



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

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: June 9, 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:**

Ninth Amendment to Restated and Amended Non-Exclusive Right-of-Way Use License; Lic-0285

**\*Purpose:**

The purpose of this Amendment is to extend the term for two (2) cellular Sites through the Master Agreement to September 23, 2025. All other existing Sites shall terminate on September 23, 2020.

**\*Procurement Method:**

Exempt per Pima County Code Section 11.04.020

**\*Program Goals/Predicted Outcomes:**

Two cellular Sites will renew for an additional five (5) year term under the same terms and conditions in the Master Agreement.

**\*Public Benefit:**

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

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

Licensee will continue to pay fees and rates as stipulated in the Master Agreement, with 3% annual rental increases.

**\*Retroactive:**

No

10: COB- 5.26.20  
Ver. - 7  
pgs - 4 (2)

**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 Information**

Document Type: CTN Department Code: IT Contract Number (i.e., 15-123): 15\*003  
Amendment No.: 9 AMS Version No.: 7  
Effective Date: June 9, 2020 New Termination Date: September 23, 2025  
Prior Contract No. (Synergen/CMS): \_\_\_\_\_  
☐ Expense or ☒ Revenue ☒ Increase ☐ Decrease Amount This Amendment: \$ 85,450.76  
Is there revenue included? ☒ Yes ☐ No If Yes \$ 85,450.76 uc

**\*Funding Source(s) required:**

Funding from General Fund? ☐ Yes ☒ No If Yes \$ \_\_\_\_\_ % \_\_\_\_\_

**Grant/Amendment Information (for grants acceptance and awards)**☐ Award ☐ Amendment


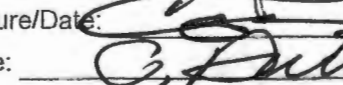
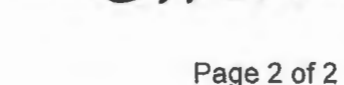
Document Type: \_\_\_\_\_ Department Code: \_\_\_\_\_ Grant Number (i.e., 15-123): \_\_\_\_\_  
Effective Date: \_\_\_\_\_ Termination Date: \_\_\_\_\_ Amendment Number: \_\_\_\_\_  
☐ Match Amount: \$ \_\_\_\_\_ ☐ Revenue Amount: \$ \_\_\_\_\_

**\*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 Murphy  
Department: Real Property Services Telephone: 724-8633  
Department Director Signature/Date:  5/18/2020  
Deputy County Administrator Signature/Date:  5/21/2020  
County Administrator Signature/Date:  5/21/2020  
(Required for Board Agenda/Addendum Items)



## PIMA COUNTY

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

**CONTRACT No. CTN-IT-15000000000000000003, Amendment #9**

This Ninth Amendment to Restated and Amended Nonexclusive Right-of-Way Use License 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 Licensee entered into a Restated and Amended Nonexclusive Right of Way Use License ("License") that consolidated four 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.
- B. Licensor and Licensee have amended the License numerous times.
- C. With this Ninth Amendment, Licensee and Licensor agree to renew the License for an additional five year term for the two sites. The parties also agree to decrease the percentage annual fee increase in Section 4 of the License.

#### AGREEMENT

- 1. Grant of Permission. Section 1 is amended to permit Licensee to operate wireless communication facilities at the following locations:
  - a. SE Crnr Wade Road and Valencia Road (Site AZL01287)
  - b. SE Mile High Road (Site AZL04873).

2. Annual Fee. Licensee shall pay annual fees to the Licensor as set forth in Exhibit A to this Amendment. Exhibit A includes the three percent (3%) annual increase as allowed under Section 4 of the License.
3. Term. As allowed in Section 5 of the License, Licensee and Licensor agree to renew the Restated and Amended Right-of-Way Use License for an additional five year term from September 24, 2020, through September 23, 2025.
4. 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.

[Signature page to follow]

IN WITNESS WHEREOF, the parties have affixed their signatures to this Ninth Amendment to the Renewed 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

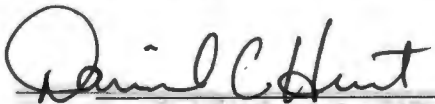
Date: 4/30/2020

**ATTEST:**

\_\_\_\_\_  
Clerk of the Board of Supervisors

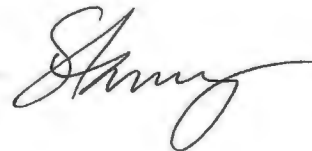
\_\_\_\_\_  
Date

**APPROVED AS TO CONTENT:**

 5/13/2020

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

**APPROVED AS TO FORM:**



Stacey Roseberry, Deputy County Attorney

**EXHIBIT A**  
**LICENSE FEE SCHEDULE**

**PAYMENTS DUE**

Term 09/24/2020-09/23/2021

Site AZL01287, SE Cnr Wade & Valencia Rds	\$ 7,887.42
Site AZL04873, SE Cnr Sandario & Mile Wide Rds	\$ 7,887.42
Plus License Renewal Fee (Paid)	<u>\$ 1,700.00</u>
<b>Total Amount Due September 24, 2020</b>	<b>\$ 17,474.84</b>

Term 09/24/2021-09/23/2022

Site AZL01287, SE Cnr Wade & Valencia Rds	\$ 8,124.04
Site AZL04873, SE Cnr Sandario & Mile Wide Rds	<u>\$ 8,124.04</u>
<b>Total Amount Due September 24, 2021</b>	<b>\$ 16,248.08</b>

Term 09/24/2022-09/23/2023

Site AZL01287, SE Cnr Wade & Valencia Rds	\$ 8,367.76
Site AZL04873, SE Cnr Sandario & Mile Wide Rds	<u>\$ 8,367.76</u>
<b>Total Amount Due September 24, 2022</b>	<b>\$ 16,735.52</b>

Term 09/24/2023-09/23/2024

Site AZL01287, SE Cnr Wade & Valencia Rds	\$ 8,618.80
Site AZL04873, SE Cnr Sandario & Mile Wide Rds	<u>\$ 8,618.80</u>
<b>Total Amount Due September 24, 2023</b>	<b>\$ 17,237.60</b>

Term 09/24/2024-09/23/2025

Site AZL01287, SE Cnr Wade & Valencia Rds	\$ 8,877.36
Site AZL04873, SE Cnr Sandario & Mile Wide Rds	<u>\$ 8,877.36</u>
<b>Total Amount Due September 24, 2024</b>	<b>\$ 17,754.72</b>