

## BOARD OF SUPERVISORS AGENDA ITEM REPORT CONTRACTS / AWARDS / GRANTS

Requested Board Meeting Date: November 6, 2018

\* = Mandatory, information must be provided

or Procurement Director Award  $\Box$ 

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

New Cingular Wireless, PCS, LLC, a Delaware Limited Liability Company ("Licensee").

### \*Project Title/Description:

Fifth Amendment to Restated and Amended Nonexclusive Right of Way Use License for Wireless Communications Facilities. Lic-0288. Supervisor District 3.

### \*Purpose:

The Restated and Amended Nonexclusive Right of Way Use License for Wireless Communications Facilities (the "License") sets forth the terms and conditions pursuant to which Licensee may construct, operate and maintain wireless communications facilities within County Right of Way. Licensee currently has 5 communications sites operating in various locations under the auspices of the subject License. This 5th Amendment to the License will permit Licensee to construct, operate and maintain a sixth (6th) site within County Right of Way in the area of Wade and Valencia Roads. The License will expire by its terms on September 23, 2020, unless renewed prior to that date. Requisite public notice was provided pursuant to ARS Section 40-283(E).

### \*Procurement Method:

Exempt pursuant to Pima County Code Section 11.04.020.

### \*Program Goals/Predicted Outcomes:

This Amendment provides the terms and conditions pursuant to which Licensee may construct a new cell site in Pima County Right of Way in the area of S. Wade and W. Valencia Roads under the auspices of the existing Restated and Amended Nonexclusive Right of Way Use License for Wireless Communications Facilities; CTN-IT-15\*003.

### \*Public Benefit:

To provide cell service to New Cingular Wireless customers in unincorporated Pima County.

### \*Metrics Available to Measure Performance:

Licensee to provide certificate of insurance and to pay annual fees as stipulated in the subject Amendment Number 5; to obtain permits as required; comply with highway safety and construction standards; exercise care and restore County roadways or facilities as warranted; and provide written notice of change to use of facility.

### \*Retroactive:

No.

Revised 5/2018 7: 208 - 10 - 181897: -15

Page 1 of 2

Contract / Award Informati	<u>on</u>	
Document Type:	Department Code:	Contract Number (i.e., 15-123):
Effective Date:	Termination Date:	Prior Contract Number (Synergen/CMS):
Expense Amount: \$*	·	Revenue Amount: \$
*Funding Source(s) require	ed:	
Funding from General Fund	? CYes CNo If Yes \$	%
Contract is fully or partially for If Yes, is the Contract to a		☐ Yes ☐ No
Were insurance or indemnity	clauses modified?	☐ Yes ☐ No
If Yes, attach Risk's appro	val.	
Vendor is using a Social Sec If Yes, attach the required for	curity Number?	☐ Yes ☐ No 22-73.
Amendment / Revised Awa		0 1 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	Department Code: IT	Contract Number (i.e.,15-123): <u>15*003</u>
Amendment No.: Five (5)		AMS Version No.: Three (3)
Effective Date: November 6	5, 2018	New Termination Date: September 23, 2020
		Prior Contract No. (Synergen/CMS): CTN-IT-CMS-142672
C Expense or • Revenue		Amount This Amendment: \$ 17,550.73
Is there revenue included?		Yes \$ 17,550.73
*Funding Source(s) require	ea:	
Funding from General Fund	? CYes CNo If	Yes \$ %
Grant/Amendment Informa	ation (for grants acceptance and	awards) C Award C Amendment
Document Type:	Department Code:	Grant Number (i.e.,15-123):
Effective Date:	Termination Date:	Amendment Number:
		Revenue Amount: \$
*All Funding Source(s) reg		
, , and g = 0 and 0 (0) 10 a		
*Match funding from Gene		Yes\$%
*Match funding from other *Funding Source:	sources? (Yes (No If	Yes \$ %
	ved, is funding coming directly ssed through other organization	
Contact: Michael D. Stofko		
Department: Real Property	Services,	Telephone: 520-724-6667
Department Director Signa	ature/Date:	10-11-2018
Deputy County Administra	tor Signature/Date:	10/15/18
County Administrator Signa (Required for Board Agenda/Addend		Letteray 10/15/18
		/

CONTRACT

NO. CTN-TT-/5-003

AMENDMENT NO. 05

This number must appear on all invoices, correspondence and documents pertaining to this contract.



