



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

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: 08/02/2022

\* = Mandatory, information must be provided

or Procurement Director Award: ☐

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

Zayo Group, LLC, a Delaware limited liability company ("Licensee").

**\*Project Title/Description:**

Nonexclusive Right-of-Way Use license for Communications Facilities/Sixth Amendment LIC-0151

**\*Purpose:**

The purpose of this Amendment is to extend the term of the Agreement for an additional five-year term commencing on August 20, 2022.

**\*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 August 19, 2027.

**\*Public Benefit:**

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

**\*Metrics Available to Measure Performance:**

Zayo Group will continue to pay fees and rates as stipulated in the License Agreement.

**\*Retroactive:**

No

TO: COB 7-15-22 (1)  
Vers: 8  
Pgs: 20

JUL 15 22 AM 11:55 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: N/A

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): 13\*008  
Amendment No.: 6 AMS Version No.: 8  
Commencement Date: 8/20/2022 New Termination Date: 8/19/2027

Prior Contract No. (Synergen/CMS): \_\_\_\_\_

☐ Expense ☒ Revenue ☐ Increase ☐ Decrease

Amount This Amendment: \$ 1,980.00

Is there revenue included? ☐ Yes ☒ No If Yes \$ \_\_\_\_\_

\*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: Timothy Murphy

Department: Real Property Services

Telephone: 724-6379

Department Director Signature: \_\_\_\_\_

Date: 7/14/2022

Deputy County Administrator Signature: \_\_\_\_\_

Date: 7/14/2022

County Administrator Signature: \_\_\_\_\_

Date: 7/14/2022

<b>PIMA COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY</b>  <b>PROJECT:</b> Nonexclusive Right-of-Way Use License for a Communications System  <b>LICENSEE:</b> Zayo Group, LLC  <b>CONTRACT NO.:</b> CTN-IT-13-008  <b>CONTRACT AMENDMENT NO.:</b> Six (#06)	
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<b>ORIG. CONTRACT TERM:</b> 08/20/2012 – 08/19/2017	<b>ORIG. CONTRACT AMOUNT:</b> \$3,000.00
<b>TERMINATION DATE PRIOR AMENDMENT:</b> 8/19/2022	<b>PRIOR AMENDMENTS:</b> \$7,980.00
<b>TERMINATION THIS AMENDMENT:</b> 08/19/2027	<b>AMOUNT THIS AMENDMENT:</b> \$1,980.00
	<b>REVISED CONTRACT AMOUNT:</b> \$12,960.00

### SIXTH AMENDMENT

This Sixth Amendment to Non-exclusive Right-of-Way Use License ("Sixth Amendment") is entered into between Pima County, a political subdivision of the State of Arizona, ("County") and Zayo Group, LLC, a Delaware limited liability company ("Licensee").

### RECITALS

County and Licensee entered into 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 Licensors as License # LIC-0151.

County and Licensee have executed five Amendments that have extended the term and expanded the area of encroachment in additional areas of Right-of-Way as depicted in the attached **Exhibit A**.

The License, as amended, is set to expire on August 19, 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 of the term.

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 August 20, 2022 and ending on August 19, 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). Licensee will submit payment by check to the Pima County Treasurer and mailed to:

Pima County Revenue Management  
Mail Stop: DT-BAB6-401  
130 W. Congress Street  
Tucson, AZ 85701

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 terms and provisions of the License and all prior Amendments thereto 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:**

