



BOARD OF SUPERVISORS AGENDA ITEM REPORT
AWARDS / CONTRACTS / GRANTS

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: 09/21/2021

or Procurement Director Award: ☐

* = Mandatory, information must be provided

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

Southern New Hampshire University

***Project Title/Description:**

Third Amendment to Lease agreement with SNHU for 97 E. Congress St.

***Purpose:**

Due to changes in Southern New Hampshire's in-person work model, SNHU is utilizing split shifts. These shifts alternate between work from home and in-person. Due to these changes in the work environment, SHNU has a reduced demand for Parking spaces. This amendment reduces the number of SHNU's reserved spaces in the Scott Avenue Garage (SAG) from 230 to 150.

***Procurement Method:**

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

***Program Goals/Predicted Outcomes:**

Reducing the overall number of SHNU reserved parking space in the Scott Avenue Garage from 230 to 150 spaces.

***Public Benefit:**

More efficient allocation of Parking spaces downtown. This reduction releases spaces within SAG which are currently unused, making more space available to others.

***Metrics Available to Measure Performance:**

Greater access to Parking in the downtown area and potential to increase revenue for SAG with additional clients

***Retroactive:**

No

SFT 1521PW214PC CLK OF DD
AFS

TO: COB 9-15-21 4)
Vers.: 4
pgs.: 4

THE APPLICABLE SECTION(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 (i.e., 15-123): _____
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 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: FM Contract Number (i.e., 15-123): 20-032
Amendment No.: 3 AMS Version No.: 4
Commencement Date: 10/1/2021 New Termination Date: ~~08/31/2020~~ 12
Prior Contract No. (Synergen/CMS): _____

☐ Expense ☒ Revenue ☐ Increase ☒ Decrease

Amount This Amendment: \$ (730,160.00)

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): _____
Commencement 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: Kevin Button

Department: Facilities Management

Telephone: 520-724-8230

Department Director Signature: _____

Date: 9/10/2021

Deputy County Administrator Signature: _____

Date: 9/10/2021

County Administrator Signature: _____

Date: 9/13/21

PIMA COUNTY DEPARTMENT OF FACILITIES MANAGEMENT

Project: Third Amendment to Lease agreement with SNHU for 97 E. Congress St.

Tenant: Southern New Hampshire University, a New Hampshire non-profit corporation

Lease Contract No.: CTN-FM-20-032

Lease Amendment No.: Three (3)

ORIGINAL LEASE TERM:	08/19/2019 to 08/31/2029	ORIG. LEASE AMOUNT:	\$9,630,898.69
TERMINATION DATE PRIOR AMENDMENT:	08/31/2029	PRIOR AMENDMENTS:	\$1,484,805.75
TERMINATION THIS AMENDMENT	08/31/2029	AMOUNT THIS AMEND.:	\$ (730,160.00)
		REVISED LEASE AMOUNT:	\$10,385,544.44

**THIRD 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. With the First Amendment, effective November 19, 2019, County and SNHU (“**Parties**”) amended the Lease allowing for Pima County Facilities Management Department (“**FM**”) staff to contract for and oversee the certain improvements allowed under Section 4 of the Lease, with reimbursement from SNHU.
- 1.4. With the Second Amendment, fully executed on February 4, 2020, County and SNHU agreed to, increase HVAC hours, modify rental rate accordingly and add a section related to “Alarm Monitoring Service and Notification”.
- 1.5. In this Third Amendment, Parties now wish to revise the terms described in section 6 Parking, and reduce the number of parking spaces allocated to SHNU.

2. **Modification of Lease.** County and SNHU hereby agree to modify the terms of the Lease as follows: Section 6 of the Lease titled "Parking" is hereby deleted in its entirety and replaced with the following:
6. **Parking.** In addition to the Premises, County will provide SNHU 150 parking spaces in the County-owned parking garage on Scott Avenue adjacent to the Premises (the "SAG"). These spaces will be reserved starting on the lower floors of the garage and moving up. County reserves the right to make agreements with area businesses for the remainder of the parking spaces in this garage that are not specifically reserved for SNHU. County will, at SNHU's request, provide SNHU up to 70 additional spaces, at SNHU prevailing rates, in County-owned parking garages in the downtown area.
 - 6.1. **Per Space Rate.** SNHU pays County \$89.00 per parking space per month. This monthly charge will increase \$2 per parking space per month on September 1 of each year, during the Term of this Lease.
 - 6.2. **Parking Permits.** SNHU's employees will work with Pima County Facilities Management, Parking Operations division, to get parking permits issued and assigned to individuals. The individuals to whom permits are assigned will be required to fill out standard County paperwork for monthly parking, but County will directly invoice SNHU on a monthly basis for the parking fees. Individuals to whom permits are assigned will be required to comply with all County parking-garage procedures and rules.
 - 6.3. **Payment.** SNHU will begin paying for the parking spaces, at the rate then in effect, as and when permits are issued and assigned to its employees, except that SNHU will begin paying for the reduced number of parking space permits (150), at the current rate of \$89 per space, beginning on October 1, 2021, even if fewer than that number have been issued by that date.
3. **Remaining Lease Terms Unchanged.** All other terms and conditions of the Lease not specifically modified by this Third 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: _____
Sharon Bronson
Chair, Board of Supervisors

Date: _____

TENANT:

SOUTHERN NEW HAMPSHIRE UNIVERSITY,
New Hampshire nonprofit corporation

By: _____

Date: _____

ATTEST:

By: _____
Julie Castaneda, Clerk of the Board of Supervisors

Date: _____

APPROVED AS TO CONTENT:

By: 
Lisa Josker, Director, Facilities Management Department



Date: 9/10/2021

APPROVED AS TO FORM:

By: Victoria Buchinger
Victoria Buchinger, Deputy Pima County Attorney

Date: August 27, 2021

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

LANDLORD:

PIMA COUNTY, a political subdivision of
the State of Arizona

By: _____
Sharon Bronson
Chair, Board of Supervisors

Date: _____

TENANT:

SOUTHERN NEW HAMPSHIRE UNIVERSITY,
New Hampshire nonprofit corporation

By: _____
Kenneth Lee
Chief Financial Officer

Date: 9/10/21

ATTEST:

By: _____
Julie Castaneda, Clerk of the Board of Supervisors

Date: _____

APPROVED AS TO CONTENT:

By: _____
Lisa Josker, Director, Facilities Management Department

Date: _____

APPROVED AS TO FORM:

By: _____
Victoria Buchinger, Deputy Pima County Attorney

Date: _____