### PIMA COUNTY

# FIFTH AMENDMENT TO RESTATED AND AMENDED NONEXCLUSIVE RIGHT-OF-WAY USE LICENSE

FOR WIRELESS COMMUNICATIONS FACILITIES

CONTRACT No. CTN-IT-15000000000000003, Amendment #5 (formerly #12-14-A-142715-0900/CTN-IT-CMS142715, #12-14-N-142671-0110/CTN-IT-CMS142671, and 12-14-N-142672-0110/CTN-IT-CMS142672)

THIS FIFTH AMENDMENT TO RESTATED AND AMENDED NONEXCLUSIVE RIGHT-OF-WAY USE LICENSE is entered into by and between Pima County ("Licensor"), a political subdivision of the State of Arizona, and New Cingular Wireless PCS, LLC, ("Licensee"), a Delaware Limited Liability Company, and shall be effective November 06, 2018.

### RECITALS

Licensor and AT&T Wireless, PCS, Inc., a Delaware Limited Liability Company, entered into a Non-Exclusive Right-of-Way Use License dated September 24, 2000, with expiration date of September 23, 2005, and recorded on September 27, 2000, in Docket 11392, Page 279, in the office of the Pima County, Arizona, Recorder. The License was assigned Contract No. 12-14-A-142715-0900 and subsequently reassigned Contract #CTN-IT-CMS142715.

New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, subsequently succeeded to the interests of AT&T Wireless, PCS, Inc. Licensee and Licensor entered into a License Amendment effective September 24, 2005, which extended the term of the Right-of-Way Use License through September 23, 2010. The License was subsequently extended through September 23, 2015 and amended to add location at McDonald Park (Site PHNXAZB025, 4100 N Harrison Road).

Licensor and Licensee entered into a Non-Exclusive Right-of-Way Use License dated January 19, 2010, with expiration date of January 18, 2015, and recorded on January 26, 2010, in

Docket 13732, Page 643, in the office of the Pima County, Arizona, Recorder. The License was initially assigned Contract No. 12-14-N-142671-0110 and subsequently reassigned Contract #CTN-IT-CMS142671 for co-location on a TEP pole at 3220 West Ina Road.

Licensor and Licensee entered into a Non-Exclusive Right-of-Way Use License dated January 19, 2010, with expiration date of January 18, 2015, and recorded on January 26, 2010, in Docket 13732, Page 625, in the office of the Pima County, Arizona, Recorder. The License was initially assigned Contract No. 12-14-N-142672-0110 and subsequently reassigned Contract #CTN-IT-CMS142672 for co-location on a TEP pole at 2902 W Paseo de las Aves.

With this Fifth Amendment to Restated and Amended Nonexclusive Right of Way Use License, Licensee desires to add a new co-location site at the southeast corner of West Valencia Road and Wade Road (Licensee Site No. AZL01287) and County is amenable to same, subject to the approval of the Board of Supervisors herein.

