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TO: The Honorable City Council

FROM: David Whitaker, Director
Legislative Policy Division Staff

DATE: March 16, 2021

RE: **REVIEW OF CONTRACTS AND PURCHASING FILES**

Attached is the list of contracts submitted by the Office of Contracting and Procurement for the regular session of March 16, 2021.

The contracts submitted were included on the City Council's Agenda for referral to the Committee for review and report back to the City Council.

The comments and review of the Legislative Policy Division staff are printed in bold following the contract.

Attachments

cc:

Janice Winfrey
Mark Lockridge
Boysie Jackson
Irvin Corley
Marcell Todd
Avery Peoples

City Clerk
Auditor General
Office of Contracting and Procurement
Legislative Policy Division
Legislative Policy Division
Mayor's Office

Contracts Submitted to City Council for
Session of March 16, 2021

Statistics compiled for the list submitted for March 16, 2021.

Department	No. of Contracts or Purchase Orders	Detroit-Based Business Bids	Change, Extension Increases, Renewals	Located in Detroit
Fire	1	0	1 Amendment	1
General Services 1 Re-submitted Lease amended	2	0	1 Amd./Assignment	0
Health 1 Re-submitted Lease amended; also includes DDOT & DoIT	1	0	1 Amd./Assignment	0
Public Lighting 1 Revenue contract	1	0	0	0
Public Works	2	0	0	1
Transportation	1	0	0	0
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Totals	8	No Detroit-Based Bids	3 Amendments	2

Six [6] contracts were referred;
One [1] Amendment for 2 contracts, submitted as a separate letter, to be referred at a later date

Contracts and Grants Submitted to City Council
Regular Session of March 16, 2021

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Statistics compiled for the Contracts submitted for March 16, 2021.

This list represents costs totaling \$1,990,348.22¹

Also included is: 1 Revenue contract for term of 5 years;

Re-submitted Lease Agreement divided to 2 Lease Agreements for 10-year total of \$21,500,000,

Only the Current Fiscal Year 2021 costs of \$463,627.22 are included in totals below.

No Demolition contracts were included

Included in the total costs are the following:

General Fund	\$ 931,783.20
Includes \$299,783.20 for Lease	
Street Funds	\$ 753,699.00
Transportation Grant Fund	\$ 140,902.00
Transportation Operation Fund	\$ 163,964.02
Includes \$163,964.02 for Lease payment	

¹ The contract list includes: 1 Amendment to extend and increase costs; 1 Revenue contract; 4 New contracts for one-time purchases or terms of 2 to 3 ½ years; and 1 Lease Amended to create 2 Lease agreements.

TO: THE HONORABLE CITY COUNCIL

FROM: David Whitaker, Director
Legislative Policy Division Staff

DATE: March 16, 2021

RE: **CONTRACTS AND PURCHASE ORDERS SCHEDULED TO BE CONSIDERED AT THE FORMAL SESSION OF MARCH 16, 2021.**

FIRE

6001821 100% City Funding – AMEND 1 – To Provide an Extension of Time and an Increase of Funds for Hazardous Material Clean Up Services. – Contractor: Marine Pollution Control Corp – Location: 8631 W Jefferson Avenue, Detroit, MI 48209 – Contract Period: Upon City Council Approval through February 25, 2022 – Contract Increase Amount: \$170,000.00 – Total Contract Amount: \$370,000.00.

Original Contract Period: February 26, 2019 through February 25, 2021

Costs budgeted to General Fund, Acct. 1000-00065-240240-617900-0-0, Appropriation for Fire Ordinance Enforcement includes available funding of \$1,898,836 as of March 12, 2021.

This request is for approval of Amendment 1 to extend the contract period by 1 year, through February 25, 2022, and increase the costs by \$170,000 for a contract total of \$370,000.

Contract 6001821, with Marine Pollution Control, was approved April 2, 2019, for a 2-year term, through February 25, 2021, for a cost of \$200,000.

Contractor services to include clean up services of hazardous materials, upon written notification of the Fire Marshall. Services to include a 24-hour emergency response to either land or water contamination; High capacity pumping services; Large-scale waste removal and disposal projects; tank cleaning, maintenance and inspections; Vacuum services; Provide reporting to local, state and federal agencies details of incidents, mitigation and end results.