Mah C. Hayes  
Chief Information Officer

6/27/2022  
Date

**APPROVED AS TO FORM:**

Kelvin Q  
Deputy County Attorney

April 28, 2022  
Date

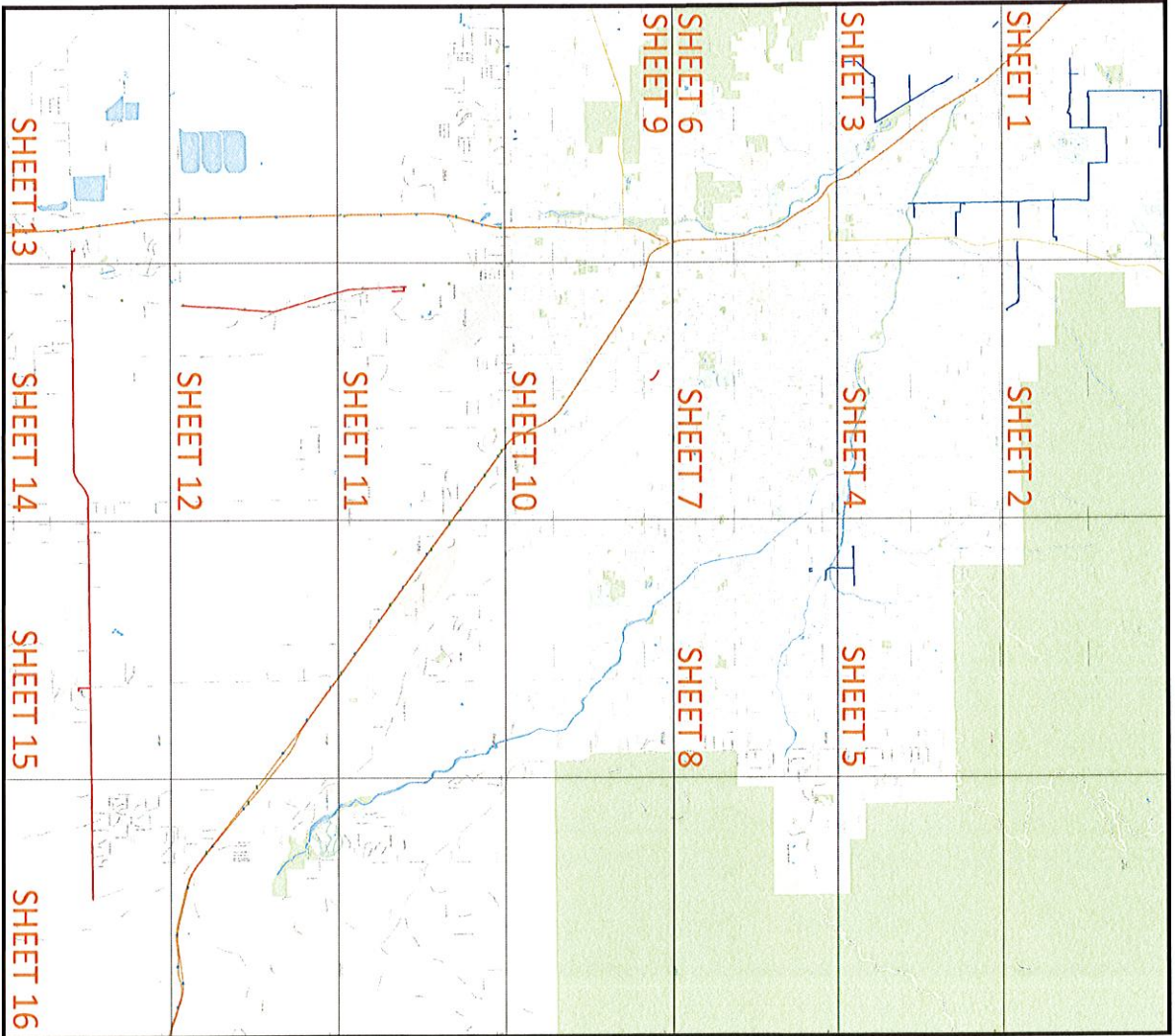
**ZAYO GROUP, LLC:**

Tess Bentayou  
Signature

Tess Bentayou  
Director, Underlying Rights and Government Relations  
Name and Title (Please Print)

