

COB - BOSAIR FORM

06/18/2026 1:26 PM (MST)

Submitted by Karrie.Hixon@pima.gov



BOARD OF SUPERVISORS AGENDA ITEM REPORT (BOSAIR)

All fields are required. Enter N/A if not applicable. For number fields, enter 0 if not applicable.

Award Type:	Agenda Item
BOSAIR Activity:	Board Meeting Request
Requested Board Meeting Date:	06/23/2026
Project Title / Description:	24000PJ Pima County Regional Middle Mile Project

Agenda Item Report

Introduction / Background: Pima County received a U.S. Department of Commerce NTIA Middle Mile Grant 04-40-MM588 that was approved by the Board of Supervisors on July 11, 2023. The county developed and approved a CIP project charter for Pima County Regional Middle Mile Project on September 7, 2023, which determined the project delivery method to be Design Build. The procurement package was assembled and advertised 06/06/2024 for a design/build team to design the route, installation and develop necessary clearances and permitting documents for the project, as well as procure materials and construct the Middle Mile fiber loop. Through the county's procurement process for selecting a Design/Build contractor based on qualifications the eX2/Kimley Horn/Team Fishel team was selected and approved for contract on October 15, 2024, Board of Supervisor's meeting.

Notice to Proceed was issued to the Design/Build team October 23, 2024, whereas the design effort started. Many obstacles were encountered and managed through the design process including extensive cultural concerns, coordination with multiple federal, state, and local entities. GMP's 1 and 2 were issued for early material purchase by the design/builder in preparation for beginning construction in April/May 2026. The first GMP submittal for construction was received by the county on March 18, 2026, in concurrence with this construction schedule. With NTIA grant schedule requirements looming, and the parties unable to negotiate an executable agreement, the county decided to reject GMP3 and cancel the contract for convenience on June 12, 2026.

Through the efforts of Kimley-Horn, Team Fishel, and the county's personnel and cultural consultants, the county has the necessary permits, inter-governmental agreements, environmental requirements, and plans ready for construction.

Discussion: With the cancellation of the design build contract the county is at risk of not meeting the requirements of the NTIA grant if the project were to continue under typical procurement standards. To expedite the procurement and construction process, the County Administrator authorized the remaining design and construction of the project be contracted through competition impractical selections, as allowed by Arizona Revised Statutes Title 34. Selection will be based on proposals that guarantee proper knowledge of the project, planning of work prior to construction

and proper permitting is in place for the work to proceed as required by the NTIA grant requirements.

Conclusion: The Pima County Regional Middle Mile Project must meet the requirements of the NTIA Middle Mile grant to be qualified for reimbursement for the design and future construction costs associated with installation of a middle mile fiber loop around the greater Tucson area, making high speed fiber accessible to Pima County residents currently outside of accessible areas.

Recommendation: I recommend the Board of Supervisors take the following action:

Authorize the Procurement Director to execute the resulting Consultant and Construction Manager at Risk contracts and all modifications, including Guaranteed Maximum Price packages, provided that the not to exceed amount of the contracts does not exceed the remaining grant funding up to \$39,643,897.29 and that the contract expiration dates do not exceed June 30, 2028, which allows for all contract close-out activities and final submittals.

Fiscal Impact: Failure to meet the NTIA grant requirements will disqualify Pima County from reimbursement of any spent funds allocated to the design, pre-construction or future construction of the Middle Mile Project.

Support of Prosperity Initiative: 9. Expand Broadband Services and Address Barriers to Digital Inclusion

Provide information that explains how this activity supports the selected Prosperity Initiative The Pima County Regional Middle Mile Project will create a middle mile fiber loop that expands the area that broadband services will be available for county residents that are currently outside of broadband service areas.

Board of Supervisor District:

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Department: County Administration

Name: Jan Leshner

Telephone: 520-724-8661

Department Director Signature: Bruce Collins Date: 6/18/2026 | 1:36 PM MST

Deputy County Administrator Signature: S Holmes Date: 6/18/2026 | 3:37 PM MST

County Administrator Signature: Jur Date: 6/18/2026 | 3:50 PM MST



MEMORANDUM

Date: June 16, 2026

To: Jan Leshner
County Administrator

From: Rod Lane
Director

Initial
RFL

Re: **2400PJ Pima County Regional Middle Mile Project
Competition Impracticable Procurement Request**

Project Design and Construction is requesting your approval to utilize a "Competition Impracticable" procurement process pursuant to provisions of A.R.S. § 34-606 and Pima County Procurement Code 11.12.060 for the Pima County Regional Middle Mile Project.