Costs are based on a schedule of fees for a wide variety of services and equipment; Invoices will reflect actual personnel and equipment time, overtime if required, materials and supplies used for a project. Rates based on a minimum 4 hour per unit charge.

This amendment does reflect an increase from \$100,000 per year to \$170,000 for the extension.

Covenant of Equal Opportunity Affidavit signed 2-5-21;

TAXES: Good Through

Hiring Policy Compliance Affidavit signed 2-5-21, Employment application submitted complies; Slavery Era, Prison Industry & Immigrant Detention System Records Disclosure Affidavit signed 2-5-21, indicating NO records of investment, income or employment with these systems;

Political Contributions and Expenditures Statement signed 2-5-21, no donations identified.

Previous contract, No. 6000071 with Marine Pollution Control, approved Week of Aug. 15, 2016, for a 2-year term, through May 30, 2018, for a cost of \$300,000 [\$150,000 per year].

GENERAL SERVICES

6003354 100% City Funding – To Provide Fire Extinguisher Services for the General Services Department and the Fire Department. – Contractor: Gallagher Fire Equipment – Location: 30895 W Eight Mile Road, Livonia, MI 48152 – Contract Period: Upon City Council Approval through January 31, 2023 – Total Contract Amount: \$462,120.00.

Costs budgeted to General Fund, Acct. 1000-29470-470010-617900-0-0, Appropriation for GSD Shared Services includes available funding of \$10,180,956 as of March 12, 2021.

Bids were solicited and closed on November 25, 2020; 2 Bids were received.

**This was awarded to the Lowest cost bid submitted by Gallagher Fire Equipment for \$1,213.13 on sample list of services, for costs of \$212,505 per year.
Second bid received from Cintas for \$1,471.**

**According to the Buyer, through negotiations, Gallagher lowered their bid costs to \$181,060 per year for the requirements of General Services, to the total of \$362,120;
Fire Department estimated total of \$50,000 per year brings the contract total to \$462,120.**

Contract services are for the regular inspections, maintenance – replacing parts or gaskets, refilling, recharging, to ensure the proper operation of Fire Extinguishers in 86 locations -- Public Works, Elections, Health, Police, Recreation Centers, as well as General Services and Fire locations.

Costs are based on a list of fees for a variety of services provided.

Covenant of Equal Opportunity Affidavit signed 12-23-20;

TAXES: Clearance approved 2-2-21;

Hiring Policy Compliance Affidavit signed 12-23-20, Employment application submitted complies; Slavery Era, Prison Industry & Immigrant Detention System Records Disclosure Affidavit signed 12-23-20, indicating NO records of investment, income or employment with these systems; Political Contributions and Expenditures Statement signed 12-23-20, indicating “None”.

Previous contracts:

6001434 with Gallagher Fire Equipment, was approved June 26, 2018 for a term of 2 years, through June 25, 2020, for a cost of \$283,788 [\$141,894 per year].

2918135 with Gallagher Fire Equipment, was approved in January 2016 for a term through December 2017, for cost of \$52,000

PUBLIC LIGHTING

6003343 REVENUE – To Provide Installation and Storage of Fiber Optic Cables on Utility Poles and Underground Conduit. – Contractor: 123.Net, Inc. – Location: 24700 Northwestern Highway Floor 7, Southfield, MI 48075 – Contract Period: Upon City Council Approval through March 1, 2026 – Total Contract Amount: \$0.00.

Revenue budgeted to General Fund, Acct. 1000-00123-380010-617900-0-0, Appropriation for Public Lighting Administration includes available funding of \$1,143,251 as of March 12, 2021.

This request is for approval of a License Agreement between 123.Net, Inc. and the City of Detroit, acting through its Public Lighting Department, to allow use of utility poles and underground conduits, owned by the City, for the purpose of installing, supporting and storing certain fiber optic cable belonging to 123.Net.

The term of the proposed License Agreement is for 5 years, through March 1, 2026; and the Agreement indicates it may be extended for an additional 5 years, with mutual agreement by both parties, which includes a separate approval by the City Council.

Before attaching or installing a cable to an Utility Pole or underground conduit, written approval must first be received from Public Lighting; Installation of any cable may require supervision and monitoring by Public Lighting, which would be an additional cost.