6/27/22  
Date

# Exhibit "A"



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ZAYO GROUP

COMPLETED ROUTE  
PROPOSED ROUTE



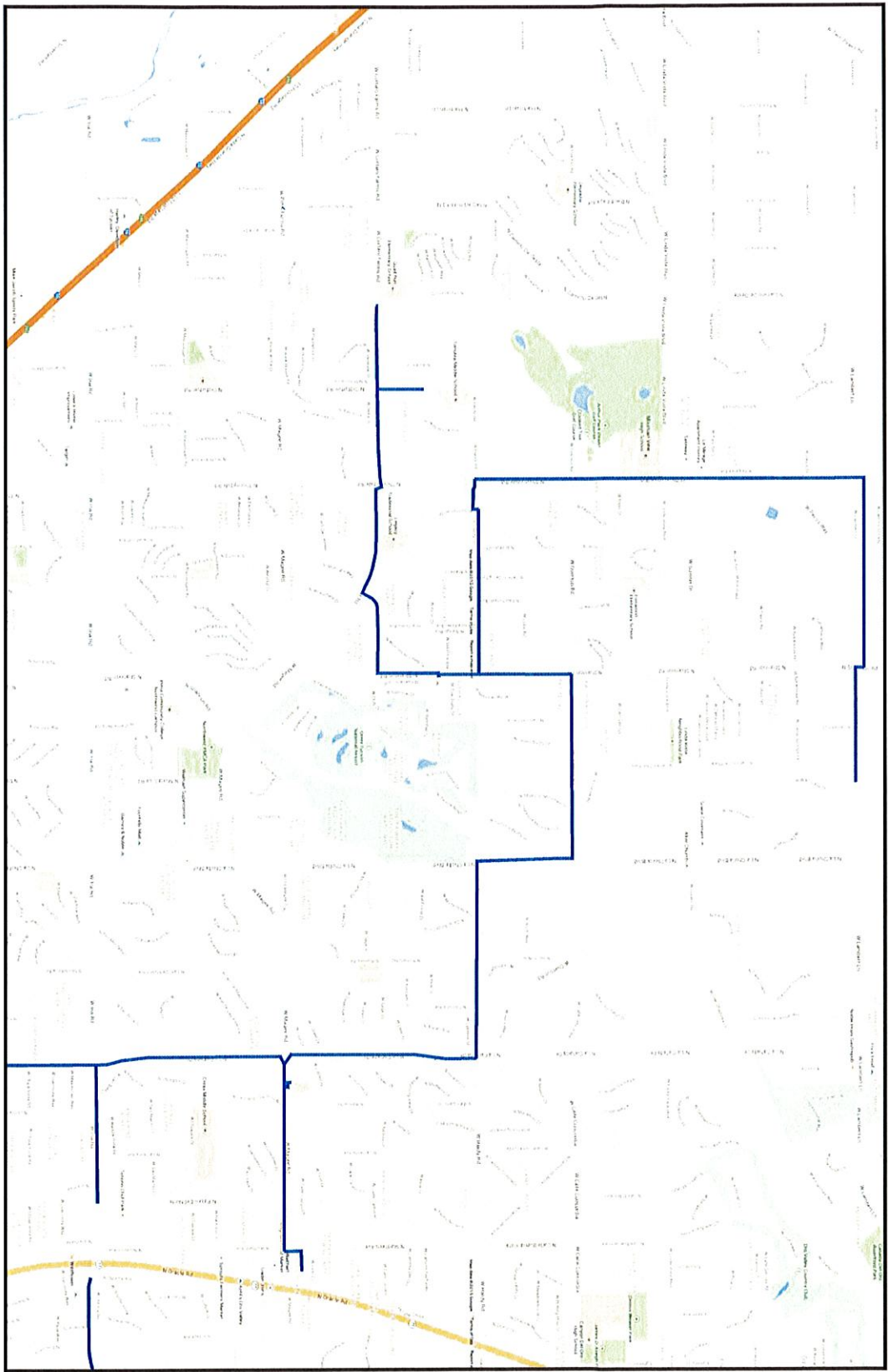
Coversheet  
Pima Fiber Route

TWO WORKING DAVES  
BUT FOR WAITING OUT  
(602)263-1100  
HILL STARK CENTER

REVISIONS

DATE: 11/15/17  
BY: BPG  
SCALE: NTS  
SHEET NO: 12705





PROFESSIONAL ENGINEER  
