



Contract Number: CTN-IT-12-X-287-02  
Effective Date: 11-9-14  
Term Date: 11-8-16  
Cost: \_\_\_\_\_  
Revenue:  \_\_\_\_\_  
Total: \_\_\_\_\_ NTE: \_\_\_\_\_  
Renewal By: 8-1-16  
Term: 11-8-16  
Reviewed by: JK

## BOARD OF SUPERVISORS AGENDA ITEM SUMMARY

Requested Board Meeting Date: October 21, 2014

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

Per terms of the original Agreement, this Amendment grants Simply Bits continued access (two more years) to County-owned property located at 4020 E. River Road, Tucson AZ, to maintain communications equipment and distribution wiring for the benefit of the property tenant (Tucson Girls' Chorus). There are no monetary considerations related to this License Amendment.

CONTRACT NUMBER (If applicable): CTN-IT-12000000000000000000287 (fka #11-14-S-143538-1110)

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

The Information Technology Department recommends that the Pima County Board of Supervisors adopt and the Chairman sign the Second Amendment to License for Simply Bits, LLC.

CORPORATE HEADQUARTERS: Arizona

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Procure Dept 10/01/14 PM0410

Ver. 3  
Vendor - 1  
PPS. 3

To: CCB - 10-8-14  
Agenda - 10-21-14  
(2)

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

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

**PIMA COUNTY COST: N/A and/or REVENUE TO PIMA COUNTY:\$ N/A**

**FUNDING SOURCE(S): N/A**  
(i.e. General Fund, State Grant Fund, Federal Fund, Stadium D. Fund, etc.)

**Advertised Public Hearing:**

		<b>YES</b>	<b>X</b>	<b>NO</b>
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**Board of Supervisors District:**

1	<b>X</b>	2		3		4		5		<b>All</b>	
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**IMPACT:**

**IF APPROVED:**

Simply Bits LLC will continue to maintain communications equipment and distribution wiring for the benefit of the property tenant (Tucson Girls' Chorus) for an additional two years, through November 8, 2016.

**IF DENIED:**

Simply Bits LLC will not be allowed to provide continued service to the property tenant and will be required to remove all its equipment from the premises. Tucson Girls' Chorus will have to seek comparable services from another contractor.

**DEPARTMENT NAME: Information Technology**

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

<p><b>PIMA COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY</b></p> <p><b>PROJECT:</b> License Agreement, formerly Right-of-Entry Agreement, 4020 E River Road, Tucson Girls' Chorus</p> <p><b>CONTRACTOR:</b> SIMPLY BITS, LLC</p> <p><b>CONTRACT NO.:</b> CTN-IT-1200000000000000287 (formerly #11-14-S-143538-1110)</p> <p><b>CONTRACT AMENDMENT NO.:</b> Two (#02)</p>	<p><b>CONTRACT</b></p> <p><b>NO:</b> <u>CTN-IT-1200000000000000287</u></p> <p><b>AMENDMENT NO.</b> <u>02</u></p> <p>This number must appear on all invoices, correspondence and documents pertaining to this contract.</p>
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**ORIG. CONTRACT TERM: 11/09/2010 – 11/08/2012**  
**TERMINATION DATE PRIOR AMENDMENT: 11/08/2014**  
**TERMINATION THIS AMENDMENT: 11/08/2016**

**ORIG. CONTRACT AMOUNT:** \$0.00  
**PRIOR AMENDMENTS:** N/A  
**AMOUNT THIS AMENDMENT:** N/A  
**REVISED CONTRACT AMOUNT:** \$0.00

## CONTRACT AMENDMENT

WHEREAS, COUNTY and CONTRACTOR entered into a Right-of Entry Agreement (the "Contract") as referenced above; and

WHEREAS, CONTRACTOR and COUNTY, pursuant to Section 6, have agreed to extend the Contract term for an additional period of two (2) years to continue to provide data communications services to the Tucson Girls' Chorus at the facility located at Mehl Park, 4020 E. River Road.

NOW, THEREFORE, the parties agree as follows:

1. The name "Right-of-Entry" is changed to "License Agreement".
2. The License Agreement term is hereby extended from November 9, 2014 through November 8, 2016.
3. All other provisions of the License Agreement not amended hereby shall remain in effect and continue to be binding upon the parties.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

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

**PIMA COUNTY:**

Chair, Board of Supervisors

Date

**ATTEST:**

Clerk of the Board of Supervisors

Date

**APPROVED AS TO CONTENT:**

Jesse Rodriguez, Chief Information Officer

Date

**APPROVED AS TO FORM:**

Tobin Rosen, Deputy County Attorney

Date

**LICENSEE:**

Signature

CPA

ERIC BEHLING, CHIEF FINANCIAL OFFICER

Print Name and Title

09-25-2014

Date

**RESOLUTION and LETTER OF AUTHORITY**  
**SIMPLY BITS, L.L.C.**

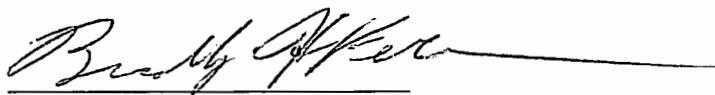
The undersigned, constituting a majority of interest of the members of Simply Bits, L.L.C., an Arizona limited liability company (the "Company"), acting by the unanimous written consent of all the members in lieu of a meeting as authorized by Arizona Revised Statutes §29-683, hereby adopt the following resolutions, which shall be effective September 25<sup>th</sup>, 2014.

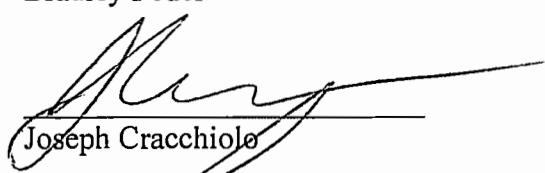
On September 25<sup>th</sup>, 2014, Eric Behling, Chief Financial Officer of the Company entered into a Contract Amendment #2 with Pima County to extend a Right-of-Entry Agreement for 4020 East River Road [Contract N° CTN-IT-1200000000000000287] (the "Contract") for a two-year term commencing November 8<sup>th</sup> 2014 and ending November 8<sup>th</sup> 2016.

**RESOLVED**, that the Members of the Company hereby ratify and approve execution of the Contract.

**RESOLVED FURTHER**, that Eric Behling, Chief Financial Officer of the Company, is hereby authorized and directed, in the name of Company, to perform such acts and execute and deliver all such documents and instruments as may be necessary or appropriate to carry out any further extension of the Contract with Pima County.

**IN WITNESS WHEREOF**, the undersigned, as all the Members of the Company, have executed this Resolution effective as of the day first above written.

  
\_\_\_\_\_  
Bradley Feder

  
\_\_\_\_\_  
Joseph Cracchiole

  
\_\_\_\_\_  
Michael Bernstein