### **AGREEMENT**

- 1. New Co-location Site. A new co-location site at the southeast corner of West Valencia Road and Wade Road (Licensee Site No. AZL01287) shall be added under the auspices of this Fifth Amendment to Restated and Amended Nonexclusive Right of Way Use License, and may be constructed by Licensee pursuant to the County-reviewed and approved engineered site plans, a copy of which is attached hereto as Exhibit B.
- 2. <u>Annual Fee.</u> Licensee shall pay annual fees to the Licensor as set forth in <u>Exhibit A</u> attached hereto. Licensor hereby acknowledges that Licensee's Application Fee in the amount of \$2,600.. has been paid to Licensor.
- 3. <u>Term.</u> This Fifth Amendment to Restated and Amended Right-of-Way Use License shall remain in effect through September 23, 2020. This License is renewable upon mutual agreement of both parties.
- 4. <u>Notices</u>. Section 22 of the Restated and Amended Right of Way Use License shall be amended to state as follows:

If to Licensor:

Telecom Contracts Administrator Pima County Real Property

201 N. Stone Avenue, 6<sup>th</sup> Floor Tucson, AZ 85701-1215

Phone: 520-724-6667

Email: mike.stofko@pima.gov

With payment to:

Pima County Revenue Management

33 N. Stone Avenue Mail Stop: DT-BAB6-401 Tucson, AZ 85701

5. Other Provisions. All other terms and provisions of the Restated and Amended Right-of-Way Use License and all prior amendments thereto not specifically changed by this Amendment shall remain in effect and are binding upon the parties.

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the parties have affixed their signatures to this Fifth Amendment to Restated and Amended Right-of-Way Use License on the dates written below.

PIMA COUNTY	LICENSEE				
	New Cingular Wireless PCS, LLC, a Delaware limited liability company By: AT&T Mobility Corporation Its: Manager				
Chairman, Board of Supervisors	By: Robert Hofrichter Its: Area Manager				
Date	Date: Alea Wanager				
ATTEST:					
Clerk of the Board of Supervisors					
Date					
INFORMATION TECHNOLOGY DEPAR  Dan Hunt, Chief Information Officer	TMENT:				
$\frac{9/24/18}{\text{Date}}$					

### **APPROVED AS TO FORM:**

Chris Straub, Deputy County Attorney

Date

### **EXHIBIT A**

### LICENSE FEE SCHEDULE

### **PAYMENTS DUE**

Term 09/24/2014-09/23/2015 Site (1)N117924, 3851 W Tangerine Road Site PHNXAZB025, 4100 N Harrison (McDonald Park) Site B049-HH, 6515 W Ina Rd (Paniolo Ranch) Total Amount due September 24, 2014	\$ 14,586.08 \$ 7,293.03 \$ 6,000.00 <b>\$ 27,879.11</b>
Term 01/19/2015-09/23/2015 (Pro-rated)	
Site B042-D, 3220 West Ina Road	\$ 4,200.00
Site PHNXAZT904-D, 2902 W Paseo de las Aves	<u>\$ 4,200.00</u>
Total Amount due January 19, 2015	\$ 8,400.00
Term 09/24/2015-09/23/2016 Renewal Application Fee Site (1)N117924, 3851 W Tangerine Road Site PHNXAZB025, 4100 N Harrison (McDonald Park) Site B042-D, 3220 West Ina Road Site PHNXAZT904-D, 2902 W Paseo de las Aves Site B049-HH, 6515 W Ina Rd (Paniolo Ranch) Total Amount due September 24, 2015	\$ 1,700.00 \$ 15,315.38 \$ 7,657.69 \$ 6,300.00 \$ 6,300.00 \$ 6,300.00 \$ 43,573.07
Term 09/24/2016-09/23/2017	
Site (1)N117924, 3851 W Tangerine Road	\$ 16,081.15
Site PHNXAZB025, 4100 N Harrison (McDonald Park)	\$ 8,040.57
Site B042-D, 3220 West Ina Road	\$ 6,615.00
Site PHNXAZT904-D, 2902 W Paseo de las Aves	\$ 6,615.00
Site B049-HH, 6515 W Ina Rd (Paniolo Ranch)	\$ 6,615.00
Total Amount due September 24, 2016	\$ 43,966.72