 REGISTERED IN THE STATE OF ARIZONA  
 NO. 12705  
 DATE: 11/15/17

COMPLETED ROUTE  
 PROPOSED ROUTE



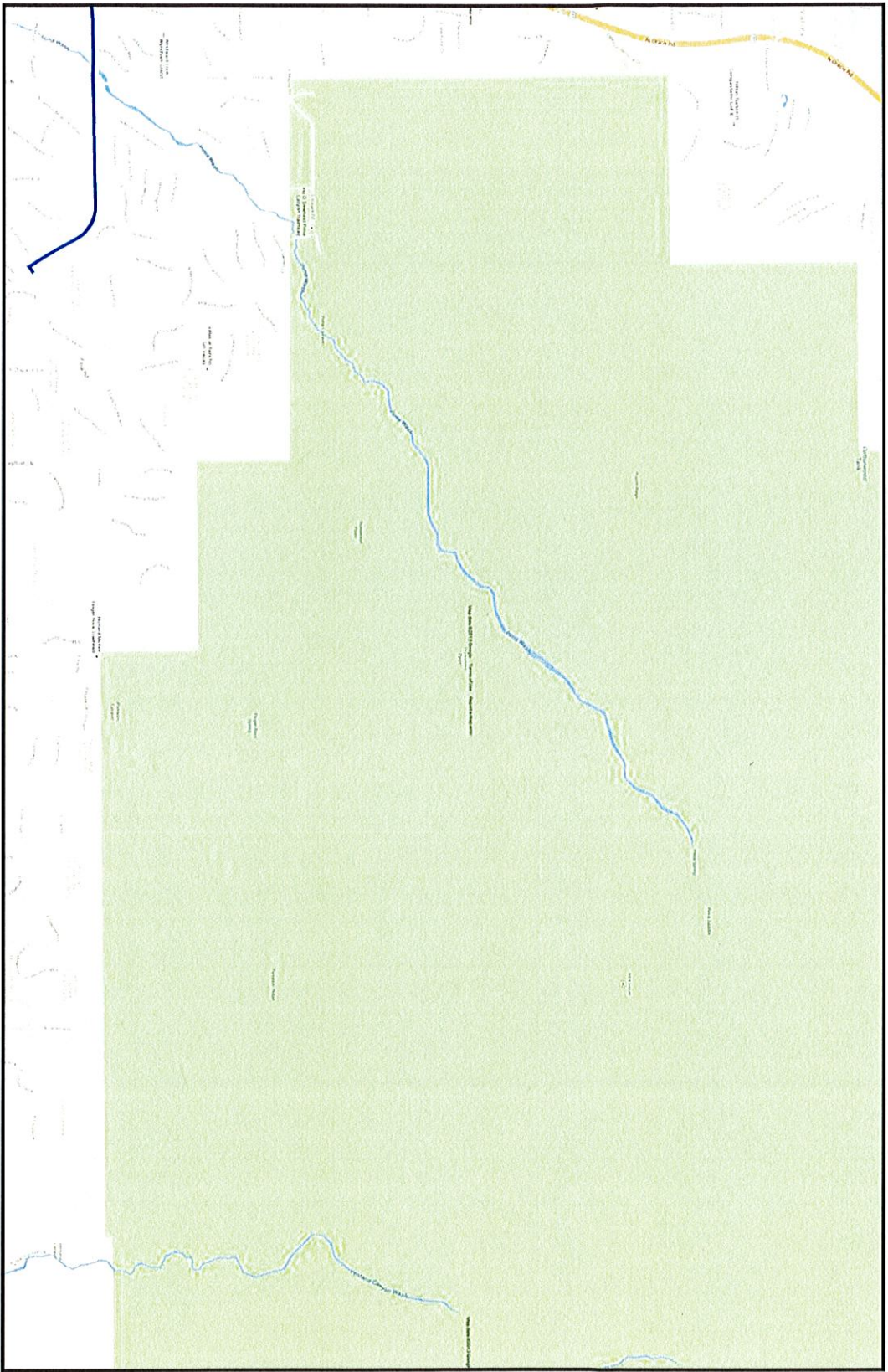
Pima Fiber Route

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REVISIONS  
 DATE: 11/15/17

TOTAL SHEETS: 16  
 TOTAL SHEETS: 16

SCALE: NTS  
 SHEET NO. 1 OF 16  
 12705



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PROPOSED ROUTE

