



**BOARD OF SUPERVISORS AGENDA ITEM REPORT
AWARDS / CONTRACTS / GRANTS**

Award Contract Grant

Requested Board Meeting Date: 05/16/2023
or Procurement Director Award:

**=Mandatory, information must be provided*

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

DE LA WARR INVESTMENT CORP

***Project Title/Description:**

Amendment 9 to extend Lease Term for 33 N. Stone, Suite 850.

***Purpose:**

The purpose of this 9th amendment is to extend the Lease Term for one additional year beginning June 1, 2023 and terminating May 31, 2024. During the extension period permit, County and Tenant may mutually agree to further extend and the County may increase Base Rent up to 3% for any additional Option Periods.

***Procurement Method:**

Exempt Per Section 11.04.020.

***Program Goals/Predicted Outcomes:**

The goal of this extension is to extend the Lease Term for one year and provide for additional Option Periods upon mutual agreement. If approved by the Board of Supervisors, Tenant will continue to occupy the office space for the next year, which they have leased for approximately twenty years, and County will continue to receive Lease payments and Tenant's proportional share of operating expenses during the Extension Period.

***Public Benefit:**

County receives Lease payments and Tenant's proportional share of building maintenance expenses which help to offset costs to the public for building upkeep and maintenance. Tenant employs people downtown and those employees contribute to the economy of downtown Tucson.

***Metrics Available to Measure Performance:**

Higher levels of occupancy in County owned buildings downtown; additional resources for building upkeep; efficient use of space and overall contribution to downtown economy during the Lease Extension.

***Retroactive:**

No.

TO: COB. 5-2-23 (1)
Vers.: 9
pgs.: 3

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THE APPLICABLE SECTIONS(S) BELOW MUST BE COMPLETED

Click or tap the boxes to enter text. If not applicable, indicate "N/A". Make sure to complete mandatory (*) fields

Contract / Award Information

Document Type: Department Code: Contract Number:
Commencement Date: Termination Date: Prior Contract Number:
Expense Amount \$: Revenue Amount \$:
Funding Source(s) required:
Funding from General Fund?
Contract is fully or partly funded with Federal Funds?
Were Insurance or Indemnity Clauses modified?
Vendor is using a Social Security Number?

Amendment / Revised Award Information

Document Type: CTN Department Code: FM Contract Number: CMS139839
Amendment No.: 9 AMS Version No.: 9
Commencement Date: 06/01/2023 New Termination Date: 05/31/2024
Amount This Amendment: \$ 28,162.20
Is there revenue included?
Funding Source(s) required: Rent payments from Tenant
Funding from General Fund?

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

Document Type: Department Code: Grant Number:
Commencement Date: Termination Date: Amendment Number:
Match Amount \$: Revenue Amount:
*All Funding Source(s) required:
*Matching Funding from General Fund?
*Matching Funding from Other Sources?
*Funding Source:
*If Federal Funds are received, is funding coming directly from the Federal Government or passed through other organization(s)?

Contact: Kevin Button Telephone: 520-724-8230
Department: Facilities Management

Department Director Signature: Date:
Deputy County Administrator Signature: Date:
County Administrator Signature: Date:

Pima County Department of Facilities Management

Project: Lease Amendment 9 to extend lease term for 33 N. Stone, Suite 850.

Contractor: DE LA WARR INVESTMENT CORP

Contract No.: CTN-FM-CMS139839

Contract Amendment No.:09

Orig. Contract Term: 06/01/2003 - 05/31/2006	Orig. Amount:	\$ 60,235.44
Termination Date Prior Amendment: 05/31/2023	Prior Amendments Amount:	\$ 444,809.40
Termination Date This Amendment: 05/31/2024	This Amendment Amount:	\$ 28,162.20
	Revised Total Amount:	\$ 533,207.04

AMENDMENT NINE

1. **DEFINED TERMS.** For purposes of this Amendment, the following terms have the meanings set forth below:

- 1.1. **Landlord.** Pima County, a political subdivision of the State of Arizona.
- 1.2. **Tenant.** De La Warr Investment Corporation, a Delaware corporation.
- 1.3. **Leased Premises.** Suite 850 in Landlord's building located at 33 N. Stone Ave., Tucson, Arizona 85701, commonly known as the Bank of America Building, consisting of approximately 1,255 rentable square feet.
- 1.4. **Lease.** The Lease for the Leased Premises naming Tenant as tenant, dated April 21, 2003 and all amendments thereto.
- 1.5. **Effective Date:** June 1, 2023.

2. **BACKGROUND.**

- 2.1. Tenant and Landlord entered into the Lease, which has been amended eight times. The Seventh Amendment to the Lease extended the Term to May 31, 2022 and provided Tenant the option to extend the Term for two (2) additional periods of one (1) year each (the "**Option Periods**"). The Eighth Amendment to the Lease extended the Term to May 31, 2023. The Tenant now wishes to exercise its second option to extend the Term.

3. **MODIFICATION OF LEASE.** Landlord and Tenant hereby modify the terms of the Lease as follows:


- 3.1. **Extension of Lease.** The Term of the Lease is hereby extended for the Extension Period of one (1) additional year, which will begin on June 1, 2023 and terminate on May 31, 2024.
- 3.2. **Options to Extend.** During Extension Period, County and Tenant may, by mutual agreement, further extend the Term with additional Option Periods and may increase Base Rent up to, but not to exceed 3%.

4. **REMAINING LEASE TERMS UNCHANGED.** Except as modified by this Lease Amendment nine all terms and conditions of the Lease, as previously amended, remain in full force and effect.

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IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day, month and year written below.

TENANT: De La Warr Investment Corporation, a Delaware Corporation:



Geoffrey P. Shepard
President and Director

06 APR 2023
Date

LANDLORD: Pima County, a political subdivision of the State of Arizona:

Adelita S. Grijalva, Chair, Board of Supervisors

Date

ATTEST:

Melissa Manriquez
Clerk of the Board

Date

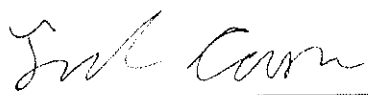
APPROVED AS TO CONTENT:



Tony Cisneros
Interim Director, Facilities Management

MAY 1, 2023
Date

APPROVED AS TO FORM:



Tyler Campman
Deputy County Attorney

4/5/23
Date