



BOARD OF SUPERVISORS AGENDA ITEM REPORT AWARDS / CONTRACTS / GRANTS

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: May 16, 2023

* = Mandatory, information must be provided

or Procurement Director Award: ☐

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

Crown Castle Fiber, LLC, a New York limited liability company

***Project Title/Description:**

Fourth Amendment to Non-Exclusive Right-of-Way Use License for Fiber Transport Facilities

***Purpose:**

The purpose of this Amendment is to renew the Right-of-Way Use License for an additional 5 years, expiring June 30th, 2028 and to also reflect name revision of Licensee. (Lic-0287)

***Procurement Method:**

Exempt per Pima County Code Section 11.04.020

***Program Goals/Predicted Outcomes:**

To allow Crown Castle to continue using Pima County Rights-of-Way for Fiber Transport Facilities for an additional five (5) years.

***Public Benefit:**

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

***Metrics Available to Measure Performance:**

Licensee have paid one time renewal fee of \$1,700.00 dollars to maintain current License Agreement.

***Retroactive:**

No

TO: CORB 5-3-23 (2)
Vers.: 1
pgs.: 3

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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: RPS Contract Number (i.e., 15-123): 23*0174
Amendment No.: 4 AMS Version No.: 1
Commencement Date: 7/1/2023 New Termination Date: 6/30/2028
Prior Contract No. (Synergen/CMS): CTN-IT-13*194

☐ Expense ☒ Revenue ☒ Increase ☐ Decrease

Amount This Amendment: \$ 1,700.00

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: Aaron Mergenthal

Department: Real Property Services

Telephone: 724-6307

Department Director Signature: _____

Date: 4/27/2023

Deputy County Administrator Signature: _____

Date: 4/28/2023

County Administrator Signature: _____

Date: 4/28/23



FOURTH AMENDMENT TO NONEXCLUSIVE RIGHT-OF-WAY USE LICENSE FOR FIBER TRANSPORT FACILITIES

***Formally:* CONTRACT No. CTN-IT-1300000000000000194**

***New:* ADV Contract Number CTN-RPS-23*0174**

This FOURTH AMENDMENT is entered into by and between Pima County ("County"), a political subdivision of the State of Arizona, and Crown Castle Fiber LLC, a New York limited liability company (the "Licensee"), shall be effective as of July 1, 2023.

RECITALS

- A. County and NextG Networks of California, Inc., a Delaware corporation ("Licensee"), entered into a Nonexclusive Right-of Way Use License for Fiber Transport Facilities dated July 1, 2008, with an expiration date of June 30, 2013 (the "License"). Licensee subsequently changed its name to Crown Castle NG West, Inc., with notice filed in the State of Delaware on May 3, 2012 (ACC File #F1171725-5, Exhibit C). The First Amendment to License memorialized the name change and extended the term through June 30, 2018.
- B. On April 17, 2018, the parties entered into a Third Amendment to License pursuant to which the County agreed to renew License for an additional 5 years for Fiber Transport Facilities in County Right-of-Way, which expires June 30, 2023.
- C. Pursuant to Section 2 of the License, the initial term of the License was five (5) years, and the License is renewable upon mutual agreement of the parties and in accordance with applicable law.
- D. Licensee desires to extend the term of the License for another five (5) years commencing July 1, 2023 and expiring June 30, 2028, and County is

amenable to granting such extension of term, subject to approval of the Board of Supervisors herein.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises and undertakings of the parties hereinafter set forth, the parties to this License agree as follows:

1. The term of the subject License shall be extended for an additional five (5) years, to expire on June 30, 2028.
2. A renewal fee in the amount of One-Thousand Seven Hundred Dollars (\$1,700.00) has been paid by Licensee to Pima County Revenue Management.
3. Change: Name of Licensee:
 - a. From: "Crown Castle NG West, Inc."
 - b. To: "Crown Castle Fiber LLC"
4. All other terms and provisions of the License and all prior Amendments thereto not specifically changed by this Amendment shall remain in effect and are binding upon the parties.

IN WITNESS THEREOF, the parties have affixed their signatures to this Fourth Amendment on the dates written below.

PIMA COUNTY:

Adelita Grijalva
Chair, Board of Supervisors

Date

ATTEST:

Melissa Manriquez, Clerk of the Board

Date

APPROVED AS TO CONTENT:

Javier Baca
Director, Information Technology Department

4/26/2023

Date

APPROVED AS TO FORM:

Rachelle Barr, Deputy County Attorney

CROWN CASTLE FIBER LLC

Erin M Francis

Signature

Erin M Francis, Supervisor
Print Name, Title *Contract Management*

3/27/23

Date