### LICENSE FEE SCHEDULE (Continued)

### **PAYMENTS DUE**

Term 09/24/2017-09/23/2018	
Site (1)N117924, 3851 W Tangerine Road	\$ 16,885.21
Site PHNXAZB025, 4100 N Harrison (McDonald Park)	\$
Site B042-D, 3220 West Ina Road	\$ ,
Site PHNXAZT904-D, 2902 W Paseo de las Aves	\$ 6,945.75
Site B049-HH, 6515 W Ina Rd (Paniolo Ranch)	\$ ,
Total Amount due September 24, 2017	 46,165.06
Term 09/24/2018-09/23/2019	
Site (1)N117924, 3851 W Tangerine Road	\$ 17,729.47
Site PHNXAZB025, 4100 N Harrison (McDonald Park)	\$ 8,864.73
Site B042-D, 3220 West Ina Road	\$ 7,293.04
Site PHNXAZT904-D, 2902 W Paseo de las Aves	\$ 7,293.04
Site B049-HH, 6515 W Ina Rd (Paniolo Ranch)	\$ 7,293.04
Site AZL01287, SE Crnr Wade & Valencia Rds (Pro Rated)	\$ 7,293.04
Plus License Application Fee (Paid)	\$ 2,600.00
Total Amount due September 24, 2018	\$ 55,766.36
Term 09/24/2019-09/23/2020	
Site (1)N117924, 3851 W Tangerine Road	\$ 18,615.94
Site PHNXAZB025, 4100 N Harrison (McDonald Park)	\$ 9,307.97
Site B042-D, 3220 West Ina Road	\$ 7,657.69
Site PHNXAZT904-D, 2902 W Paseo de las Aves	\$ 7,657.69
Site B049-HH, 6515 W Ina Rd (Paniolo Ranch)	\$ 7,657.69
Site AZL01287, SE Crnr Wade & Valencia Rds	\$ 7,657.69
Total Amount due September 24, 2019	\$ 58,554.67

### **EXHIBIT B**

# COUNTY REVIEWED AND APPROVED ENGINEERED SITE PLANS

#### CONSULTANT TEAM

CLENT REPRESENTATIVE
BECHTEL METRASTRUCTURE & POWER CORPORATION
BIS23 WEST SHERMAN ST.
TOLLESON, AZ 80303
CONTACT: STEV. 0300
PHONE: (\$20) 743–6087

PROJECT OWNER PROJECT OWNER
ATAIT MOBILITY
1355 W. UNIVERSITY DR.
MESA, AZ. 63201
CONTACT: ROBERT HOFFICHTER
PHONE: (480) 444—4861
E-MAL: RH1316@ATT.COM

PROPERTY CHINER
PIMA COUNTY REAL PROPERTY SERVICES
201 N. STONE AVE., 6TH FLOOR
TUCSON, AZ. 86701—1215
CONTACT: MICHAEL D. STOPKO, ESG.
PHONE: (520) 724-6867
E-MALL MIKE-STOPKOPPMAGOV

A & E CLEAR BLUE SERVICES 4814 S. 35TH ST. PHODENIX, AZ 85040 CONTACT: STEVEN DOJONGE PHONE: (802) 426-9500 X102 E-MAIL: STEVENDEJONGE@CLEARBLUESERVICES.COM

