



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

Award Contract Grant

Requested Board Meeting Date: 6/06/2023

or Procurement Director Award:

**=Mandatory, information must be provided*

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

Bruce Wayne, LLC

***Project Title/Description:**

Fifth Amendment to 3550 N. 1st Ave. Lease

***Purpose:**

To extend the Lease Term for the Pima County Health Clinic, located at 3550 N. 1st Avenue, to December 31, 2024 and then month-to-month thereafter. This extension allows County to have Lease termination more closely coincide with the Clinic's planned move into the Northwest Service Center, currently under construction.

***Procurement Method:**

Exempt Per Section 11.04.020.

***Program Goals/Predicted Outcomes:**

Pima County Health Department provides medical and family planning services to clients in Mid-Town and North areas of Tucson. The amendment more closely aligns the Lease termination date with the completion of the Northwest Service Center.

***Public Benefit:**

Provides medical services and family planning to clients, which improves health and well-being within the County. Services available include, but are not limited to: well-woman exams, prenatal outreach, immunizations, health screening and health education classes.

***Metrics Available to Measure Performance:**

Conforms with ARS 11-251 Powers of the Board item #39

***Retroactive:**

No.

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.(Synergen/CMS): _____
 Expense Amount \$: _____ Revenue Amount \$: _____
Funding Source(s) required: _____
Funding from General Fund? Yes No If Yes _____ % _____
Contract is fully or partly funded with Federal Funds? Yes No
If Yes, Is the Contract to 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: CT Department Code: FM Contract Number (i.e., 15-123): 19-323
Amendment No.: 5 AMS Version No.: 23
Commencement Date: 06/30/2023 New Termination Date: 12/31/2024
Prior Contract No.(Synergen/CMS): CT-FM-15*473
 Expense Revenue Increase Decrease Amount This Amendment: \$ 208,167.33
Is there revenue included? Yes No If Yes \$: _____
Funding Source(s) required: Continuation of current split 50/50 between Fund 2002, Unit 2887 Health Department Budget and Fund 2042, Unit 2897 Grant Funding
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): _____
Commencement Date: _____ Termination Date: _____ Amendment Number: _____
 Match Amount: \$ _____ Revenue Amount: _____

*All Funding Source(s) required:
*Matching Funding from General Fund? Yes No If Yes, \$ _____ % _____
*Matching 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: Kevin Button Telephone: 520-724-8230
Department: Facilities Management
Department Director Signature: _____ Date: 5.8.2023
Deputy County Administrator Signature: _____ Date: 5-10-2023
County Administrator Signature: _____ Date: 5/10/23

Pima County Department of Facilities Management

Project: Fifth Amendment to 3550 N. 1st Ave. Lease

Contractor: Bruce Wayne, LLC

Contract No.: CT-FM-19-323

Contract Amendment No.:05

Orig. Contract Term: 07/01/2015 - 06/30/2017	Orig. Amount:	\$ 252,111.88
Termination Date Prior Amendment: 06/30/2023	Prior Amendments Amount:	\$ 783,881.62
Termination Date This Amendment: 12/31/2024	This Amendment Amount:	\$ 208,167.33
	Revised Total Amount:	\$ 1,244,160.83

AMENDMENT FIVE

This fifth amendment ("**Amendment**") is made by and between Pima County, a political subdivision of the State of Arizona ("**County**" or "**Tenant**") and Bruce Wayne, LLC., an Arizona for-profit limited liability company ("**Landlord**"). County and Tenant are each individually a "Party" and collectively the "Parties."

The parties agree to amend the agreement as follows:

1. Background and Purpose.

- 1.1. PIMA COUNTY, a political subdivision of the State of Arizona ("**Tenant**") and Pacific Income Properties, LLC, an Arizona limited liability company, entered into a lease agreement ("**Lease**", #CT-FM-15-473, which commenced July 1, 2015, for portions of the building located at 3550 North First Avenue, Tucson, Arizona, commonly known as Weston Plaza, consisting of approximately 8,150 square feet ("**Premises**").
- 1.2. The Term of the Lease was previously extended to June 30, 2019, by the First Amendment to the Lease and the parties executed a Second Amendment assigning the original landlord's interest in the Lease to the new owner of the building, Bruce Wayne, LLC, an Arizona limited liability company ("**Landlord**") and extending the Lease Term to June 30, 2020. The County at that time changed the Lease's contract number from CT-FM-15-473 to CT-FM-19-323. The Third Amendment further extended the lease to June 30, 2021.
- 1.3. On May 18, 2021, the fourth amendment further extended the Term of the Lease to 6/30/2023 and replaced the two remaining one year options to extend with a two year extension and added two, one year options to extend.
- 1.4. Purpose. In lieu of Tenant's existing options, Tenant and Landlord agree to extend the Lease Term to December 31, 2024.

1.5. Capitalized terms used in this Amendment that are not otherwise defined, have the meanings previously assigned in the Lease.

2. **Term.** The parties agree to extend the Term from June 30, 2023 through December 31, 2024 ("**Extension Term**"). Regardless of the Date this Amendment is fully executed, the parties will, for all purposes, deem this Amendment to be in effect on June 30, 2023.

2.1. **Month-to-Month Tenancy.** Without any early termination fees or penalties and not less than 180 days prior to the end of the Extension Term, Tenant will provide Notice to Landlord of their desire to continue to occupy the Premises or terminate the Lease at the end of the Extension Term. Should Tenant continue to occupy the Premises after the expiration of the Extension Term, Tenant will be deemed to be occupying the Premises as a Tenant from month-to-month, at the same Base Rent being paid at the end of the Extension Term, subject to all conditions, provisions, and obligations of the Lease as far as those terms are applicable to a month-to-month tenancy. During month-to-month tenancy, Tenant may terminate the lease with 90 day written notice. At time notice is given, Tenant will, within 10 days, pay Landlord two full months Rent. Final Rent payment will be prorated per section 2.2 below. Notice may be provided by email or other methods as described in Section N of the Lease.

2.2. **Proration.** Should Tenant vacate the Premises on any day other than the beginning or ending day of the month, Landlord agrees the Base Rent and utility costs and expenses payable for that partial month will be prorated based upon the number of days in the applicable calendar month.

3. **Base Rent.** The Base Rent during the Extension Term will be as follows:

Lease Period	Monthly Base Rent *	Annual Base Rent
July 1, 2023-June 30, 2024	\$11,061.90	\$132,742.80
July 1, 2024-December 31, 2024	\$11,283.14	\$67,698.84
	TOTAL	\$200,441.64

**reflects 2% annual increase per Amendment 4*

4. **Remaining Lease Terms Unchanged.** Except as modified by this Amendment, all the terms and conditions of the Lease shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties have executed this agreement on the dates indicated below.

PIMA COUNTY

Bruce Wayne, LLC

Adelita S. Grijalva, Board of Supervisors

Wayne Even

Authorized Officer Signature

Date

Wayne Even

Printed Name and Title

05/09/2023

Date

ATTEST

Melissa Manriquez, Clerk of the Board

Date

APPROVED AS TO CONTENT

[Signature]

Tony Cisneros, Interim Director, Facilities Management

May 8th 2023

Date

[Signature]

Teresa Cullen, Director, Health Department

05/10/2023

Date

APPROVED AS TO FORM

Bobby Yu

Deputy County Attorney

Bobby Yu

Print DCA Name

4/26/2023

Date