



Contract Number: CTN-IT-13*008-01
Effective Date: 3-10-15
Term Date: 8-19-17
Cost: _____
Revenue: ✓
Total: _____ NTE: _____
Action: _____
Renewal By: 5-1-17
Term: 8-19-17
Reviewed by: [Signature]

BOARD OF SUPERVISORS AGENDA ITEM SUMMARY

Requested Board Meeting Date: March 10, 2015

ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:

Zayo Group has been contracted by Verizon to install a communication system connecting its cellular communication facilities in unincorporated Pima County. This Amendment to Zayo's Nonexclusive Right-of-Way Use License expands the area of encroachment within the public right-of-way in unincorporated Pima County for this purpose. There is no cost or revenue associated with this Amendment.

In accordance with A.R.S. §40-283 E, notification was published in the Territorial Newspaper (02/17/2015, 02/24/2015, 03/03/2015) and the License Amendment was made available for public review at <http://www.pima.gov/isd/row/>.

CONTRACT NUMBER (If applicable): CTN-IT-13000000000000000008

STAFF RECOMMENDATION(S):

The Information Technology Department recommends that the Pima County Board of Supervisors adopt and the Chairman sign the Amendment to the Nonexclusive Right-of-Way Use License issued to Zayo Group, LLC.

CORPORATE HEADQUARTERS: Delaware
Page 1 of 2

Procure Dept 02/12/15 AM 10:52

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To: CoB - 2.25.15
(21)

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:

	X	YES		NO
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Board of Supervisors District:

1		2		3		4		5		All	X
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IMPACT:

IF APPROVED:

Zayo Group, LLC will expand its fiber optics communications system within certain areas of unincorporated Pima County to fulfill contractual obligations with Verizon to install a communication system connecting its cellular communication facilities located within unincorporated Pima County.

IF DENIED:

Zayo Group, LLC will not be allowed to expand its fiber optics communications system within Pima County, and Verizon will not be able to upgrade its service to residents within unincorporated Pima County.

DEPARTMENT NAME: Information Technology

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

**PIMA COUNTY DEPARTMENT OF INFORMATION
TECHNOLOGY**

PROJECT: Nonexclusive Right-of-Way Use License for a
Communications System

LICENSEE: Zayo Group, LLC

CONTRACT NO.: CTN-IT-13000000000000000008

CONTRACT AMENDMENT NO.: One (#01)

CONTRACT

NO ~~CTN-IT-13000000000000000008~~

AMENDMENT NO. 01

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

ORIG. CONTRACT TERM: 08/20/2012 – 08/19/2017

TERMINATION DATE PRIOR AMENDMENT: N/A

TERMINATION THIS AMENDMENT: 08/19/2017

ORIG. CONTRACT AMOUNT: \$ 3,000.00

PRIOR AMENDMENTS: N/A

AMOUNT THIS AMENDMENT: N/A

REVISED CONTRACT AMOUNT: \$ 3,000.00

AGREEMENT AMENDMENT

WHEREAS, COUNTY granted LICENSEE a Nonexclusive Right-of-Way Use License for a Communications System; and

WHEREAS, LICENSEE and COUNTY, pursuant to Article I – Grant of License, have agreed to expand area of encroachment to construct, install, maintain and operate a communications facility in the Right-of-Way as depicted in Exhibits B-1 through B-12.

NOW, THEREFORE, it is agreed as follows:

ADD: To Section 4 Insurance:

“Any modification from the insurance requirements in this Agreement shall be made by the contracting department in consultation with the Division of Risk Management. Such modification will not require a formal contract amendment, but may be made by administrative action, and without the consent of Licensee, upon notice by County. Licensee shall supply a certificate of insurance including the modification within ten (10) days from the date notice of the modification is received by Licensee. Such notice will be given pursuant to the terms of the Agreement; if the Agreement does not specify a notice procedure, County may give notice by Certified U.S. Mail, E-Mail or Facsimile; Certified Receipt, E-Mail Receipt Confirmation or Facsimile Confirmation shall constitute proof of receipt of notice. Failure by Licensee to supply a modified certificate of insurance as required by this paragraph shall constitute material breach by Licensee and grounds for immediate termination of the Agreement by County. Licensee further hereby consents to the addition of the modified insurance requirements to the Agreement.”

ADD: EXHIBITS B-1 through B-12

The effective date of this Amendment shall be upon execution by the Pima County Board of Supervisors.

All other provisions of the Agreement not specifically changed by this Amendment shall remain in effect and be binding upon the parties.

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

PIMA COUNTY:

Chair, Board of Supervisors

Date

ZAYO GROUP, LLC:

Signature

General
Gregg Strumberger, Counsel

Name and Title (Please Print)

2-10-15

Date

ATTEST:

Clerk of the Board of Supervisors

Date

APPROVED AS TO CONTENT:

[Signature]

Jesse Rodriguez, Chief Information Officer

2/11/15

Date

APPROVED AS TO FORM:

[Signature]

Tobin Rosen, Deputy County Attorney

2/5/15

Date