The Licensee [Net.123] may completely remove any of their authorized equipment from the Pole or underground conduit by giving the City 10 days advanced written notice; However, the fee for any removed equipment shall continue for the remainder of the Year that it was authorized.

The Licensee is responsible for obtaining all required permits and approvals for the installation of their equipment; to provide any necessary security for the authorized equipment and premises where equipment is installed.

By July 15 of each year, Licensee to provide to the City an annual report for the preceding fiscal year, ending June 30, that outlines the number of Utility Poles and duct feet of Conduit used by the Licensee the preceding year.

The Licensee shall pay to the City, by July 15 of each year, for the use of the City's assets during the prior year; there is no provision for use of less than a year, partial year use shall be paid at the full annual rate.

Fees include:

Utility Pole at \$5 per pole per year; Conduit at \$4.30 per duct foot per year.

Contract discussion continues on following page.

Public Lighting - *continued*

6003343 REVENUE – To Provide Installation and Storage of Fiber Optic Cables on Utility Poles and Underground Conduit. – Contractor: 123.Net, Inc. – Location: 24700 Northwestern Highway Floor 7, Southfield, MI 48075 – Contract Period: Upon City Council Approval through March 1, 2026 – Total Contract Amount: \$0.00.

Contract discussion continues below:

Covenant of Equal Opportunity Affidavit signed 2-9-21;

TAXES: Good Through 2-22-22;

Political Contributions and Expenditures Statement signed 2-9-21, indicating “None”.

Law Dept. has indicated the Hiring Policy Compliance Affidavit and the Slavery Era, Prison Industry and Immigrant Detention System Records Disclosure Affidavits are NOT required for contracts that do not provide products or services to the City, such as License agreements, Lease or sale of property.

Previous License Agreements for use of City Utility Poles and Underground conduit, include the following:

No. 6001445 with New Cingular Wireless for Small Cell Telecommunications, approved May 2018, for at term through May 29, 2023 for fees of \$1,500 per Street Light pole + \$50 per month per pole for electricity usage;

No. 6001061 with New Cingular Wireless for License Agreement through November 19, 2023 for use of Utility Poles at \$1,500 per pole per year, and \$4.30 per duct foot per year for underground conduit;

No. 6001313, through Public Works, with New Cingular Wireless, for use of Traffic signal poles and support structures, for installation of micro cell communications equipment, approved in March 2018, for a term through March 2023, for fee of \$1,500 per traffic signal and \$50 per month charge for electricity use;

No. 6000720 with Extenet Systems, approved in June 2017, for term through June 2022, for fees of \$1,500 per pole per year and \$4.20 per duct foot for underground conduit;

No. 2845078 with New Cingular Wireless, approved July 2011, for a term from Aug.2009 through Aug. 4, 2024 for lease of rooftop space at Herman Kiefer, for an estimated total of \$468,691 total over 15 years.

PUBLIC WORKS

3046363 100% Major Street Funding – To Provide Payment for the Annual Fees to Maintain Signals at Twelve (12) Railroad Crossings. – Contractor: CSX Transportation – Location: 6732 Southpoint Drive, South Jacksonville, FL 32216 – Contract Period: Upon City Council Approval through March 15, 2022 – Total Contract Amount: \$54,186.00.

Costs budgeted to Street Fund, Acct. 3301-06424-193821-622900-0-0, Appropriation for Major Street Operations includes available funding of \$24,598,661 as of March 12, 2021.

This contract was processed as a Nonstandard Procurement with CSX Transportation, the vendor is the Sole Source and owner of the Railroad Crossings, approved by the Office of Contracting and Procurement Oct. 27, 2020.

**In 1993 the Michigan State Legislature approve Act 354 [M.C.L. Sec. 462.315] which states:
After initial installation, all active traffic control devices, circuitry, and appurtenances at crossings shall be maintained, enhanced, renewed and replaced by the railroad at its own expense, except that the road authority [Dept. of Public Works] shall pay a specified annual amount for maintenance, to the railroad for each crossing with active traffic control devices not covered by existing or future railroad – road authority agreements.**

According to Mr. Brundidge, CSX charges the Dept. of Public Works approximately \$18,100 per year for the cost of maintaining at-grade railroad crossing signals and hardware at 12 CSX Railroad crossings.

