



Travis County Commissioners Court Agenda Request

Meeting Date: April 1, 2014

Prepared By/Phone Number: Scott Wilson/854-1182

Elected/Appointed Official/Dept. Head: Cyd Grimes

Commissioners Court Sponsor: Judge Biscoe

Agenda Language: Approve Modification No. 12 to Contract No. 4500000031 (H.T.E. Contract No. 07T00173VC), Securus Technologies, Inc., for inmate pay phone services.

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.

On August 28, 2007, the Commissioner's Court approved a contract with Securus Technologies, Inc., for inmate and public pay phone services. The initial term of the contract was October 1, 2007 through September 30, 2008. On October 30, 2012, the Commissioner's Court approved a contract modification which added an Inmate Video Visitation Service that was expected to generate additional revenue amounts based on 23% of the gross revenue. Each video session was projected to last up to twenty-five (25) minutes and the cost to friends and family was \$20.

At this time, Travis County Sheriff's Office (TCSO), through Information Technology Services (ITS) and Securus Technologies recommends offering a promotion to friends and family of inmates housed in Travis County facilities to use the Video Visitation Service at a reduced cost for up to sixty (60) days. The proposed promotional period would be from April 1, 2014 through May 31, 2014 and the cost of a twenty-five (25) minute remote visit would be reduced from \$20 to \$5. During this promotional period, Travis County would continue to receive 23% of gross revenue from the video visitation sessions, receiving \$1.15 from each at-home visit.

The goals of this promotion are to reduce traffic in visitation during the upcoming scheduled construction and remodeling of the Visitation

Center at the Travis County Correctional Complex in Del Valle and to increase at-home visits.

Modification No. 11, approved by the Purchasing Agent on October 3, 2013, extended the contract through October 31, 2014.

Modification No. 10, approved by Commissioner's Court on July 30, 2013, was to temporarily reduce the cost of a video visitation from \$20 to \$10.

Modification No. 9, approved by the Purchasing Agent on October 23, 2012, extended the contract through October 31, 2013.

Modification No. 8, approved by Commissioner's Court on October 30, 2012, added an Inmate Video Visitation Service.

Modification No. 7, approved by Commissioner's Court on April 17, 2012, added an Automated Information Services (AIS) Solution.

Modification No. 6, approved by the Purchasing Agent on October 27, 2011, extended the contract through October 31, 2012.

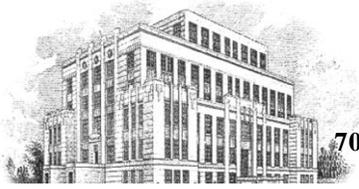
Modification No. 5, approved by Commissioner's Court on October 19, 2010, extended the contract for another twelve (12) months through October 31, 2011 and add the FCC2 functionality.

Modification No. 4, approved by the Purchasing Agent on September 27, 2010, extended the contract through October 31, 2010.

Modification No. 3, approved by the Purchasing Agent on September 29, 2009, extended the contract through September 30, 2010.

Modification No. 2, approved by Commissioner's Court on November 25, 2008, lowered the Annual Guarantee Revenue from \$1,600,000 to \$1,100,000.

Modification No. 1, approved by the Purchasing Agent on September 24, 2008, extended the contract through September 30, 2009.



Travis County Courthouse, Austin, Texas

TRAVIS COUNTY INFORMATION TECHNOLOGY SERVICES

Tanya Acevedo, Chief Information Officer

700 Lavaca, Suite 500, P. O. Box 1748, Austin, Tx 78767 (512) 854-9372 Fax (512) 854-4401

DATE: February 28, 2014

MEMORANDUM

TO: Cyd Grimes, C.P.M.-Travis County Purchasing Agent

FROM: Walter LaGrone, Information Technology Director

VIA: Tanya Acevedo, Chief Information Officer

SUBJECT: Recommendation to offer reduced cost of Inmate Video Visitation from \$20.00 to \$5.00 for up to 60 days to allow friends and family an opportunity to use the service at a reduced cost

