



BOARD OF SUPERVISORS AGENDA ITEM REPORT
AWARDS / CONTRACTS / GRANTS

Award Contract Grant

Requested Board Meeting Date: May 7, 2024

* = Mandatory, information must be provided

or Procurement Director Award:

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

Arizona Public Service Company

***Project Title/Description:**

Tower License Agreement for Wireless Communications Facilities

***Purpose:**

This license allows Arizona Public Service Company to operate and maintain radio communications equipment on the Pima County owned tower at the Communications Site at Childs Mountain at 5075 N Ajo Gila Highway, Ajo, AZ 85231. This amendment renews the license for the first of three available five-year renewal options.

***Procurement Method:**

This is a non-Procurement contract and not subject to Procurement rules.

***Program Goals/Predicted Outcomes:**

This License Agreement allows Arizona Public Service Company to install, maintain and operate radio communications equipment on the Pima County owned communications tower at the Communications Site on Childs Mountain in Ajo.

***Public Benefit:**

Arizona Public Service Company provides electrical services for the Childs Mountain Communications Site as stated in paragraph 15 of the License Agreement.

***Metrics Available to Measure Performance:**

Adherence to License Agreement provisions and the ongoing delivery of electrical services.

***Retroactive:**

No

TO: COB 4-17-2024 (2)
Vers: 2
pgs: 6

APR17 24 PM 01:17 PD

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: CTN Department Code: IT Contract Number (i.e., 15-123): 19-198

Amendment No.: 1 AMS Version No.: 2

Commencement Date: 5/21/2024 New Termination Date: 5/20/2029

Prior Contract No. (Synergen/CMS): _____

Expense Revenue Increase Decrease

Is there revenue included? Yes No If Yes \$ _____

*Funding Source(s) required: N/A - this is a no cost contract.

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: Jay Hogan / Michelle Mitchell

Department: Information Technology Department

Telephone: 520-724-2316 / 520-724-9590

Department Director Signature: [Signature] Date: 4/15/2024
Deputy County Administrator Signature: [Signature] Date: 4-15-2024
County Administrator Signature: [Signature] Date: 4/15/2024

Pima County Department of Information Technology

Project: Tower License Agreement for Wireless Communications Facilities

Contractor: Arizona Public Service Company

Contract No.: CTN-IT-19-198

Contract Amendment No.: 01

Orig. Contract Term: 05/21/2019 – 05/20/2024	Orig. Amount:	\$	0.00
Termination Date Prior Amendment: N/A	Prior Amendments Amount:	\$	0.00
Termination Date This Amendment: 05/20/2029	This Amendment Amount:	\$	0.00
	Revised Total Amount:	\$	0.00

LICENSE AMENDMENT

The parties agree to amend the above-referenced contract as follows:

1. Background and Purpose.

1.1. Background. On May 21, 2019, Pima County (“County”) and Arizona Public Service Company (“Licensee”) entered into the above referenced Tower License Agreement for Wireless Communications Facilities (“License”). Section 11 of the License states that the License is renewable for three additional five-year periods upon written agreement of both parties.

1.2. Purpose. County would like to renew the License for the first additional five-year period to allow Licensee to continue to operate and maintain radio equipment on the tower and at the Communications Site at Childs Mountain, at 5075 N. Ajo Gila Highway, Ajo, AZ, 85231.

1. **Term.** Parties are exercising the first extension option to renew the License for five additional years commencing on May 21, 2024, and terminating on May 20, 2029. If the commencement date is before the Effective Date of this amendment, the parties will, for all purposes, deem the amendment to have been in effect as of the commencement date.

2. **Exhibit G - Pima County Arizona Modification to Permit (M7) Cabeza Prieta National Wildlife Refuge Special Use Permit** is added to the contract with the following language:

3.1. The Pima County Communications Site located at Childs Mountain is managed by the United States Fish and Wildlife Service, Cabeza Prieta National Wildlife Refuge. Pima County and all Licensees at the Childs Mountain Site are required to adhere to all stipulations and requirements of **Exhibit G**.

