

RESOLUTION

Resolution No. 23-19

PATRON: Robert W. Lazaro, Jr.
Executive Director
DATE: March 23, 2023

AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO EXECUTE A LEASE EXTENSION FOR COMMISSION OFFICES

WHEREAS, the Northern Virginia Regional Commission's (NVRC's, Commission's) current lease for office space expires on July 31, 2025; and

WHEREAS, the Executive Director engaged a tenant representative to assist in evaluating options for realizing cost savings while remaining in the current space or by relocating to another property; and

WHEREAS, NVRC's Charter requires its office to be located in Fairfax County; and

WHEREAS, the current landlord proposes to amend NVRC's current lease to have NVRC remain in the premises located at 3040 Williams Drive, Suite 200 for ten years with a reduction in the initial base rental rate from \$32.49 per square foot - including pass-through charges - to \$30.00 per square foot with no pass-through charges for the first year beginning in May 2023; a 2.5% annual escalation in base rent; ten months of rent abatement over 5 years; a tenant approval allowance of \$25 per square foot, of which up to \$10 may be converted to additional rent abatement at NVRC's election; and

WHEREAS, considering both the financial considerations and the other relative merits of NVRC's choices, the Executive Director recommends that the Commission remain at 3040 Williams Drive in Fairfax; and

WHEREAS, the Executive Director recommends executing a new sublease that will extend the same terms to NVTA as would be effective for NVRC under its prime lease amendment, including the term, rental rate and a proportional share of the landlord's concessions; and

WHEREAS, to protect NVRC's interests in executing a prime lease amendment with the current landlord and a new subtenant agreement with NVTA, the Executive Director recommends re-engaging Henry F. Brandenstein, Jr., of Venable LLP, on a sole source basis as he has served as NVRC's legal advisor on previous lease related matters; and

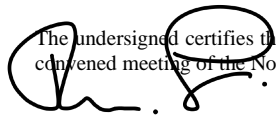
WHEREAS, NVRC's Executive Director recommends accepting the proposal of MAH 3040 Williams LLC c/o Moore and Associates for office space at 3040 Williams Drive and executing a lease extension for a period of ten years from the commencement date, subject to a favorable legal review and NVTA's ratification of a new subtenant agreement;

THEREFORE BE IT RESOLVED, that the Commission authorizes the Executive Director to engage Henry F. Brandenstein, Jr., of Venable LLP, on a sole source basis to provide legal review and advice concerning the prime amendment and the new subtenant lease for an amount not to exceed \$20,000;

THEREFORE BE IT RESOLVED further, that the Commission authorizes the Executive Director to execute agreements for a ten-year lease extension with MAH 3040 Williams LLC c/o Moore and Associates for second-floor office space at 3040 Williams Drive, Fairfax, Virginia 22031, and a ten-year subtenant agreement with NVTA, following favorable legal review of the documents and after the successful ratification of the sublease with the Northern Virginia Transportation Authority consistent with this Resolution.

CERTIFICATION

The undersigned certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Northern Virginia Regional Commission on March 23, 2023.



ROBERT W. LAZARO, JR., CERTIFYING OFFICER