This request appears to be for invoices received for the period from May 2018 through Dec. 2020, approximately 3 years at \$18,062 per year.

It has also been requested to waive the requirement for affidavits and tax clearance, because this contract to pay the railroad is a requirement of State Law, and not for supplies or services solicited and provided to the City.

Public Works - *continued*

6003393 100% Federal Funding – To Provide Preliminary Engineering Services for Projects Related to the City’s Advanced Transportation and Congestion Management Technologies Deployment (ATCMTD) Grant Award. – Contractor: AECOM Great Lakes, Inc. – Location: 400 Renaissance Center Suite 2600, Detroit, MI 48243 – Contract Period: Upon City Council Approval through December 31, 2024 – Total Contract Amount: \$699,513.00.

Costs budgeted to General Fund, Acct. 3301-20567-191111-632100-190009-0, Appropriation for Advanced Transportation & Congestion Management includes available funds of \$2,132,066 as of March 12, 2021.

Proposals solicited and 3 Proposals received and evaluated on criteria of: Understanding design details and tasks; Technical approach; Staffing and Professional Qualifications; Experience; and Performance history. NO bonus points awarded on the basis of Local Contractor presence.

This recommendation is for approval of a contract with the vendor submitting the highest ranked Proposal, received from AECOM Great Lakes. AECOM scored the highest in 3 of 5 criteria, and 2nd highest in the other 2 criteria.

Presentations were requested from the 2 vendors scoring the highest. AECOM was chosen based on their greater understanding of the City’s network and the requirements for this project. Other proposals received from WSP and Invensity.

The contract cost of \$699,513 was negotiated, based on the AECOM’s proposed cost.

Contract services to include: Engineering and design services; Design assistance during construction; Systems integration; and Project management for the East Jefferson and Livernois Avenue corridors, to support connected and automated vehicle [CAV] technologies and applications.

Construction specifications may include or address: Remote Traffic Signal Management systems; Traffic Signal Controller; MDOT Connected Vehicle Roadside Unit Radio; MDOT OnBoard Vehicle Unit Radio; Public access to communications, Wi-Fi at kiosks along corridors.

The work is anticipated to include 50 intersections.

Though the contract services includes up to 36 meetings, these appear to be with City departments, State offices and other potential vendors. None were identified to be with the Public in the affected corridors of East Jefferson and Livernois.

Contract Discussion continues on following page.

Public Works - *continued*

6003393 100% Federal Funding – To Provide Preliminary Engineering Services for Projects Related to the City’s Advanced Transportation and Congestion Management Technologies Deployment (ATCMTD) Grant Award. – Contractor: AECOM Great Lakes, Inc. – Location: 400 Renaissance Center Suite 2600, Detroit, MI 48243 – Contract Period: Upon City Council Approval through December 31, 2024 – Total Contract Amount: \$699,513.00.

Contract Discussion continued below:

The proposed timeline is to complete the Preliminary engineering, design and development of specifications to solicit Bids on the construction contract(s) by May 2022; Construction would take place from November 2022 through January 2024.

Identified subcontractor is Integral Blue, offices in Madison Heights and Grand Rapids.

Covenant of Equal Opportunity Affidavit signed 3-8-21;

TAXES: Good Through 9-15-21;

Hiring Policy Compliance Affidavit signed 3-8-21, Employment application submitted complies; Slavery Era, Prison Industry & Immigrant Detention System Records Disclosure Affidavit signed 3-8-21, indicating NO records of investment, income or employment with these systems;

Political Contributions and Expenditures Statement signed 3-8-21, indicating 1 donation to Council Member in 2020.

Contract 6001606 approved Oct. 2, 2018, with AECOM Great Lakes, to provide consulting services for the Traffic Management Center, provide staffing and engineering support for operations of the Traffic Management Center, for a period of 3 years, through September 30, 2021, for a costs of \$2,812,500.

TRANSPORTATION

3048204 100% Grant Funding – To Provide Seventy (70) Laptop Computers, Monitors, Docking Stations and Associated Equipment for DDOT Admin Executives and Staff Working Remote. – Contractor: Sehi Computer Products, Inc. – Location: 2930 Bond Street, Rochester Hills, MI 48309 – Contract Period: Upon City Council Approval through March 15, 2022 – Total Contract Amount: \$140,902.00.