3. **Notice.** Section 30 of the original license is hereby replaced with the following:

Any notice required or permitted to be given under this Contract must be in writing and be served by personal delivery or by certified mail upon the other party as follows:

PIMA COUNTY:
Information Technology Department
Attn: Contract Administrator
33 N Stone; 14th Floor
Tucson, Arizona 85701
(520)724-8113
ITD_Purchasing@pima.gov

LICENSEE:
Arizona Public Service Company
Attn: Director of IT Operations and
Infrastructure
P.O. Box 53933 Mail Stop 3809
Phoenix, AZ 85072-3933

4. **Israel Boycott Certification.** Pursuant to A.R.S. § 35-393.01, if Licensee engages in for-profit activity and has 10 or more employees, and if this License has a value of \$100,000.00 or more, Licensee certifies it is not currently engaged in, and agrees for the duration of this License to not engage in, a boycott of goods or services from Israel. This certification does not apply to a boycott prohibited by 50 U.S.C. § 4842 or a regulation issued pursuant to 50 U.S.C. § 4842.
5. **Forced Labor of Ethnic Uyghurs.** Pursuant to A.R.S. § 35-394, if Licensee engages in for-profit activity and has 10 or more employees, Licensee certifies it is not currently using, and agrees for the duration of this License to not use (1) the forced labor of ethnic Uyghurs in the People's Republic of China; (2) any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China; and (3) any contractors, subcontractors or suppliers that use the forced labor or any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China. If Licensee becomes aware during the term of the License that Licensee is not in compliance with A.R.S. § 35-394, Licensee must notify the County within five business days and provide a written certification to County regarding compliance within one hundred eighty days.

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

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PIMA COUNTY

Chair, Board of Supervisors

Date

ATTEST

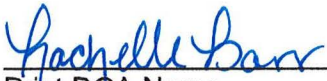
Clerk of the Board

Date

APPROVED AS TO FORM



Deputy County Attorney



Print DCA Name

04-11-2024
Date

LICENSEE



Authorized Officer Signature

Valerie Donegan, Director IT, Infrastructure & Operations
Printed Name and Title

3/15/2024
Date

APPROVED AS TO CONTENT



Javier Baca, Director
Information Technology Department

4/15/2024
Date

Exhibit G (2 pages)
**Pima County Arizona Modification to Permit (M7) Cabeza Prieta National Wildlife Refuge Special
Use Permit**

EXHIBIT G

August 31, 2010

PIMA COUNTY, ARIZONA, MODIFICATION TO PERMIT (M7) CABEZA PRIETA NATIONAL WILDLIFE REFUGE

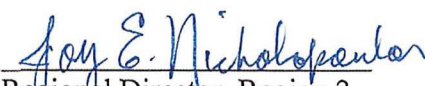
This modification/clarification to the U.S. Fish and Wildlife Service (Service) Permit (M7) to Permittee, Pima County, Arizona at the Cabeza Prieta National Wildlife Refuge (Refuge), Childs Mountain is to be made effective the date below acknowledged by the Regional Director, Region 2, U.S. Fish and Wildlife service. All other stipulations and requirements of said permit remain the same until Permit (M7) original expiration date of April 6, 2018.

Whereas Pima County deems it necessary and desires to cooperate with other entities that also provide communication and other services providing access for health and safety in surrounding areas, Pima County proposes to work with said entities in allowing them to utilize the already existing Pima County Communications Tower for connections to facilitate these necessities. Paragraph 18 in the existing Permit (M7) allows for this to occur with concurrence from the Regional Director. This modification shall allow for those purposes, determined by Pima County and the Refuge to be in compliance and fills a need for health and safety in that area.

The Service agrees to this modification with the following requirements:

1. Any proposed additional users/uses by the County shall immediately be discussed with the Refuge Manager of the Cabeza Prieta National Wildlife Refuge. He/she shall need to be in concurrence with any proposal or it will not occur under this Permit. Special Use Permits issued by the Refuge are encouraged and may or may not be utilized, depending on case circumstances. At the very least, coordination and communication about any activities between the Refuge and the Permittee, Pima County, shall occur.
2. There is to be no additional construction modification to the area, simply attachment to existing infrastructure if necessary.
3. The use shall be associated with public good, health and safety and is not a commercial enterprise.
4. Pima County will actively participate in and support the consolidation of existing facilities in the future to reduce the overall environmental footprint associated with the facilities and increase security through participation in any user group, cooperative, or other avenue that may be used to consolidate the facilities. It is currently anticipated by the Refuge that a "Childs Mountain Users Group" be established, to facilitate better coordination of users within the already fenced areas under the previously NEPA approved Childs Mountain area. Any entity/additional user of the established Pima County tower shall be required to be a member of this group.

The United States of America

By: 
Acting Regional Director, Region 2
U.S. Fish and Wildlife Service