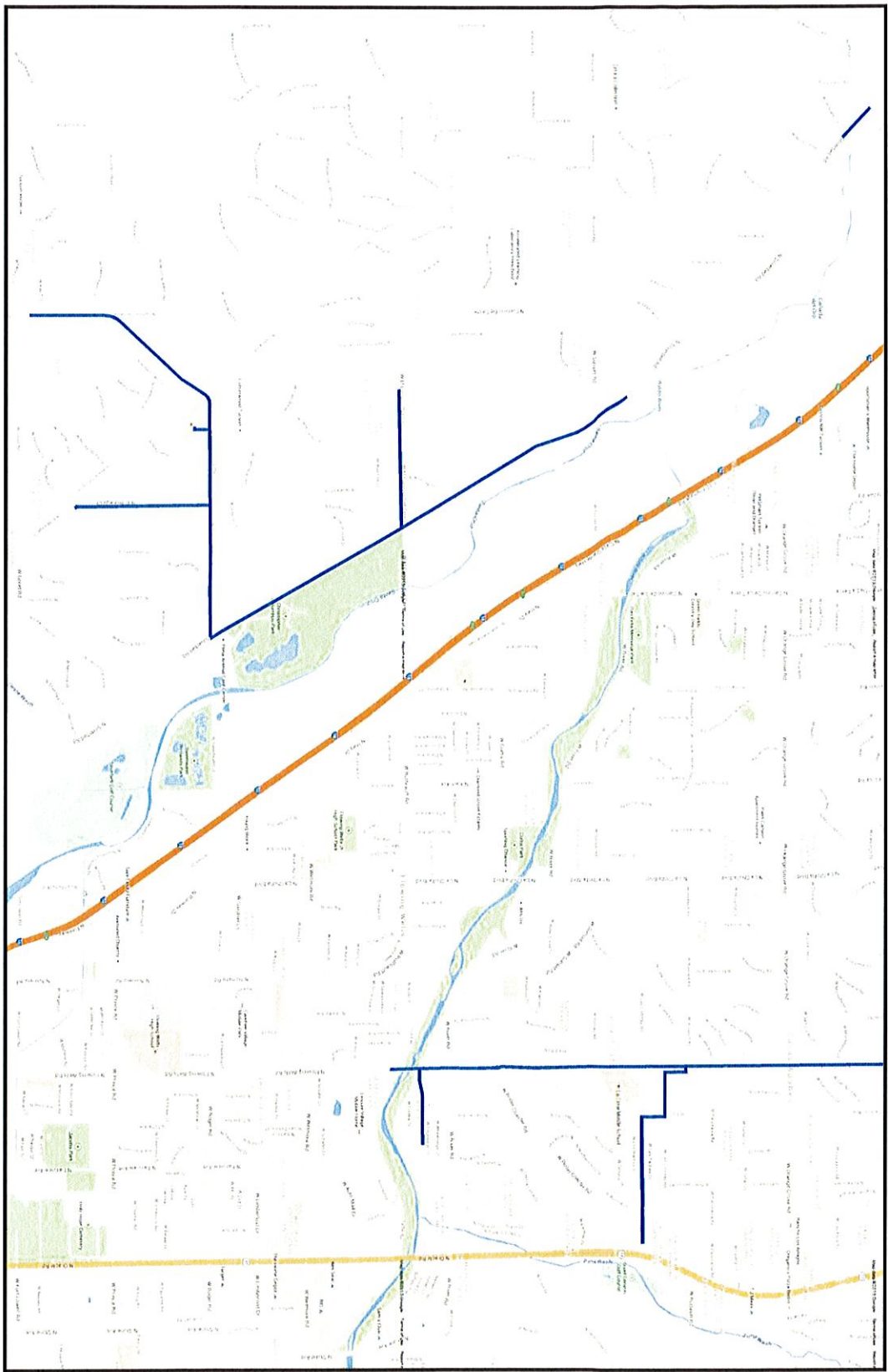


Pima Fiber Route

TWO WORKING DAYS  
BEFORE YOU DIG, CALL  
1-800-263-1100  
BEFORE STARTING CENTER

REV	DATE	REVISION DESCRIPTION
1	11/15/17	NTS
2	12/05	16 OF 16





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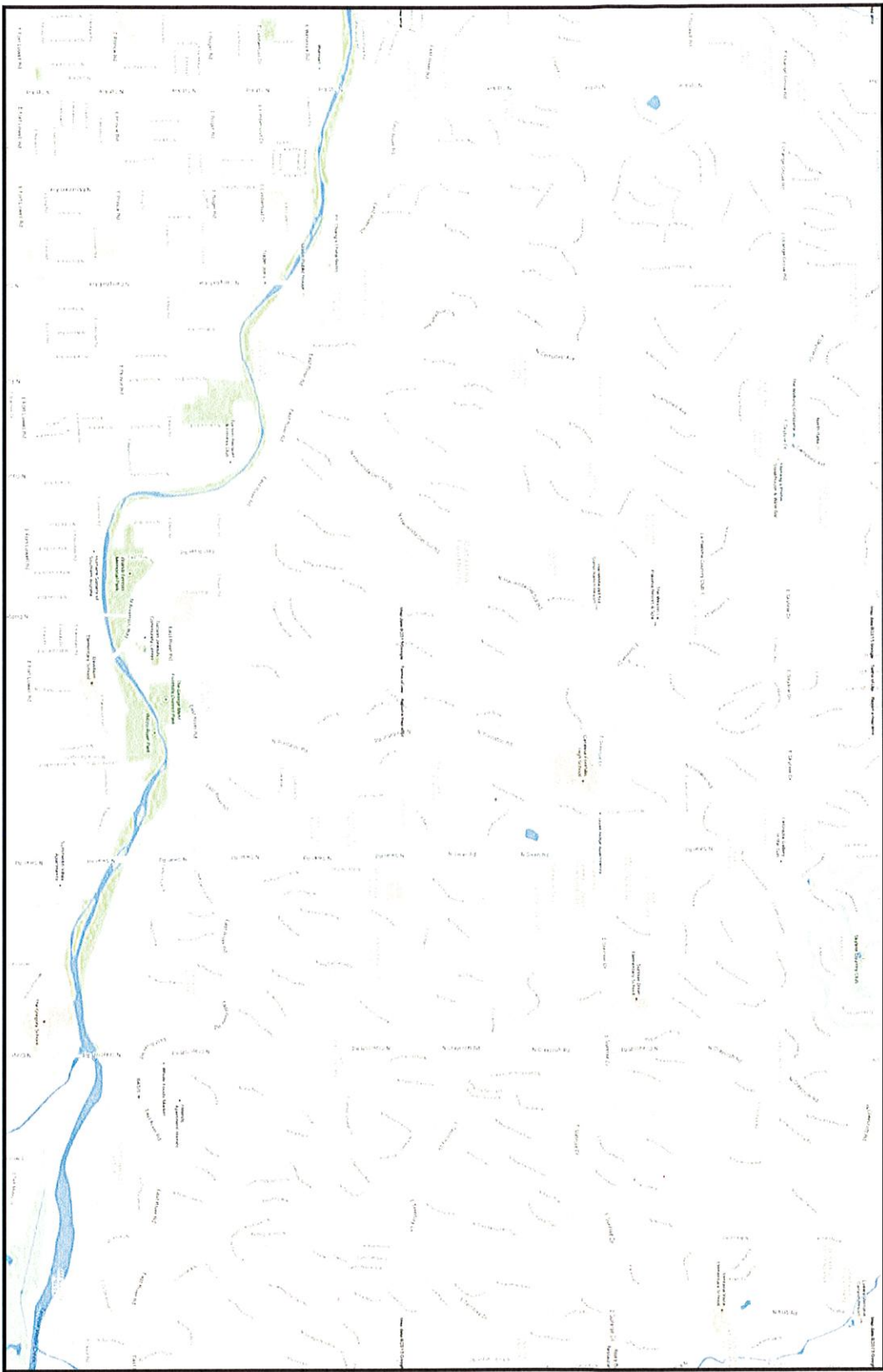
COMPLETED ROUTE  
PROPOSED ROUTE