Costs budgeted to General Fund, Acct. 5303-20287-201111-644100-0-0, Appropriation for FY2015 Sec. 5307 Grant includes available funding of \$7,263,267 as of March 12, 2021.

Bids requested by Dept. of Transportation for the procurement of HP Laptops for DDOT Administrators to work from home; 4 Bids received.

This recommendation is for the Lowest Bid received from Sehi Computer Products; lowest bid was \$136,880 with required bonds.

Other bids received include: Security Solution Services for \$136,706.40 for Dell computers [*though lower in cost, Dept. rejected bid with Dell equipment as not acceptable*]; Universal Adaptive Consulting for \$200,159.10; and AVE Solutions for \$202,490.

After Sehi was chosen as the preferred provider for the required products; according to Office of Contracting and Procurement, there was some adjustment to the requirements for the final cost of \$140,902.

Purchase includes 70 HP Elitebook computers for \$1,563 each; 70 Monitors for \$155 each; 70 Keyboard and mouse for \$24 each; 70 Lojack software, 4 years, for \$69 each; 50 headsets for \$164 each; 76 HP docking station for \$42 each.

Covenant of Equal Opportunity Affidavit signed 9-21-20;

TAXES: Good Through 7-14-21;

Hiring Policy Compliance Affidavit signed 9-21-20, Employment application submitted complies; Slavery Era, Prison Industry & Immigrant Detention System Records Disclosure Affidavit signed 9-21-20, indicating NO records of investment, income or employment with these systems; Political Contributions and Expenditures Statement signed 9-21-20, indicating “N/A”.

The following contract Assignment was submitted as a Special Letter on March 12, 2021. Contract 6002099 was approved as a City–Wide contract on May 21, 2019, for a period of 10 years, through December 1, 2029 and a total cost of \$21,500,000. The contract was for the lease of 98,615 square feet of office space at 100 Mack and 115 Erskine, for offices of General Services, Health and the Department of Transportation and Innovation and Technology.

The contract of lease was approved with Woodward Mack 22; This business entity has been reformed into two New Entities for each facility: 115 Erskine, LLC and 100 Mack, LLC

The single contract 6002099 is being re-submitted as 2 contracts with each new business.

MAYOR’S OFFICE

6002099 100% City Funding – 100% City Funding –To Lease at 100 Mack, 100 Elliot. Total Sq. Footage 98,615 – Contractor: Woodward Mack 22, LLC – Location: 115 W. Brown St., Birmingham, MI 48009 – Contract Period: Upon City Council Approval through December 1, 2029 – Total Contract Amount: \$21,500,000.00.

Assigned to:

GENERAL SERVICES

6003340 100% City Funding – To Provide an Agreement to Lease Office Space for the General Services Department Staff. – Contractor: 115 Erskine, LLC – Location: 115 W Brown Street, Birmingham, MI 48009 – Contract Period: Upon City Council Approval through August 31, 2030 – Total Contract Amount: \$4,780,886.50.

\$92,051.37 in costs owed for Fiscal Year 2021 budgeted to General Fund, Acct. 1000-29470626400-0, Appropriation for GSD Shared Services includes available funds of \$10,180,956 as of March 12.

Dated February 17, 2020, to the City, The Notice of transfer of Property – Lease Agreement, regarding property at 115 Erskine, that the property was conveyed, which included an assignment of the lease with the City to the New Property owner, 115 Erskine, LLC; The assignment of the lease to 115 Erskine, LLC was effective November 11, 2019.

The facility at 115 Erskine consists of approximately 19,903 square feet of space. This first amendment to the Lease Agreement established the Commencement date of February 10, 2020, and termination date of August 31, 2030.

The initial Base Rent begins at \$18.50 per square foot. The original lease provided for the base rent to be abated for the first 6 months of the lease. A prorated portion of the base rent, for \$21,775.59 to be paid for August 2020; and beginning September 1, 2020, the City to pay the full amount of the base rent of \$30,683.79 per month; the first scheduled increase in monthly base rent to occur on August 1, 2021. The total cost for the term through August 2030 is \$4,780,886.50

As indicated, 115 Erskine to be used as offices for General Services Department.

