



BOARD OF SUPERVISORS AGENDA ITEM REPORT AWARDS / CONTRACTS / GRANTS

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: 5/20/2025

* = Mandatory, information must be provided

or Procurement Director Award: ☐

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

Conterra Ultra Broadband, LLC.

***Project Title/Description:**

Second Amendment to Non-Exclusive Right-of-Way Use License

***Purpose:**

The purpose of this Amendment is to assign a current right-of way license in the name of Conterra Ultra Broadband, LLC to another fiber optics operator known as Wyerrd Connect, LLC. Additionally, the Amendment will shorten the term of the current license from an end date of March 6, 2027 to an end date on June 30, 2025 at which time the amended license will be replaced with a new license to Wyerrd Connect, LLC. The Amendment allowing for the assignment of the current license from Conterra Broadband, LLC to Wyerrd Connect, LLC is a necessary step for the completion of an asset purchase between Conterra Ultra Broadband, LLC and Wyerrd Fiber, LLC. (LIC-0269)

***Procurement Method:**

Exempt per Pima County Code Section 11.04.020

***Program Goals/Predicted Outcomes:**

To amend the the existing license (Lic-0269) and permit the assignment of the License from Conterra Ultra Broadband, LLC to Wyerrd Fiber, LLC and to modify the license expiration date from March 6, 2027 to June 30, 2025.

***Public Benefit:**

Wyerrd Fiber, LLC will take over the Conterra Ultra Broadband, LLC operation of broadband infrastructure in order to continue providing high speed internet to customers in Pima County.

***Metrics Available to Measure Performance:**

The Amendment to the license is at no cost.

***Retroactive:**

No.

MAY 13 25 PM 02:50 PM CLK OF BD
RM

TO: (CB, 5-13-254)
VERS: 1
PGS: 3
ADDENDUM

MAY 13 25 PM 01:05 PM

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: CT Department Code: RPS Contract Number (i.e., 15-123): CT2500000030
Amendment No.: 2 AMS Version No.: 1
Commencement Date: 05/20/2025 New Termination Date: 6/30/2025
Prior Contract No. (Synergen/CMS): CTN-IT-17*0161

☐ Expense ☒ Revenue ☐ Increase ☐ Decrease

Amount This Amendment: \$ 0.00

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: George Andros

Department: Real Property Services

Telephone: 724-6308

Department Director Signature: _____ Date: 5/13/2025

Deputy County Administrator Signature: _____ Date: 5/13/2025

County Administrator Signature: _____ Date: 5/13/2025

**SECOND AMENDMENT TO
NON-EXCLUSIVE RIGHT-OF-WAY USE LICENSE**

THIS SECOND AMENDMENT ("2nd Amendment") is made and entered into this 20th day of May, 2025, by and between the Pima County, a political subdivision of the State of Arizona ("County"), Conterra Ultra Broadband, LLC ("Prior Licensee") Wyverd Connect, LLC ("Licensee"). County, Prior Licensee and Licensee are collectively referred to as the "Parties".

RECITALS

County granted Prior Licensee a Nonexclusive Right-of-Way License for a Communications System (the "License"), which grants Licensee the right to construct, install, maintain, and operate its communications system pursuant to License # LIC-0269.

The License requires the Board of Supervisors to provide written approval of the assignment of the License from Prior Licensee to Licensee. Licensee and County wish to modify License to include a new termination date, new permitting obligations, and updated contact information. Licensee and County also wish to modify the License to include the commitment to enter into a new right-of-way license.

NOW, THEREFORE, the Parties agree as follows:

1. The Pima County Board of Supervisors hereby approves of the assignment of the License from Prior Licensee to Licensee.
2. Section 2 is hereby amended by adding the following sentence to the end of the first paragraph – "Notwithstanding the above, the County and Licensee agree that this License will terminate on June 30, 2025, provided that the County and Licensee enter into a new telecommunications right-of-way license effective July 1, 2025. The County and Licensee will use good faith commercially reasonable efforts to negotiate the new telecommunications right-of-way license with an effective date of July 1, 2025. If the new license isn't completed by July 1, 2025, the existing License will remain in effect for up to 180 days and the parties will continue to use good faith efforts to promptly finalize the new telecommunications right-of-way license."
3. Section 16 (permitting) is hereby amended to include the following – "No additional permits will be issued under the License. Licensee is allowed to start coordinating, engaging, and submitting permit requests to the County's engineering department (with the full understanding that new or additional permits will not be issued under the existing License). Such submission(s) and efforts will familiarize both Licensee and the County with each other's processes and not delay the planned substantial investment by Licensee in the County. If the County has not finalized the new telecommunications right-of-way license by July 1, 2025, then the County may begin issuing right-of-way use permits on a case-by-case basis under the existing License."
4. Licensee's contact information in Section 25 is hereby deleted and replaced with:

Licensee: Wyverd Connect LLC
Attn: Scott E. Beer, Chief Legal Officer
1601 29th St., STE 1292 (PMB 1042)
Boulder, CO 80301
Phone: 303.725.8815
E-mail: scott.beer@wyverd.com

All other provisions of the License not specifically changed by this 2nd Amendment remain in effect and are binding upon the parties.

WYYERD CONNECT LLC

Signature:



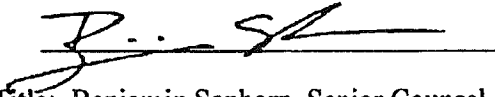
Name and Title: Scott Beer, Chief Legal Officer

Date:

May 7, 2025

CONTERRA ULTRA BROADBAND, LLC d/b/a Conterra Networks

Signature:



Name and Title: Benjamin Sanborn, Senior Counsel

Date:

May 7, 2025

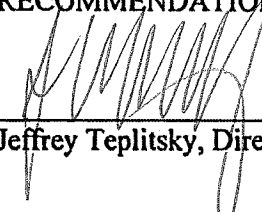
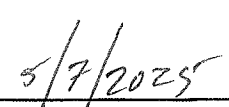
PIMA COUNTY:

Chair, Board of Supervisors Date

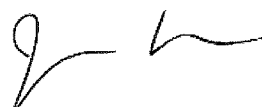
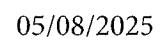
ATTEST:

Melissa Manriquez, Clerk of Board Date

RECOMMENDATIONS FOR APPROVAL:

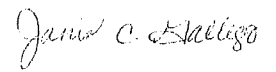
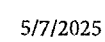
 

Jeffrey Teplitsky, Director, Real Property Services Date

Javier Baca, Chief Information Officer Date

APPROVED AS TO FORM:

Janis Gallego, Deputy County Attorney Date