#### GENERAL NOTES

- CONTRACTOR & CREWS SHALL ABIDE BY AT&T CONSTRUCTION STANDARDS/REQUIREMENTS AS DESCRIBED IN THE AT&T SAFETY HANDBOOK.
- DSHA REGULATIONS/STANDARDS SHALL BE REVIEWED & FOLLOWED BY ALL EQUIPMENT INSTALLERS AND TOWER/ROOF TOP CONTRACTORS/SUBCONTRACTORS DURING CONSTRUCTION
- THE CONTRACTOR SHALL PROVIDE ADEQUATE PROTECTION FOR THE SAFETY OF THE OWNER'S EMPLOYEES, WORKHEN, AND ALL TIMES DURING THE CONSTRUCTION OF THE PROJECT.
- \* THE CONTRACTOR SHALL BE REDURED TO PAY FOR ALL HEISSANY PERBUTS AND/OR FEEL BERN RESPECT TO THE WORK TO COMPLETE THE PROJECT BUILDING EPHALT APPLICATIONS FIELD BE THE OWNER OR HIS REPRESENTATIVE. CONTRACTOR SHALL DEFAIL PERBUT AND MAKE PRAIL PRIMERT FOR SAID DOCUMENT.
- AT&T GC TD VERBYY ALL MEASUREMENTS OF EXISTING CONDUITS FOR FIBER RUN AND ANY POWER RUNS.
- DO NOT SCALE DRAWINGS

EXISTING SITE TYPE:

### SITE INFORMATION

PIMA COUNTY REAL PROPERTY SERVICES 201 N. STONE AVE., 6TH FLOOR TUCSON, AZ 85701-1216 CONTACT: MICHAEL D. STOPKO, ESQ. OWNER/LANDLORD:

PHONE: (520) 724-6887 E-MAL: MIKE STOPKOBPHA GOV

AT&T MOBILITY
1355 W. UNIVERSITY DR.
MESA, AZ 85201
CONTACT: ROBERT HOFRICHTER
PHONE: (480) 444—4681
E-MAIL: RH1316@ATT.COM APPLICANT

TOWER TYPE: STEEL UTILITY POLE WOOD UTILITY POLE

R.O.W. LATITUDE 37 07' 59.20" N 32.133111

-111' 06' 51.74" W LONGITUDE -111.114372

EXISTING ELEVATION EXISTING ZONING: R.O.W. CONSTRUCTION TYPE:

EXISTING PROJECT AREA: 150 SF PROPOSED DOCUMENTO. UTILITY POLE / UNMANNED TELECOMMUNICATIONS FACILITY

EXISTING OCCUPANCY: UTILITY POLE PIMA COUNTY JURISDICTION: ELECTRICAL PROVIDER: TRICO

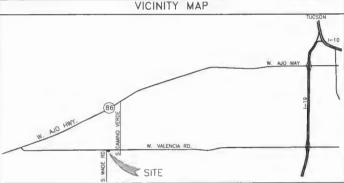


PROJECT: NEW SITE BUILD SITE NO.: AZL01287 SITE NAME: TRICO PIMA COUNTY, R.O.W. FA CODE: 12879452 USID: 193305 S.E.CORNER VALENCIA RD. & WADE RD. TUCSON, AZ 85757

### DRIVING DIRECTIONS

#### DIRECTIONS:

DEPARTING THE AT&T OFFICE AT 1355 W. UNIVERSITY IN MESA GO LEFT ON UNIVERSITY HEADING WEST TO THE DEPARTING THE ATACT OFFICE AT 1355 W. UNIVERSITY IN MESSA OF LEFT ON ORDIVERSITY HEADING.
LOOP 101, CROSSOVER THE 101 AND TAKE LEFT ALONG FRONTAGE RD. / ON RAMP AND MERGE RIGHT ONTO THE LOOP 101
HEADING SOUTH. CONTINUE ON THE LOOP 101 TO THE END AND MERGE RIGHT ONTO THE LOOP 202 HEADING
WEST. CONTINUE ON THE LOOP 202 TO THE I-19 SOUTH. TAKE I-19 SOUTH TOWARD NOGALES. TAKE THE
VALENCE ARD EXIT AND GO RIGHT HEADING WEST ON VALENCE ARD. FOR ABOUT 7.5 MILES AND SITE WILL BE ON THE LEFT, SE CORNER OF W. VALENCIA RD. & S. WADE RD.