Pima Fiber Route

TWO WORKING DAYS  
BEFORE YOU USE, CALL  
(602) 263-1100  
FOR A STAKE CENTER

REV	DATE	REVISIONS
1	11/15/17	NTS
2	12/05	3 OF 16



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COMPLETED ROUTE  
PROPOSED ROUTE



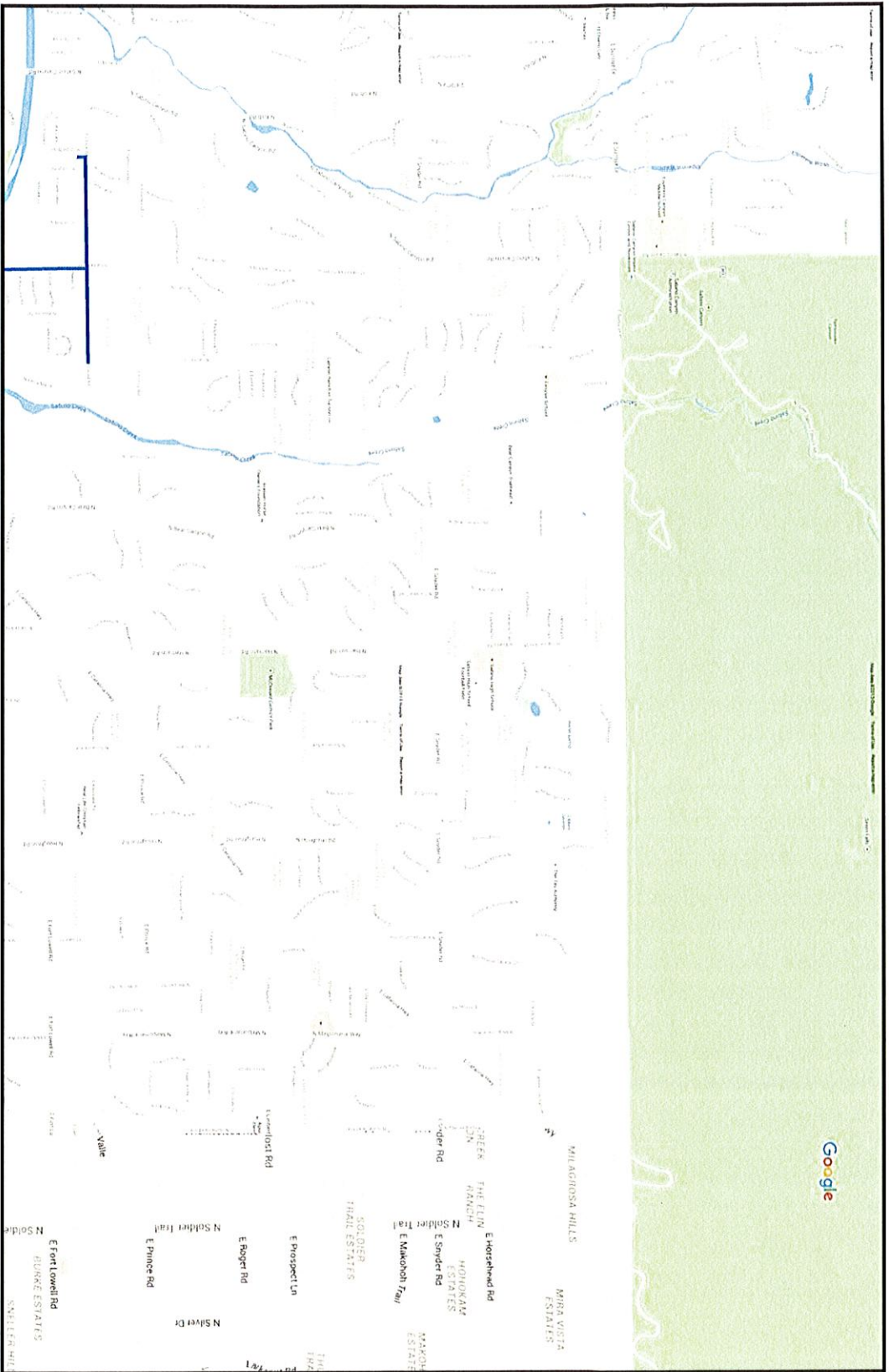
Pima Fiber Route

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602.263.1100  
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BPG Designers  
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11/15/17  
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4 OF 16  
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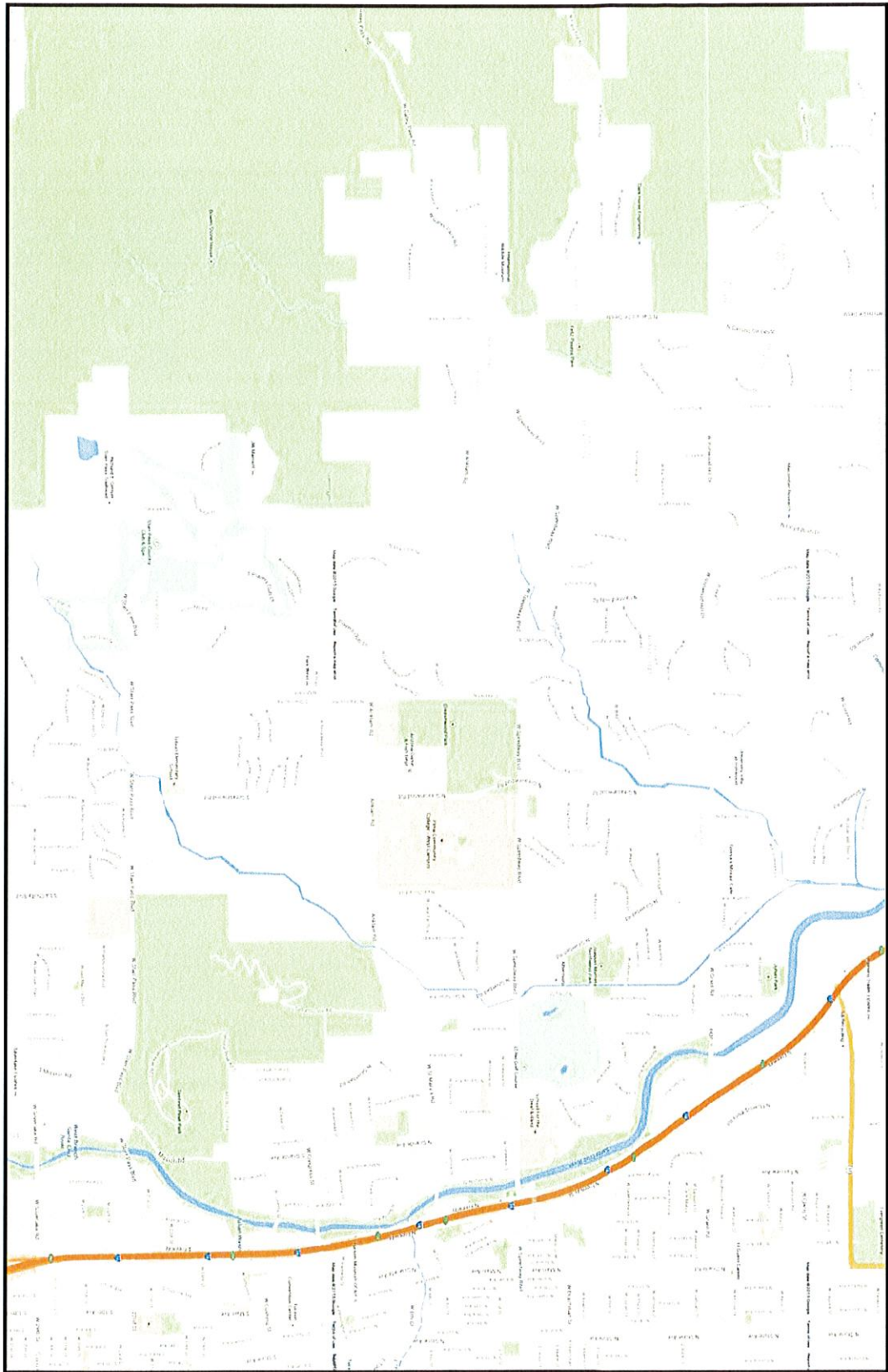
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COMPLETED ROUTE  
PROPOSED ROUTE



