

CTN-IT-CMS 141584-04  
11-18-13  
11-17-18  
Cost  
Revenue \$115,773.24  
Total NTE  
Action 8-1-18  
Renewal By 11-11-18  
Term  
Reviewed by

## **BOARD OF SUPERVISORS AGENDA ITEM SUMMARY**

Requested Board Meeting Date: 11-5-13

### **ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:**

Dakota Holdings, Inc. dba Dakota Internet Partners, Inc. was issued a Rooftop License for use of the Bank of America Rooftop Facilities effective November 18, 2008, with expiration date of November 17, 2013. This Second Amendment extends the term an additional five years, through November 17, 2018, and revises the fee structure accordingly (Exhibit D).

CONTRACT NUMBER (If applicable): CTN-IT-CMS141584

### **STAFF RECOMMENDATION(S):**

The Information Technology Department recommends that the Pima County Board of Supervisors adopt and the Chairman sign the Second Amendment to Rooftop License for Dakota Holdings, Inc. dba Dakota Internet Partners, Inc.

CORPORATE HEADQUARTERS: Arizona

Page 1 of 2

Ver. 4  
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Pgs. 5

To: COB - 10-23-13  
Agenda - 11-5-13  
(2)

Original Sent 10-23-13 PM 12:29

CLERK OF BOARD USE ONLY: BOS MTG. \_\_\_\_\_

ITEM NO. \_\_\_\_\_

PIMA COUNTY COST: \_\_\_\_\_ and/or REVENUE TO PIMA COUNTY:\$ 115,773.24

FUNDING SOURCE(S): N/A

(i.e. General Fund, State Grant Fund, Federal Fund, Stadium D. Fund, etc.)

**Advertised Public Hearing:**

	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
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**Board of Supervisors District:**

1	<input type="checkbox"/>	2	<input type="checkbox"/>	3	<input type="checkbox"/>	4	<input type="checkbox"/>	5	<input checked="" type="checkbox"/>	All	<input type="checkbox"/>
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**IMPACT:**

**IF APPROVED:**

Dakota Holdings, Inc. dba Dakota Internet Partners, Inc. will continue to use the Rooftop Facilities at Bank of America to service its customers, and the County will receive revenue in the amount of \$115,773.24 over the 5 year term.

**IF DENIED:**

Dakota Holdings, Inc. dba Dakota Internet Partners, Inc. will discontinue use of the Rooftop Facilities at Bank of America and remove all its currently installed antenna and equipment, which will adversely affect its customers, and the County will not receive additional revenue.

DEPARTMENT NAME: Information Technology

CONTACT PERSON: Julie McWilliams TELEPHONE NO.: 724-8066



CONTRACT	
NO. <u>CTN-IT-CMS141584</u>	
AMENDMENT NO. <u>04</u>	
This number must appear on all invoices, correspondence and documents pertaining to this contract.	

PIMA COUNTY  
**FOURTH AMENDMENT TO  
ROOFTOP LICENSE FOR  
WIRELESS COMMUNICATIONS FACILITIES**  
CONTRACT No. CTN-IT-CMS141584 (Previous #12-14-D-141584-1108)

THIS AMENDMENT is entered into by and between Pima County ("County"), a political subdivision of the State of Arizona, and Dakota Holdings, Inc. dba Dakota Internet Partners, Inc., ("Licensee"), an Arizona Corporation, and shall be effective November 18, 2013.

RECITALS

County and Licensee entered into a Rooftop License for Wireless Communications Facilities effective November 18, 2008, with expiration date of November 17, 2013. The License was previously amended effective May 1, 2010, November 1, 2011, and November 23, 2012. With this Fourth Amendment to License, the parties desire to amend the license as stated herein.

AGREEMENT

WHEREFORE, the parties agree as follows:

1. SECTION 11: TERM, RENEWAL AND TERMINATION:

The term of the license is extended through November 17, 2018.

2. Section 12 LICENSE FEE is revised to:

"Licensee shall pay County \$1,746.00 (One Thousand Seven Hundred and Forty-Six Dollars) per month..."

