/18/19 AM 10:30

Contract / Award Information

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____

Effective Date: _____ Termination Date: _____ Prior Contract Number (Synergen/CMS): _____

Expense Amount: \$ _____ Revenue Amount: \$ _____

*Funding Source(s) required:

Funding from General Fund? Yes No If Yes \$ _____ % _____

Contract is fully or partially funded with Federal Funds? Yes No

If Yes, is the Contract to a vendor or subrecipient? _____

Were insurance or indemnity clauses modified? Yes No

If Yes, attach Risk's approval.

Vendor is using a Social Security Number? Yes No

If Yes, attach the required form per Administrative Procedure 22-10.

Amendment / Revised Award Information

Document Type: CTN Department Code: WW Contract Number (i.e., 15-123): 20-079

Amendment No.: 01 AMS Version No.: 1

Effective Date: 02/08/2020 New Termination Date: 02/08/2025

Expense or Revenue Increase Decrease Amount This Amendment: \$ 0.00

Is there revenue included? Yes No If Yes \$ _____

*Funding Source(s) required:

Funding from General Fund? Yes No If Yes \$ _____ % _____

Grant/Amendment Information (for grants acceptance and awards) Award Amendment

Document Type: _____ Department Code: _____ Grant Number (i.e., 15-123): _____

Effective Date: _____ Termination Date: _____ Amendment Number: _____

Match Amount: \$ _____ Revenue Amount: \$ _____

*All Funding Source(s) required:

*Match funding from General Fund? Yes No If Yes \$ _____ % _____

*Match funding from other sources? Yes No If Yes \$ _____ % _____

*Funding Source: _____

*If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)? _____

Contact: Eric Wieduwilt

Department: Pima County Regional Wastewater Reclamation Telephone: 724-9841

Department Director Signature/Date: *John Johnson* 11/13/19

Deputy County Administrator Signature/Date: *Eric Wieduwilt* 11/14/19

County Administrator Signature/Date: *Eric Wieduwilt* 11/14/19
(Required for Board Agenda/Addendum Items)

Pima County Regional Wastewater Reclamation Department

Project: Avra Valley Expansion Credit Agreement

Applicant: Fidelity National Title Agency Trust 30,226

Contract No.: CTN-WW-20-079

Contract Amendment No.: One (1)

Orig. Contract Term: 02/09/2010 - 02/08/2020

Termination Date Prior Amendment: N/A

Termination Date This Amendment: 02/08/25

Orig. Amount: \$439,145.87

Prior Amendments Amount: \$ N/A

This Amendment Amount: \$ N/A

Revised Total Amount: \$439,145.87

AGREEMENT AMENDMENT

The parties agree to amend the above-referenced agreement (the "Agreement") as follows:

1. **Background and Purpose.**
 - 1.1. **Background.** County and Applicant entered into the Agreement (contract no. 14-03-F-142716-0210), effective February 9, 2010, wherein County issued wastewater utility fee (formerly "connection fee") credits in the amount of \$439,145.87 to Applicant to compensate Applicant for its expenditure of that amount toward expansion of County's Avra Valley wastewater reclamation facility. The term of the Agreement was ten (10) years.
 - 1.2. Due to economic conditions, Applicant was unable to proceed with its planned property development within the term of the Agreement and therefore was unable to timely use the credits authorized by the Agreement.
 - 1.3. Applicant requested, and County agrees to, an extension of the Agreement Term for an additional five (5) year period.
2. **Term.** The Agreement terminates on February 8, 2025. The Agreement may, at County's sole discretion, be extended for one (1) additional five (5) year period. The Pima County Procurement Director is hereby authorized to execute such a term extension agreement on behalf of the County.
3. **Substitution.** The term "Wastewater Utility Fee" is substituted for the term "Connection Fee" throughout the Agreement.
4. **Change in Contract Number.** The contract number is changed from 14-03-F-142716-0210 to CTN-WW-20-079.
5. **Israel Boycott Certification.** Pursuant to A.R.S. § 35-393.01, if Applicant engages in for-profit activity and has 10 or more employees, and if this Agreement has a value of \$100,000.00 or more, Applicant certifies it is not currently engaged in, and agrees for the

duration of this Agreement to not engage in, a boycott of goods or services from Israel. This certification does not apply to a boycott prohibited by 50 U.S.C. § 4842 or a regulation issued pursuant to 50 U.S.C. § 4842.

All other provisions of the Agreement not specifically changed by this Amendment remain in effect and are binding upon the parties.

PIMA COUNTY

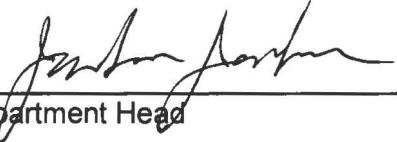
Chairman, Board of Supervisors

ATTEST

Clerk of the Board

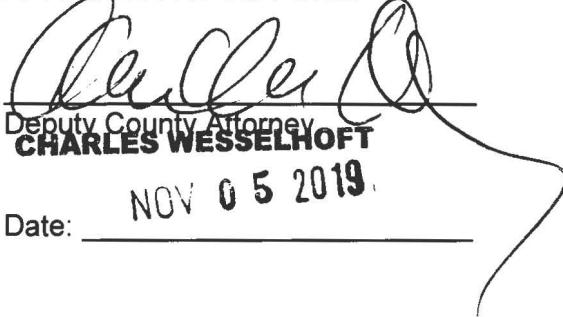
Date: _____

APPROVED AS TO CONTENT



Department Head

APPROVED AS TO FORM



Deputy County Attorney
CHARLES WESSELHOFT

Date: NOV 05 2019

FIDELITY NATIONAL TITLE AGENCY, INC.
APPLICANT an Arizona corporation as TRUSTEE Under
TRUST NO. 301226 and not in its
corporate capacity
By Rachel Turnipseed
Its Trust Officer

Authorized Signature

Rachel Turnipseed, Trust Officer
Printed Name and Title

Date: 11-8-2019