## Pima Fiber Route

TWO WORKING DAYS  
BEFORE YOU DIG, CALL  
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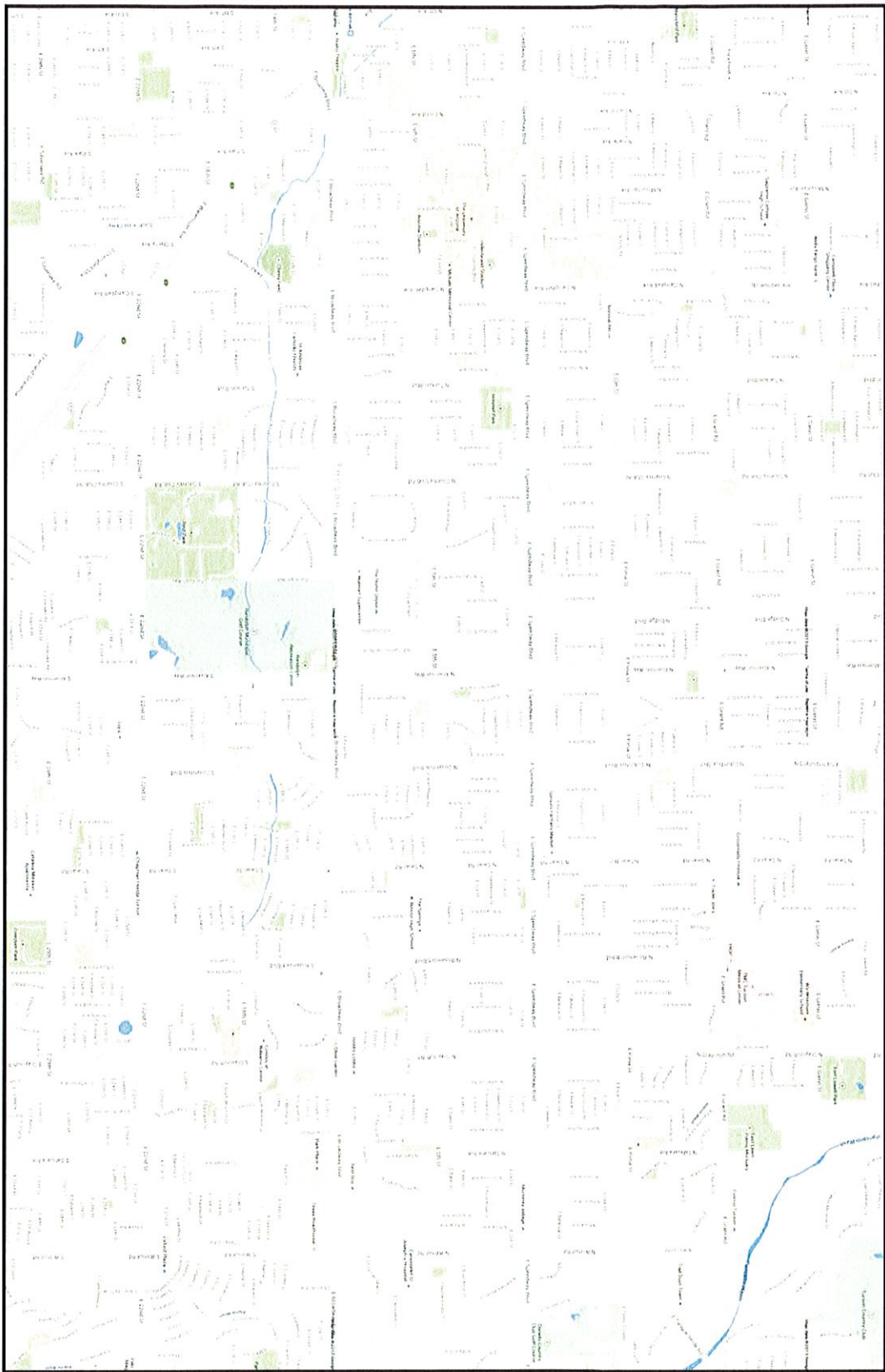
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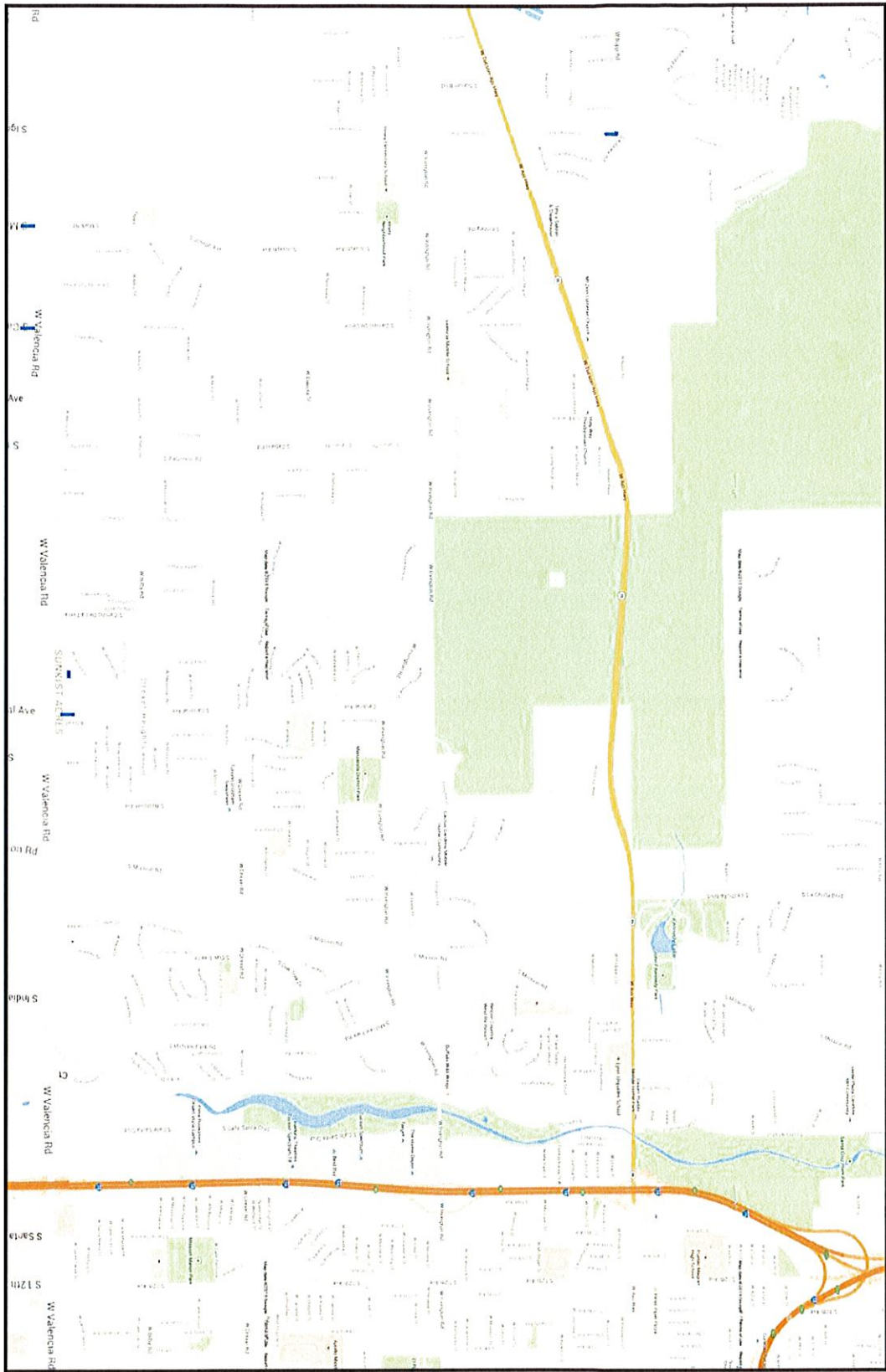


Pima Fiber Route

TWO WORKING DAYS  
BEFORE YOU USE, CALL  
1-800-263-1100  
OR VISIT ZAYO.COM

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COMPLETED ROUTE  
PROPOSED ROUTE



Pima Fiber Route

TWO WORKING DAYS  
BEFORE YOU DIG, CALL  
602/263-1100  
BEFORE STARTING CENTER

REVISED DATE: 11/15/17

DATE: 11/15/17

SCALE: NTS

DATE: 11/15/17

SCALE: 1" = 100'