This memo requests approval to negotiate contracts with Kimley-Horn and Associates, Inc. for Design and Post Design Services and with The Fishel Construction Company, dba Team Fishel, for Construction Manager at Risk Services for Preconstruction and Construction GMPs.

Background

Pima County received a U.S. Department of Commerce NTIA Middle Mile Grant 04-40-MM588 that was approved by the Board of Supervisors on July 11, 2023. The county developed and approved a CIP project charter for Pima County Regional Middle Mile Project on September 7, 2023, which determined the project delivery method to be Design Build. The procurement package was assembled and advertised June 6, 2024, for a design/build team to design the route, and develop necessary clearances and permitting documents for the project, as well as procure materials and construct the Middle Mile fiber loop. Through the county's qualifications-based procurement process for selection of a Design/Build contractor, the eX2/Kimley Horn/Team Fishel team was selected and awarded a contract on October 15, 2024, by the Board of Supervisors. Notice to Proceed was issued to the Design/Build team October 23, 2024, whereas the design effort started. Many obstacles were encountered and managed through the design process including extensive cultural considerations, coordination with multiple federal, state, and local entities. GMP's 1 and 2 were executed for early material purchase by the design/builder in preparation for beginning construction in April/May 2026.

The first GMP submittal for construction was received by the County on March 18, 2026, in concurrence with this construction schedule. With NTIA grant schedule requirements looming, and the parties unable to negotiate an executable agreement, the County decided to reject GMP3 and cancel the contract for convenience on June 12, 2026.

Through the efforts of Kimley-Horn, Team Fishel, and the County's personnel and cultural consultants, the County has the necessary permits, inter-governmental agreements, environmental requirements, and plans ready for construction.

Recommended Approach

We are requesting approval to negotiate a Design Services contract with Kimley-Horn to continue the on-going design effort for the Pima County Regional Middle Mile Project. Key factors that influence this recommendation include: Kimley-Horn has been the designer assisting with design, environmental coordination efforts required by the NTIA grant funding source, and the extensive permitting needed for the project's path through multiple

Jan Leshner, County Administrator
**Re: 24000PJ Pima County Regional Middle Mile Project
Competition Impracticable Procurement Request**

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municipalities, privately owned, locally governed and federally governed lands. Using any other designer to complete the project would not be feasible to complete this project within NTIA requirements.

We are also requesting approval to pursue a Construction Manager at Risk contract with Team Fishel to complete the pre-construction effort as well as negotiate and award GMPs for the construction work and material procurement to be completed for the Pima County Regional Middle Mile Project. Key factors that influence this recommendation include: Team Fishel has been involved with the design of the project, they are included in the permits that have been submitted and approved for permits of construction with several federal entities that would have extensive time delays and cost impacts to meet the grant deadlines if other contractors were considered. This would put the Project at risk of not being eligible for reimbursement of NTIA funding. The extent to which Team Fishel has been involved with the project would create an unfair advantage if the CMAR was to be advertised as a stand-alone project, since Team Fishel was selected as the construction contractor previously through the County's qualification based process as part of the Design-Build team and has participated in meetings and reviews discussing what is required to construct the project with all involved municipalities.

We request your concurrence/approval on this approach so that we can proceed with negotiating contracts to continue design and begin construction as soon as possible to stay within the grant budget and schedule constraints.

By signing below, the County Administrator makes a written determination pursuant to Pima County Code Section 11.12.060 that the emergency or other limited competition procurement is warranted and that the appropriate procurement procedures have been followed.

Concur:
Signed by: Bruce Collins Date: 6/16/2026
Bruce D. Collins, Procurement Director

Concur:
Carmine DeBonis, Jr. Date: 6/16/2026
Carmine DeBonis, Jr., Deputy County Administrator

Approve:
Jan Leshner Date: 6/16/2026
Jan Leshner, County Administrator

RL/ts

cc:

Attachments