Proposed Motion:

Recommendation to offer an opportunity for inmate friends and families to use remote Video Visitation for up to 60 days at reduced cost of \$5.00 for a 25 minute visit

Summary and Staff Recommendation:

Travis County Sheriff Office, through ITS and Securus, recommends offering a promotion to the friends and families of inmates housed in Travis County facilities to use the Securus Video Visitation (SVV) system at a reduced cost for up to 60 days. The proposed promotional trial period would be from 4/1/14 through 5/31/14. TCSO and Securus have offered to reduce the price of a 25 minute remote visit from \$20.00 to \$5.00 during this period. The goal is to reduce traffic in visitation during an upcoming construction project and to increase at-home visits.

Budgetary and Fiscal Impact:

During the promotional period, Travis County will continue to receive 23% of revenue from video visitations. At-home video visits would cost \$5.00 per 25 minute session with Travis County receiving \$1.15 from each visit. Compared to the \$4.60 received by the County during regular pricing, this would result in a decrease of \$3.45 per session during this sixty day window.

Issues and Opportunities:

This promotional period would coincide with upcoming scheduled construction for upgrades and remodeling of the Visitation building at the Travis County Correctional Complex. The Sheriff's Office hopes to use this promotion to help reduce visitation traffic during construction period.

Background:

Securus and its predecessor companies have served Travis County as its inmate phone vendor for more than 10 years. The current agreement was approved by Commissioners Court on August 28, 2007 pursuant to RFP # P070173-VC issued on April 2, 2007. The agreement provides for an annual guaranteed payment as prepaid commission for inmate phone services, commissions from pay phones and

video visitation sessions at County facilities, and funds for a Contract Liaison. This service provides telephone access privileges for Travis County inmates and additionally serves as a management tool for inmate populations. This service additionally provides the opportunity for providing Travis County with other products or services that will enhance the Sheriff's operation and assist the friends and families communicate with inmates held in the Travis County Jail.

A 50% (\$10.00) reduced rate promotion for Securus Video Visitation system that ran through 12/31/13 was submitted and approved by Commissioners Court July 20, 2013. TCSO noticed a significant reduction in facility traffic visits during that promotion.

Required Authorizations:

LEGAL:	Barbara Wilson, County Attorneys Office
PURCHASING:	Bonnie Floyd, Scott Wilson, Purchasing Department
BUDGET:	Katie Gipson, Planning and Budget Office

Cc: Sheriff Greg Hamilton, TCSO; Captain Wes Priddy, TCSO; Captain Lisa Brown, Tiffany Curnutt, TCSO
Leslie Browder, County Executive for Planning and Budget
Leticia Marquez, Bruni Cruz, ITS

MODIFICATION OF CONTRACT NO. 4500000031 (H.T.E. Contract No. 07T00173VC) for Inmate Pay

Phone Services

ISSUED BY: PURCHASING OFFICE 700 LAVACA ST. STE 800 AUSTIN, TX 78701	PURCHASING AGENT ASST: Scott Wilson TEL. NO: (512) 854-9700 FAX NO: (512) 854-9185	DATE PREPARED: March 24, 2014
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ISSUED TO: Securus Technologies, Inc. Attn: Robert Pickens 14651 Dallas PKWY, Ste. 600 Dallas, Texas 75254	MODIFICATION NO.: 12	EXECUTED DATE OF ORIGINAL CONTRACT: August 28, 2007
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ORIGINAL CONTRACT TERM DATES: <u>October 1, 2007 through September 30, 2008</u>	CURRENT CONTRACT TERM DATES: <u>November 1, 2013 through October 31, 2014</u>
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FOR TRAVIS COUNTY INTERNAL USE ONLY:
Original Contract Amount: \$ _____ Current Modified Amount \$ _____

DESCRIPTION OF CHANGES: Except as provided herein, all terms, conditions, and provisions of the document referenced above as heretofore modified, remain unchanged and in full force and effect.

