



BOARD OF SUPERVISORS AGENDA ITEM REPORT
AWARDS / CONTRACTS / GRANTS

Award Contract Grant

Requested Board Meeting Date: October 17, 2023

* = Mandatory, information must be provided

or Procurement Director Award:

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

Dakota Internet Partners, Inc.

***Project Title/Description:**

Rooftop License Agreement for Wireless Communications Facilities

***Purpose:**

The purpose of this amendment is to renew the license for the first additional five-year period to allow Dakota Internet Partners, Inc. to continue to operate and maintain radio equipment on rooftop, and within Shelter B, at 33 North Stone Avenue.

***Procurement Method:**

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

***Program Goals/Predicted Outcomes:**

This License Agreement provides monthly revenue payments to Pima County. Two additional five-year terms are available upon mutual written agreement.

***Public Benefit:**

Dakota Internet Partners, Inc is an internet service provider delivering wireless internet services to Pima County businesses and constituents.

***Metrics Available to Measure Performance:**

Timely monthly payment of fees and electrical usage assigned to Dakota Internet Partners, Inc for the use of 33 North Stone Avenue rooftop space.

***Retroactive:**

No.

TD: COB 9-28-23(2)
VERS: 3
PGS 4

SEP 22 2:23 PM 0252 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): 19-055
Amendment No.: 2 AMS Version No.: 3
Commencement Date: 11/06/2023 New Termination Date: 11/05/2028
Prior Contract No. (Synergen/CMS): _____
Expense Revenue Increase Decrease
Amount This Amendment: \$ 110,267.88

Is there revenue included? Yes No If Yes \$ 110,267.88
*Funding Source(s) required: N/A - this is a revenue only 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: _____ Date: 9/21/23
Deputy County Administrator Signature: _____ Date: 9-21-2023
County Administrator Signature: _____ Date: 9/21/2023



Date: September 21, 2023

To: Contracts Administration
Pima County Procurement

From: Michelle Mitchell
Pima County Information Technology

Re: CTN-IT-19-055 Amendment 2 Rooftop License Agreement for Wireless Communications Facilities

This submission contains two copies of CTN-IT-19-055 Amendment 2. Upon execution we request the return of one copy to the Information Technology Department. ITD will return this copy to the licensee, Dakota Internet Partners, Inc, who has requested an original signature copy of the execute agreement. Please retain the other copy for the County Contract Repository.

Please contact Michelle Mitchell at 520-724-9590 when the item(s) are ready to be picked up. You can also contact Sherry Francis at 520-724-9610 for pick up if necessary.

Pima County Department of Information Technology

Project: Rooftop License Agreement for Wireless Communications Facilities

Contractor: Dakota Internet Partners, Inc

Contract No.: CTN-IT-19-055

Contract Amendment No.: 02

Orig. Contract Term: 11/06/2018 – 11/05/2023	Orig. Amount:	\$ 95,118.36
Termination Date Prior Amendment: N/A	Prior Amendments Amount:	\$ 0.00
Termination Date This Amendment: 11/05/2028	This Amendment Amount:	\$110,267.88
	Revised Total Amount:	\$205,386.24

LICENSE AMENDMENT

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

1. Background and Purpose.

1.1. Background. On November 6, 2018, Pima County ("County") and Action Communications, Inc. ("Licensee") entered into the above referenced Rooftop 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 rooftop, and within Shelter B, at 33 North Stone Avenue.

2. Term. Parties are exercising the first extension option to renew the License for five additional years commencing on November 6, 2023 and terminating on November 5, 2028. 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.

3. License Fee Schedule.

3.1. The parties have revised the License Fee Schedule as described in the attached **Exhibit G 33 N. Stone Avenue Rooftop License Fee Schedule** (1 page).

4. 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:

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

Dakota Internet Partners, Inc.
Attn: Bill Bosmeny
4003 E Speedway Blvd; Ste 111
Tucson, Arizona 85712
(520)745-3900
support@dakotapro.biz

5. **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.

6. **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.

[REMAINDER OF THE PAGE LEFT INTENTIONALLY BLANK]

EXHIBIT G

LICENSE FEE SCHEDULE

33 N. STONE AVENUE ROOFTOP

<u>Site ID</u>	<u>Location</u>	<u>Type</u>	<u>Monthly Fee</u>
33 N. Stone	33 N. Stone Avenue	*Antennas	*\$915.00
		Riser Access	\$175.00
		Shelter A Space, 10 SF	\$403.00
TOTAL MONTHLY			**\$1,493.00

MONTHLY PAYMENTS DUE

Sixth Year	\$1,730.79	(\$1,680.38 plus 3%)
Seventh Year	\$1,782.71	(\$1,730.79 plus 3%)
Eighth Year	\$1,836.19	(\$1,782.71 plus 3%)
Ninth Year	\$1,891.28	(\$1,836.19 plus 3%)
Tenth Year	\$1,948.02	(\$1,891.28 plus 3%)

* Tower and Rooftop Fee monthly charge

(7) Panels ≤ 47" @ \$67.00	=	\$469.00 / month
(1) Antenna <100W @ \$135.00	=	\$135.00 / month
(2) 2' dish @ \$67.00	=	\$134.00 / month
(1) 3' dish @ \$82.00	=	\$82.00 / month
(1) 4' dish @ \$95.00	=	\$95.00 / month
Total	=	\$915.00 / month

**Does not include Shelter C monthly electrical charges which will be billed via Pima County Facilities Management, on a monthly basis, separately from the above monthly fee.

PIMA COUNTY

Chair, Board of Supervisors

Date

ATTEST

Clerk of the Board

Date

APPROVED AS TO FORM



Deputy County Attorney

Rachelle Barr
Print DCA Name

9/21/2023
Date


LICENSEE

W. Bosmeny
Authorized Officer Signature

W. Bosmeny
Printed Name and Title

9-20-23
Date

APPROVED AS TO CONTENT



Javier Baca, Director
Information Technology Department

9/21/23
Date