

AMENDMENT NO. 2
PROPERTY MANAGEMENT SERVICES
(RFP 15-06, Contract No. C-10111)

This Amendment No. 2 ("Amendment") to the Property Management Services ("Agreement") is made this 19 day of August, 2016, ("Effective Date"), by and between the City of Glendale, an Arizona municipal corporation ("City") and MODE Real Estate Management Services, LLC, an Arizona limited liability company authorized to do business in Arizona ("Contractor").

RECITALS

- A. City and MODE Real Estate Management Services, LLC ("Contractor") previously entered into agreement for Property Management Services, Contract No. C-10111, dated June 23, 2015 ("Agreement"); and
- B. The Agreement had an initial one-year term beginning June 23, 2015 through June 22, 2016 and provided the option to extend for an additional four (4) years in one-year increments; and
- C. City and Contractor previously entered into Agreement Amendment No. 1, extending the term of the Agreement from June 23, 2016 through June 22, 2017; and
- D. City and Contractor wish to modify and amend the Agreement subject to and strictly in accordance with the terms of this Amendment.

AGREEMENT

In consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Contractor hereby agree as follows:

- 1. **Recitals.** The recitals set forth above are not merely recitals, but form an integral part of this Amendment.
- 2. **Term.** The term of the Agreement is unchanged. All other provisions of the Agreement except as set forth in this Amendment shall remain in their entirety.
- 3. **Scope of Work.** The Scope of Work is unchanged.
- 4. **Compensation.** The original compensation amount is being amended and increased to \$44,000 per year. The City and Contractor wish to modify the Agreement to increase the property management fees for the Bank of America building at 5800 W. Glenn Avenue, Glendale, AZ 85301 due to the coming a new tenant--DCS--in the building. Additionally, MODE will be managing the parking structure in the Bank of America for a base monthly management fee of \$500/month as per Exhibit A.

This additional service is within the general Scope of Work as deemed necessary to best serve the interest of the City.

5. **Insurance Certificate.** Current certificate will expire on April 9, 2016 and a new certificate applying to the extended term must be provided prior to this date to Materials Management and the Contract Administrator.
6. **Non-discrimination.** Contractor must not discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, age, marital status, sexual orientation, gender identity or expression, genetic characteristics, familial status, U.S. military veteran status or any disability. Contractor will require any Sub-contractor to be bound to the same requirements as stated within this section. Contractor, and on behalf of any subcontractors, warrants compliance with this section.
7. **No Israel Boycott.** The Parties agree that they are not currently engaged in, and agree that for the duration of the Agreement they will not engage in, a boycott of Israel, as that term is defined in A.R.S. §35-393.
8. **Ratification of Agreement.** City and Contractor hereby agree that except as expressly provided herein, the provisions of the Agreement shall be, and remain in full force and effect and that if any provision of this Amendment conflicts with the Agreement, then the provisions of this Amendment shall prevail.

[Signatures on the following page.]

CITY OF GLENDALE, an Arizona
municipal corporation

KR

Kevin R. Phelps, City Manager

ATTEST:

JKB

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

MB

Michael D. Bailey, City Attorney

MODE Real Estate Management
Services, an Arizona limited liability
company

P. Hartley

8-4-2016

By: Patty Hartley

Its: President

AMENDMENT NO. 2

**AGREEMENT FOR PROPERTY MANAGEMENT SERVICES
(City of Glendale Solicitation No. RFP 15-06, Contract No. C-10111)**

EXHIBIT A

COMPENSATION

The Compensation shall be amended as follows:

1. The Property Management fees for the Bank of America building located at 5800 W. Glenn Drive, Glendale, AZ 85301 has been increased from \$1,800 per month to \$2,300 per month due to the coming of a new tenant—DCS—in the building.
2. A base monthly Property Management fee for the Bank of America building parking structure is added at \$500 per month in accordance with Contract No. C-10111 Section 2.3.10, Customary Services.
3. The Property Management fee for the Promenade at Paltaire, 5835 W. Paltaire Avenue, Glendale, AZ 85301 shall remain the same at \$900 per month.

The total Property Management fees have increased to \$44,400.00 per year for the new term. All other pricing shall remain unchanged.