The following contract Assignment was submitted as a Special Letter on March 12, 2021. Contract 6002099 was approved as a City-Wide contract on May 21, 2019, for a period of 10 years, through December 1, 2029 and a total cost of \$21,500,000 to lease office space for City Departments.

MAYOR'S OFFICE

6002099 100% City Funding – 100% City Funding –To Lease at 100 Mack, 100 Elliot. Total Sq. Footage 98,615 – Contractor: Woodward Mack 22, LLC – Location: 115 W. Brown St., Birmingham, MI 48009 – Contract Period: Upon City Council Approval through December 1, 2029 – Total Contract Amount: \$21,500,000.00.

Assigned to:

HEALTH

6003341 100% City Funding – To Provide an Agreement to Lease Office Space for the Health, Department of Transportation and DoIT Departments. – Contractor: 100 Mack, LLC – Location: 115 W Brown Street, Birmingham, MI 48009 – Contract Period: Upon City Council Approval through August 31, 2030 – Total Contract Amount: \$16,719,113.50.

Costs owed for Fiscal Year 2021 are budgeted to the following accounts:

\$178,019.79 budgeted to General Fund, Acct. 1000-00068-250060-626400-000090-30036, Appropriation for Health Administration includes available funds of \$3,254,554 as of March 12 2021;

\$14,727.30 budgeted to General Fund, Acct. 1000-10895-250647-626400-000097-30036, Appropriation for Health Food Sanitation includes available funds of \$449,632 as of March 12, 2021;

\$6,316.70 budgeted to General Fund, Acct. 1000-14057-230202-626400-0-0, Appropriation for Departmental Financial Services includes available funding of \$4,225,492 as of March 12, 2021;

\$2,631.96 budgeted to General Fund, Acct. 1000-00105-280110-626400-0-0, Appropriation for Human Resources Administration includes available funding of \$1,652,347 as of March 12, 2021;

\$5,916.08 budgeted to General Fund, Acct. 1000-00024-310020-626400-0-0, Appropriation for DoIT Administration & Operations includes available funding of \$39,244 as of March 12, 2021;

\$163,964.02 budgeted to Transportation Operations Fund, Acct. 5301-00149-200170-626400-0-0, Appropriation for DOT Plant Maintenance includes available funds of \$2,125,811 as of March 12.

Contract discussion continues on following page.

MAYOR'S OFFICE

6002099 100% City Funding – 100% City Funding –To Lease at 100 Mack, 100 Elliot. Total Sq. Footage 98,615 – Contractor: Woodward Mack 22, LLC – Location: 115 W. Brown St., Birmingham, MI 48009 – Contract Period: Upon City Council Approval through December 1, 2029 – Total Contract Amount: \$21,500,000.00.

Assigned to:

HEALTH

6003341 100% City Funding – To Provide an Agreement to Lease Office Space for the Health, Department of Transportation and DoIT Departments. – Contractor: 100 Mack, LLC – Location: 115 W Brown Street, Birmingham, MI 48009 – Contract Period: Upon City Council Approval through August 31, 2030 – Total Contract Amount: \$16,719,113.50.

Contract Discussion continues below:

Dated February 17, 2020, to the City, The Notice of transfer of Property – Lease Agreement, regarding property at 100 Mack, that the property was conveyed, which included an assignment of the lease with the City to the New Property owner, 100 Mack, LLC; The assignment of the lease to 115 Erskine, LLC was effective November 11, 2019.

The facility at 100 Mack consists of approximately 78,712 rentable square feet of space. This first amendment to the Lease Agreement established the Commencement date of December 14, 2019, and termination date of August 31, 2030.

The initial Base Rent begins at \$18.50 per square foot. The original lease provided for the base rent to be abated for the first 6 months of the lease. A prorated portion of the base rent, for \$76,853.48 to be paid for June 2020; and beginning July 1, 2020, the City to pay the full amount of the base rent of \$121,347.67 per month; the first scheduled increase in monthly base rent to occur on June 1, 2021.

The total cost for the term through August 2030 is \$16,719,113.50

As indicated, 100 Mack to be used as offices for the Health Department, Dept. of Transportation, and the Dept. of Innovation and Technology.