



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

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: February 4, 2020

\* = Mandatory, information must be provided

or Procurement Director Award ☐

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

Southern New Hampshire University, a New Hampshire non-profit corporation ("SNHU")

**\*Project Title/Description:**

Second Amendment to Lease Agreement with SNHU at 97 East Congress

**\*Purpose:**

This 2nd Amendment provides for an increase in the rental rate to cover additional HVAC costs per SNHU decision to increase its operating hours; Adds Section 12.5 "Alarm Monitoring Service and Notification" to the Lease.

**\*Procurement Method:**

"Exempt pursuant to Pima County Code section 11.04.020"

**\*Program Goals/Predicted Outcomes:**

Implement additional operating hours to support on-line services for the Western Region; Clarifies Alarm Monitoring and Notification to be provided by Pima County.

**\*Public Benefit:**

This 2nd amendment supports SNHU decision to operate 7 day per week, 6 am to 10 pm, which provides increased and more robust on-line support to the Western Region; Extended operating hours and increased SNHU staff will positively impact Downtown Tucson's economic and social climate.

**\*Metrics Available to Measure Performance:**

Implementation of increased hours; hiring additional staff;

**\*Retroactive:**

No.

JAN 28 2020 09:35 POC: KCF RD  
BK

To: COB 1-28-2020 (2)  
Vers.: 3  
pgs.: 3  
ADDENDUM

**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 22-73.***Amendment / Revised Award Information**

Document Type: CTN Department Code: FM Contract Number (i.e.,15-123): 20\*032

Amendment No.: 2 AMS Version No.: 3

Effective Date: March 1, 2020 New Termination Date: \_\_\_\_\_

Prior Contract No. (Synergen/CMS): \_\_\_\_\_

☐ Expense or ☒ Revenue ☒ Increase ☐ Decrease Amount This Amendment: \$ 909,321.75Is there revenue included? ☒ Yes ☐ No If Yes \$ 909,321.75**\*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: Roberta Small

Department: Facilities Management Telephone: 520-724-9870

Department Director Signature/Date:  1/27/2020

Deputy County Administrator Signature/Date: \_\_\_\_\_

County Administrator Signature/Date:  1/27/2020  
(Required for Board Agenda/Addendum Items)

**PIMA COUNTY DEPARTMENT OF FACILITIES MANAGEMENT**

**LEASE:** 97 East Congress Street, Tucson Arizona 85701

**TENANT:** Southern New Hampshire University, a New Hampshire non-profit corporation

**LEASE NO.:** CTN-FM-20-032

**LEASE AMENDMENT NO.:** TWO (2)

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|  |                                 |                              |                        |
|--|---------------------------------|------------------------------|------------------------|
| <b>ORIGINAL LEASE TERM:</b>              | <b>08/19/2019 to 08/31/2029</b> | <b>ORIG. LEASE AMOUNT:</b>   | <b>\$9,630,898.69</b>  |
| <b>TERMINATION DATE PRIOR AMENDMENT:</b> | <b>08/31/2029</b>               | <b>PRIOR AMENDMENTS:</b>     | <b>\$575,484.00</b>    |
| <b>TERMINATION THIS AMENDMENT</b>        | <b>08/31/2029</b>               | <b>AMOUNT THIS AMEND.:</b>   | <b>\$909,321.75</b>    |
|  |                                 | <b>REVISED LEASE AMOUNT:</b> | <b>\$11,115,704.45</b> |

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**SECOND AMENDMENT TO LEASE  
97 EAST CONGRESS STREET  
TUCSON, ARIZONA**

**1. Background and Purpose.**

- 1.1. Pima County, a political subdivision of the State of Arizona ("**County**") owns a building (the "**Building**") located at 97 E. Congress Street, Tucson Arizona which contains approximately 44,341 gross square feet of interior space as well as an exterior landscaped courtyard area (the "**Premises**").
- 1.2. County previously entered into a Lease, with an effective date of August 19, 2019, leasing the Premises to Southern New Hampshire University, a New Hampshire non-profit Corporation ("**SNHU**").
- 1.3. County previously entered into a First Amendment to the Lease, with an effective date of November 19, 2019, allowing for County Facilities Management Department ("**CFMD**") staff to contract for and oversee the certain improvements allowed under Section 4 of the Lease, with reimbursement from SNHU.
- 1.4. Under Section 10.6 of the Lease, County agreed to provide HVAC to SNHU From 8:00 am to 8:00 pm Monday through Friday. SNHU may request any afterhours HVAC, which is provided at a cost of \$35.00 dollars per hour.
- 1.5. SNHU has decided to increase its hours of operation and, accordingly, wants County to provide, on an ongoing basis, HVAC from 6:00 am to 10:00 pm, Sunday through Saturday. The parties agree that the County's costs attributed to this increase in HVAC hours should be covered by SNHU by means of an increase in the rental rate rather than by the \$35.00 per hour charge contemplated in the Lease.

2. **Modification of Lease.** County and SNHU hereby agree to modify the terms of the Lease as follows:

- 2.1. *Increase in HVAC Hours.* Section 10.6. of the Lease is amended to require County to provide HVAC from 6:00 am to 10:00 pm, Sunday through Saturday, excluding ten (10) Holidays to be designated by SNHU in writing.
- 2.2. *Increase in Rental Rate.* Section 8.1. of the Lease is amended to provide that commencing on the first day of March, 2020, SNHU will pay County rent in the amount of \$64,700.91 per month, which is based on a rate of \$17.51 per RSF per year. Section 8.2 of the Lease is amended to provide that the annual rent for the second year will be \$788,057.07.
- 2.3. *Alarm Monitoring Service, and Notification.* The Lease is amended by adding a new Section 12.5, "Alarm Monitoring Service and Notification," to read as follows:

Until notified otherwise by SNHU, County will continue to provide and maintain the currently installed alarm equipment and existing monitoring service to Premises at no additional cost to SNHU. County, through the Director of its Facilities Management Department, and SNHU will mutually agree on a written procedure for notification of any alarms. The procedure will include, but is not limited to, specifying the manner in which emergency/high/low priority alarms will be handled and providing for a "call down" list of contacts. The procedure may be modified by mutual agreement to accommodate changes in business operations.

3. **Remaining Lease Terms Unchanged.** All other terms and conditions of the Lease not specifically modified by this Second Amendment will remain in full force and effect.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK**

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

**LANDLORD:**


PIMA COUNTY, a political subdivision of  
the State of Arizona

By: \_\_\_\_\_  
Richard Elias  
Chairman, Board of Supervisors

Date: \_\_\_\_\_

**TENANT:**

SOUTHERN NEW HAMPSHIRE UNIVERSITY,  
New Hampshire nonprofit corporation

By:  \_\_\_\_\_

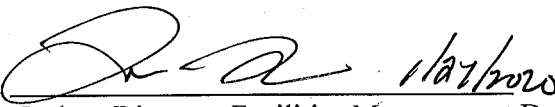
Date: 1/20/2020

**ATTEST:**

By: \_\_\_\_\_  
Julie Castaneda, Clerk of the Board of Supervisors

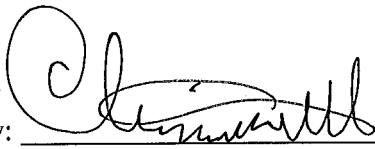
Date: \_\_\_\_\_

**APPROVED AS TO CONTENT:**

By:  1/27/2020  
Lisa Josker, Director, Facilities Management Department

Date: 1/27/2020

**APPROVED AS TO FORM:**

By:  \_\_\_\_\_  
Chris Straub, Deputy Pima County Attorney

Date: 1/22/2020