



BOARD OF SUPERVISORS AGENDA ITEM REPORT
AWARDS / CONTRACTS / GRANTS

Award Contract Grant

Requested Board Meeting Date: 06/07/2022

* = Mandatory, information must be provided

or Procurement Director Award:

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

Conterra Ultra Broadband, LLC ("Licensee").

***Project Title/Description:**

Nonexclusive Right-of-Way Use license for Communications Facilities/First Amendment LIC-0269

***Purpose:**

The purpose of this Amendment is to extend the term of the Agreement for an additional five-year term ending on March 6, 2027.

***Procurement Method:**

Exempt per Pima County Code Section 11.04.020

***Program Goals/Predicted Outcomes:**

To extend the term of the Agreement for five years terminating on March 6, 2027.

***Public Benefit:**

Licensee will continue to provide high quality service to its customers in Pima County

***Metrics Available to Measure Performance:**

Conterra Ultra Broadband will continue to pay fees and rates as stipulated in the License Agreement.

***Retroactive:**

Yes, did not receive signed agreement from vendor in a timely manner.

TO: COB 5-19-22 (1)

VERS: 2

Pgs: 2/3

MAY19'22AM0944 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): 17*161
Amendment No.: 1 AMS Version No.: 2
Commencement Date: June 7, 2022 New Termination Date: March 6, 2027
Prior Contract No. (Synergen/CMS): _____

Expense Revenue Increase Decrease Amount This Amendment: \$ 1,980.00

Is there revenue included? Yes No If Yes \$ 1,980.00

*Funding Source(s) required: _____

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: Tim Murphy
Department: Real Property Services

Telephone: 724-6379

Department Director Signature: _____

Date: 5/19/2022

Deputy County Administrator Signature: _____

Date: 5/18/2022

County Administrator Signature: _____

Date: 5/18/2022

PIMA COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY	
PROJECT: Nonexclusive Right-of-Way Use License for a Communications System	
LICENSEE: Conterra Ultra Broadband, LLC	
CONTRACT NO.: CTN-IT-17-161	
CONTRACT AMENDMENT NO.: One (#01)	

ORIG. CONTRACT TERM: 03/07/2017 – 03/06/2022	ORIG. CONTRACT AMOUNT:	\$3,000.00
TERMINATION DATE PRIOR AMENDMENT:	PRIOR AMENDMENTS:	n/a
TERMINATION THIS AMENDMENT: 03/06/2027	AMOUNT THIS AMENDMENT:	\$1,980.00
	REVISED CONTRACT AMOUNT:	\$4,980.00

FIRST AMENDMENT

This First Amendment to Non-exclusive Right-of-Way Use License ("First Amendment") is entered into between Pima County, a political subdivision of the State of Arizona ("County"), and Conterra Ultra Broadband, LLC ("Licensee").

RECITALS

County granted Licensee a Nonexclusive Right-of-Way Use License for a Communications System (the "License"), which granted Licensee the right to construct, install, maintain, and operate its communications system known to Licensor as License # LIC-0269.

The License expired on March 6, 2022. Licensee wants to extend the term of the License for an additional five-year term, pursuant to Section 2 of the Agreement, and County is agreeable to such an extension.

County wants to revise the License to impose a Renewal Fee, and Licensee is agreeable to the Renewal Fee.

NOW, THEREFORE, the parties agree as follows:

1. The License is renewed for an additional five-year term commencing on term of commencing on March 7, 2022 and ending on March 6, 2027. The Effective Date of this Amendment is upon execution by the Pima County Board of Supervisors. 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. Licensee will pay County a Renewal Fee in the amount of One Thousand Nine Hundred Eighty Dollars (\$1,980.00). If payment is not received within 30 days of the Effective Date of this Amendment, Licensee will pay interest (simple interest, not compounded) on the past due renewal fee amount at a rate of 10% per annum as allowed by A.R.S. § 44-1201. Interest will be calculated from the date due until paid.

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

SIGNATURE PAGE TO FOLLOW

PIMA COUNTY:

Chair, Board of Supervisors

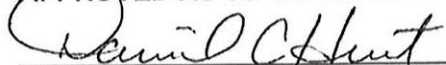
Date

ATTEST:

Clerk of the Board of Supervisors

Date

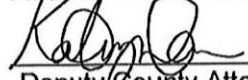
APPROVED AS TO CONTENT:



Dan Hunt, Chief Information Officer

May 16, 2022
Date

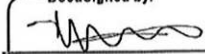
APPROVED AS TO FORM:



Deputy County Attorney

May 10, 2022
Date

CONTERRA ULTRA BROADBAND, LLC:

DocuSigned by:


Signature

Mike Tompkins EVP and COO

Name and Title (Please Print)

5/11/2022

Date