DATE: 11/15/17

SCALE: 1" = 100'

DATE: 11/15/17

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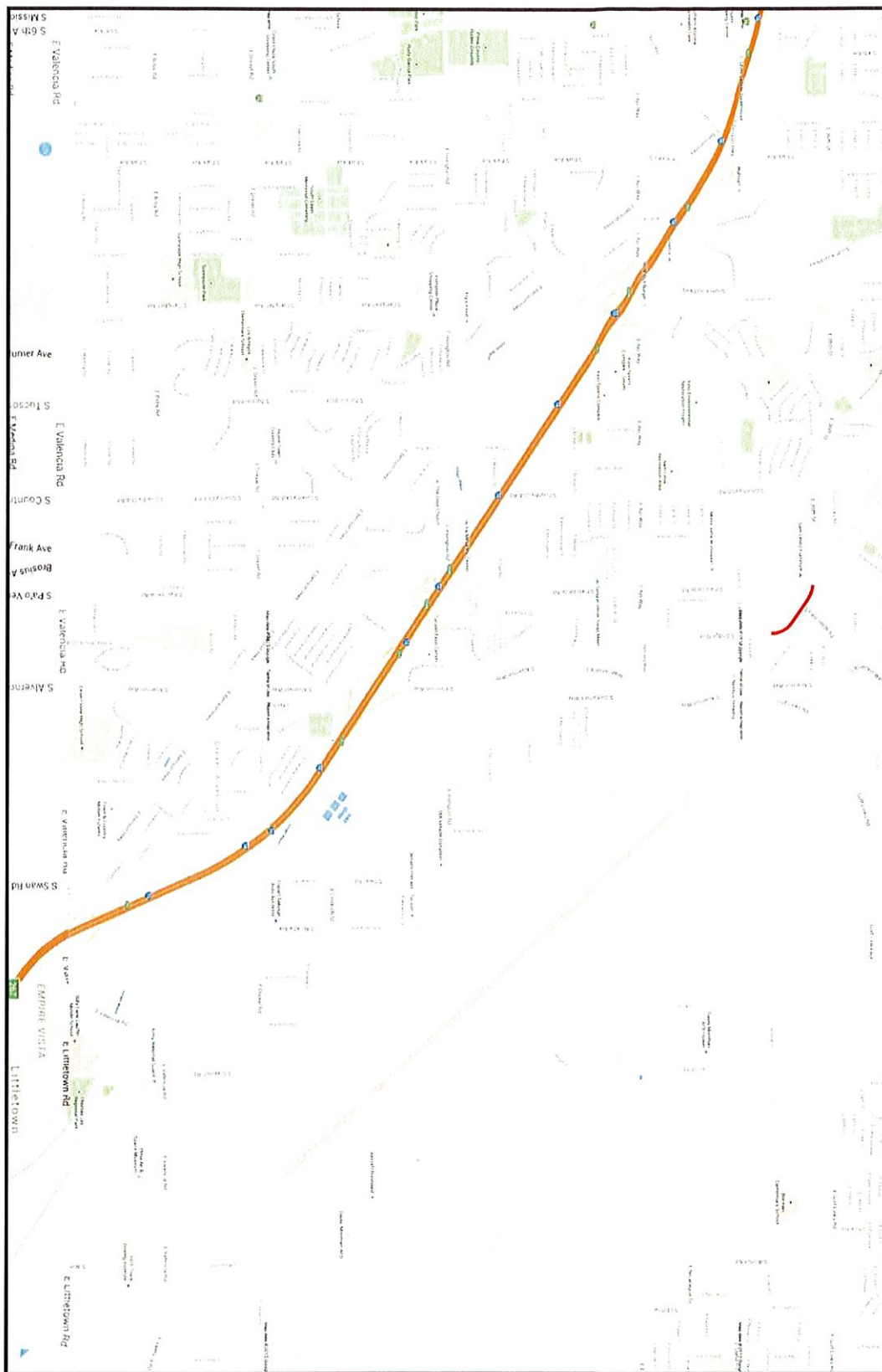
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DATE: 11/15/17

SCALE: 1" = 100'





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PROPOSED ROUTE



Pima Fiber Route

TWO WORKING DAYS  
BEFORE YOU DIG, CALL  
(602)263-1100  
BEFORE STARTING ANY WORK

REVISIONS  
DATE  
BY  
REASON FOR REVISION

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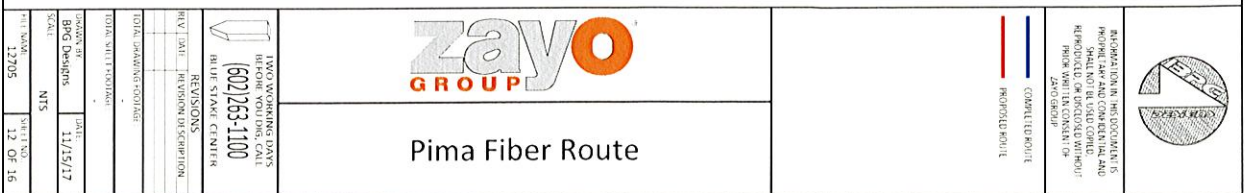
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COMPLETED ROUTE

PROPOSED ROUTE

## Pima Fiber Route

BLUE SLAKE CINER

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<p> <b>REPORTING AND ACCOUNTING</b> </p>	<p> <b>REPORTING AND ACCOUNTING</b> </p>
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TOTAL SHEET FOOTAGE:

DRAWN BY	DATE
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NTS

\*ILL. NUM.: 12705

SHEET NO. 13 OF 16



COMPLETED ROUTE

PROPOSED ROUTE



REVISIONS		REVISION DESCRIPTION
REV	DATE	

TOTAL SHEET FOOTAGE:

BPG Designs	11/15/1
SCALE:	NTS

FILE NAME:	SHEET NO.:
12705	14 OF 1