3. Exhibit D MONTHLY FEE SCHEDULE is revised, and supersedes the monthly fee set forth in Amendment 3.
4. Exhibit E ANNUAL LICENSE FEE ADJUSTMENT is added.
5. All other provisions of the license shall remain in effect and continue to be binding upon the parties.

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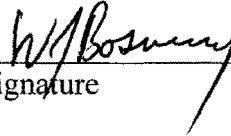
IN WITNESS WHEREOF, the parties have affixed their signatures to this Fourth Amendment to License on the dates written below.

**PIMA COUNTY:**

\_\_\_\_\_  
Chair, Board of Supervisors

\_\_\_\_\_  
Date

**LICENSEE:**

\_\_\_\_\_  
Signature 

\_\_\_\_\_  
William J. Bosmeny, President

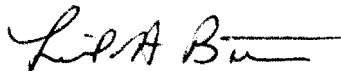
\_\_\_\_\_  
9-23-13  
Date

**ATTEST:**

\_\_\_\_\_  
Clerk of the Board of Supervisors

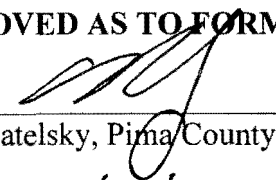
\_\_\_\_\_  
Date

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
  
Lionel H. Bittner, Pima County Chief Information Officer

\_\_\_\_\_  
10/2/13  
Date

**APPROVED AS TO FORM:**

\_\_\_\_\_  
  
Marc Natelsky, Pima County Deputy Attorney

\_\_\_\_\_  
9/17/13  
Date

**EXHIBIT D - DAKOTACOM**  
**Monthly Cost BOA Rooftop Antenna Farm**  
**Effective November 18, 2013**

POSITION	Over 500W Antenna \$250.00	Repeater \$200.00	500W rated antenna \$150.00	100W rated antenna \$100.00	Flat Panel ≤ 47" \$55.00	1' Dish \$50.00	2' Dish \$55.00	3' Dish \$66.00	4' Dish \$70.00	6' Dish \$90.00	GPS \$100.00
D-1								\$66.00			
D-4								\$66.00			
D-6A							\$55.00				
D-6B							\$55.00				
Leased Area SW Corner, 4" pipe								\$66.00			
Leased Area					\$55.00						
Leased Area					\$55.00						
Leased Area					\$55.00						
Leased Area					\$55.00						
Leased Area					\$55.00						
Leased Area					\$55.00						
Leased Area							\$55.00				
Leased Area							\$55.00				
Leased Area							\$55.00				
<b>Totals by type</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$330.00</b>	<b>\$0.00</b>	<b>\$275.00</b>	<b>\$198.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Total all monthly charges by position	\$803.00
Monthly Riser Access fee	\$144.00
Monthly Rental fee (Rooftop section 8' x 7')	\$500.00
Monthly Rental fee (Shed Space)	<u>\$299.00</u>
<b>Total Monthly Fees</b>	<b>\$1,746.00</b>

**Annual Fees            \$20,952.00**

## EXHIBIT E

### ANNUAL LICENSE FEE ADJUSTMENTS effective November 18, 2013 through November 17, 2018

Site ID	Location	Type	Monthly Fee
BOA Rooftop	33 N Stone Avenue	*Antennas	*\$ 803.00
		Riser Access	\$ 144.00
		Rooftop Area 8' x 7'	\$ 500.00
		Shed Space	\$ 299.00
		TOTAL MONTHLY	

#### MONTHLY PAYMENTS DUE

11/18/2013-11/17/2014	\$1,746.00	
11/18/2014-11/17/2015	\$1,833.30	(\$1,746.00 plus 5%)
11/18/2015-11/17/2016	\$1,924.97	(\$1,833.30 plus 5%)
11/18/2016-11/17/2017	\$2,021.22	(\$1,924.97 plus 5%)
11/18/2017-11/17/2018	\$2,122.28	(\$2,021.22 plus 5%)

#### \* Equipment monthly charge

(6) Antenna @ \$55.00	=	\$330.00 / month
(5) Dish @ \$55.00	=	\$275.00 / month
(3) Dish @ 66.00	=	\$198.00 / month
Antenna Height	=	<u>N/A</u>
<b>Total</b>	<b>=</b>	<b>\$803.00 / month</b>