



BOARD OF SUPERVISORS AGENDA ITEM REPORT
CONTRACTS / AWARDS / GRANTS

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: April 7, 2020

* = Mandatory, information must be provided

or Procurement Director Award ☐

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

New Cingular Wireless PCS, LLC, a Delaware limited liability company (by AT&T Mobility Corporation, its Manager) ("Licensee").

***Project Title/Description:**

Non-Exclusive Right-of-Way Use License / Eighth Amendment (File LIC-0285)

***Purpose:**

The purpose of this Amendment is to remove one (1) cellular Site from the Master Agreement as the Site has been determined to be in Town of Marana per annexation. All other terms and conditions shall remain.

***Procurement Method:**

Exempt per Pima County Code Section 11.04.020

***Program Goals/Predicted Outcomes:**

One cellular Site will be removed from the Master Agreement.

***Public Benefit:**

Licensee will continue to provide high quality cellular service to its customers in Pima County at the Sites.

***Metrics Available to Measure Performance:**

Licensee will continue to pay fees and rates as stipulated in the Master Agreement, comply with highway safety and construction standards and provide written notice of change to use of facilities.

***Retroactive:**

No

PR 277000402 FCC KCF ID

DP

Contract / Award Information

Document Type: _____ Department Code: _____ Contract Number (i.e.,15-123): _____

Effective 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 InformationDocument Type: CTN Department Code: IT Contract Number (i.e.,15-123): 15*003Amendment No.: 8 AMS Version No.: 6Effective Date: April 7, 2020 New Termination Date: _____

Prior Contract No. (Synergen/CMS): _____

☐ Expense or ☐ Revenue ☐ Increase ☐ Decrease Amount This Amendment: \$ _____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): _____

Effective 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 MurphyDepartment: Real Property ServicesTelephone: 724-6379

Department Director Signature/Date: _____

Deputy County Administrator Signature/Date: _____

County Administrator Signature/Date: _____

(Required for Board Agenda/Addendum Items)



PIMA COUNTY

**EIGHTH AMENDMENT TO RESTATED AND
AMENDED
NONEXCLUSIVE RIGHT-OF-WAY USE LICENSE
FOR WIRELESS COMMUNICATIONS FACILITIES**

CONTRACT No. CTN-IT-1500000000000000003, Amendment #8
(formerly #12-14-A-142715-0900/CTN-IT-CMS142715, #12-14-N-142671-0110/CTN-IT-CMS142671,
and 12-14-N-142672-0110/CTN-IT-CMS142672)

THIS EIGHTH AMENDMENT TO RESTATED AND AMENDED NONEXCLUSIVE RIGHT-OF-WAY USE LICENSE is entered into by and between Pima County ("Licensor"), a political subdivision of the State of Arizona, and New Cingular Wireless PCS, LLC, ("Licensee"), a Delaware Limited Liability Company, and shall be effective on the date it is executed by the Pima County Board of Supervisors.

RECITALS

- A. Licensor and AT&T Wireless, PCS, Inc., a Delaware Limited Liability Company, entered into a Non-Exclusive Right-of-Way Use License dated September 24, 2000, with expiration date of September 23, 2005, and recorded on September 27, 2000, in Docket 11392, Page 279, in the office of the Pima County, Arizona, Recorder. The License was assigned Contract No. 12-14-A-142715-0900 and subsequently reassigned Contract #CTN-IT-CMS142715.
- B. New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, subsequently succeeded to the interests of AT&T Wireless, PCS, Inc. Licensee and Licensor entered into a License Amendment effective September 24, 2005, which extended the term of the Right-of-Way Use License through September 23, 2010. The License was subsequently extended through September 23, 2015 and amended to add location at McDonald Park (Site PHNXAZB025, 4100 N Harrison Road).

- C. Licensors and Licensee entered into a Non-Exclusive Right-of-Way Use License dated January 19, 2010, with expiration date of January 18, 2015, and recorded on January 26, 2010, in Docket 13732, Page 643, in the office of the Pima County, Arizona, Recorder. The License was initially assigned Contract No. 12-14-N-142671-0110 and subsequently reassigned Contract #CTN-IT-CMS142671 for co-location on a TEP pole at 3220 West Ina Road.
- D. Licensors and Licensee entered into a Non-Exclusive Right-of-Way Use License dated January 19, 2010, with expiration date of January 18, 2015, and recorded on January 26, 2010, in Docket 13732, Page 625, in the office of the Pima County, Arizona, Recorder. The License was initially assigned Contract No. 12-14-N-142672-0110 and subsequently reassigned Contract #CTN-IT-CMS142672 for co-location on a TEP pole at 2902 W Paseo de las Aves.
- E. Licensors and Licensee entered into a Restated and Amended Nonexclusive Right of Way Use License, pursuant to which the parties consolidated 4 existing Licenses, added a new co-location site, modified the fee schedule, and extended the term to September 23, 2020. A new License number of CTN-IT-15000000000000000003 was assigned to the License.
- F. Licensors and Licensee entered into a Fifth Amendment to Restated and Amended Nonexclusive Right of Way Use License on November 6, 2018, pursuant to which Licensee added a new co-location site at the Southeast corner of West Valencia Road and Wade Road (Licensee Site No. AZL01287).
- G. Licensors and Licensee entered into a Sixth Amendment to Restated and Amended Nonexclusive Right of Way Use License on April 2, 2019, pursuant to which Licensee replaced communications equipment at the 4100 N. Harrison Road Site [aka McDonald Park] (Licensee Site No. PHNXAZB025) and added language to Section 24, Modifications, of the Restated and Amended Nonexclusive Right of Way Use License dated September 2, 2014.
- H. Licensors and Licensee entered into a Seventh Amendment to Restated and Amended Nonexclusive Right of Way Use License on September 3, 2019, pursuant to which Licensee added a new co-location site at approximately the southeast intersection of Mile Wide and Sandario Roads, 2232 N. Sandario Road (Licensee Site No. AZL04873).
- I. With this Eighth Amendment to Restated and Amended Nonexclusive Right of Way Use License, Licensee desires to remove site located at 3851 W. Tangerine Rd. (Licensee Site I.D. TU-54-01) as it has been annexed to a jurisdiction outside of Pima County.

AGREEMENT

1. Licensee and Licensors agree to remove the Site located at 3851 W. Tangerine Rd. (Licensee Site I.D. TU-54-01) from the Non-Exclusive Right-of-Way Use License dated September 24, 2000, as amended.
2. Other Provisions. All other terms and provisions of the Restated and Amended Right-of-Way Use License and all prior amendments thereto not specifically changed by this Amendment shall remain in effect and are binding upon the parties.

IN WITNESS WHEREOF, the parties have affixed their signatures to this Sixth Amendment to Restated and Amended Nonexclusive Right-of-Way Use License on the dates written below.

PIMA COUNTY

Chairman, Board of Supervisors

Date

LICENSEE

New Cingular Wireless PCS, LLC,
a Delaware limited liability company
By: AT&T Mobility Corporation
Its: Manager

By: 

Name: Robert Hofrichter

Its: Area Manager


Date: 3/5/2020

ATTEST:

Clerk of the Board of Supervisors


Date

APPROVED AS TO CONTENT:



Dan Hunt, Chief Information Officer
Pima County Information Technology Dept.

APPROVED AS TO FORM:



Stacey Roseberry, Deputy County Attorney