#### APPLICABLE CODES

ARIZONA STATE CODE COMPLIANCE:

ALL BODG AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CHRESH EDITION OF THE FILL DIRECT CODES AS ACCORDING TO THE FILL DIRECT CODES AS ACCORDED IN THE LOCAL CONFERENCE AUTHORITIES, NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PICKET WORK NOT CONFORMING TO THESE PLANS CODES.

- 2012 IBC, STANDARDS AND AMENDMENTS 2012 IBC, STANDARDS AND AMENDMENTS 2012 IFC, STANDARDS AND AMENDMENTS 2012 IPC, STANDARDS AND AMENDMENTS 2011 IPC, STANDARDS AND AMENDMENTS
- ACCESSIBILITY REQUIREMENTS:

FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE 2012 IBC BIALDING CODE.

#### RFDS DATA SUMMARY

OCSIGN PACMACE BASED ON RF DATA SHEET
RFDS MAME: HSB 1277\_2017—New—Site\_LTE\_Finol—RF—ApproveL\_v2.00
REMISION: 0.100.
REMISION: 0.100.
REMISION: 0.400.

RFDS DATE: 10/02/2017 UPDATED BY: 967856 UPDATED: 2/8/2018 5:04:38 PM

SUMMARY OF EQUIPMENT:

NUMBER OF SECTORS:
NUMBER OF ANTIDOMAS.
NUMBER OF TAMAS:
NUMBER OF TRAMS:
NUMBER OF TRAMS:
NUMBER OF TO CABLES (AMPERS).
NUMBER OF TO CABLES (AMPERS).
NUMBER OF TO CABLES (AMPERS).
NUMBER OF TOWN GUARPLORES.

#### **APPROVALS** DATE: \_ AT&T (CONST.): \_\_ DATE: AT&T (S.A.): \_ DATE: LANDLORD: \_\_ DATE: \_ DATE: \_\_\_

#### PROJECT DESCRIPTION

THE PROJECT PROPOSES TO REPLACE AN DISTING WOOD UTLITY FOLE WITH A NEW STEEL UTLITY POLE WITH THE COMMANDIATIONS ARTHMAS ON THE A DOGRADASE WILL BE PLACED A THE FOLE BASE FOR CAME STEEL WITH THE REPLACE AS THE ADDRESS WITH THE PLACE ADDRESS WITH THE PLACE ADDRESS WITH A ROUTH GATE WITH WOOD FINED WICH STEEL FRAME COMPOUND THE ADDRESS THE A ROUTH GATE WITH WOOD FINED WICH STEEL FRAME COMPOUND WITH A SECONDARY AND WITH THE PLANEAGED WITH COMPOUND WITH A SECONDARY AND WITH THE PLANEAGED WITH THE COMPOUND WITH A SECONDARY AND WITH THE PLANEAGED WITH THE PLANEAGED WITH THE PLANEAGE WITH THE P

LANDLORD:



### JURISDICTIONAL APPROVAL



1355 W. UNIVERSITY DRIVE MESA, AZ 85201-5419

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO ATAIT WIRELESS ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO ATAIT WIRELESS S STRICTLY PROHIBITED



BECHTEL INFRASTRUCTURE AND POWER CORPORATION 2075 W PHINALE PEAK RD, SUITE 110 PHOENIX, AZ 85027 PHOENIX, AZ 85027 PHONE: (623) 282-3084



Clear Blue

Services PACHERIC, AN INDIAN CON-VINCATION

PROJECT: NEW SITE BUILD SITE NO.: AZLO1287 SITE NAME: TRICO-PIMA COUNTY R.O.W. FA CODE: 12879452 USID: 193305

S.E. CORNER VALENCIA RD. & WADE RD TUCSON, AZ 85757

$\triangle$				
3	3/14/18	CLIENT COMPOUND INCREASE	aro	ТВ
2	3/8/18	COUNTY	SLD	TB
	2/9/18	ADOT COMMENTS	STD	TB
0	12/19/17	ZONING	SLD	тв

ROLESSIONAL SEAL



TITLE SHEET

T-1A