This modification is by Securus Technologies, Inc. (“Contractor”) and Travis County, Texas (“County”).

Recitals

Federal Communications Commission 47 CFR Part 64 [WC Docket No. 12-375; FCC 13-113] – Rates for Interstate Calling Services (“FCC Order”), which became effective February 11, 2014, governs the interstate calling rates charged under this Contract. The rates stated in the Contract are not consistent with these new rates.

Under Modification 8 to that contract, Contractor implemented Video Visitation in the Travis County Jail System. County and Contractor would again like to offer users of Video Visitation a reduced fee on a short term basis to encourage additional use of this functionality. Now, therefore, the Contractor and County agree as follows:

Amendment

1. Pursuant to Attachment D, section 12, effective February 11, 2014, section 4.1 as stated in the original contract is deleted in full and the following section 4.1 is inserted in its place.

4.1 Commission on Inmate Telephone Services In compliance with Federal Communications Commission 47 CFR Part 64 [WC Docket No. 12-375; FCC 13-113] – Rates for Interstate Calling Services (“FCC Order”), which became effective February 11, 2014, gross revenue does not include any revenue earned under this Contract through the completion of interstate calls of any type. Gross revenue shall be determined without consideration of whether (a) the revenue is collected after the call is originated or through prepaid collect services, (b) the revenue is not collectible, or (c) the call can be billed at all. Contractor shall pay County 60.3% of the gross revenue resulting from the inmate pay telephone service during the contract, including all years for which the Annual Option is exercised.

Note to Vendor:
[x] Complete and execute (sign) your portion of the signature block section below for all copies and return all signed copies to Travis County.
[] DO NOT execute and return to Travis County. Retain for your records.

LEGAL BUSINESS NAME: _____	<input type="checkbox"/> DBA <input type="checkbox"/> CORPORATION <input type="checkbox"/> OTHER
BY: _____ SIGNATURE	
BY: _____ PRINT NAME	DATE: _____
TITLE: _____ ITS DULY AUTHORIZED AGENT	
TRAVIS COUNTY, TEXAS	DATE: _____
BY: _____ CYD V. GRIMES, C.P.M., CPPO, TRAVIS COUNTY PURCHASING AGENT	
TRAVIS COUNTY, TEXAS	DATE: _____
BY: _____ SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE	

2. Pursuant to Attachment D, section 12, effective February 11, 2014, section 4.2 as amended in Modification 7 is deleted in full and the following section 4.2 is inserted in its place.

4.2 Annual Guaranteed Prepayment for Inmate Telephone Services before November 1, 2011

For each option year after the first contract term, the Annual Guaranteed Payment for inmate telephone services shall be adjusted so that it equals the Commission Percentage shown in the table below for that option year times the annual gross revenue for collect inmate phone calls during the preceding twelve months ending June 30 as long as the rate for collect telephone services to inmates, other than interstate long distance calls, remains a flat fee of \$4.65 (surcharge plus rate in Attachment I) without any per minute charge. For any option year in which the flat fee is changed from the flat fee of \$4.65 for collect telephone services to inmates, other than interstate long distance calls, the Annual Guaranteed Payment for inmate telephone services shall be adjusted so that it equals the Commission Percentage shown in the table below for that option year times the product obtained by multiplying the rate to be applicable to collect telephone services to inmates for that option period by the quotient resulting from dividing the annual gross revenue for collect inmate phone calls, other than interstate long distance calls, during the preceding twelve months ending on the date shown in the chart by \$4.65.

<u>Year:</u>	<u>Commission Percent:</u>	<u>Minimum Annual Guarantee (MAG)</u>
First Option October 1, 2008-September 30, 2009	60.3%	\$1,600,000
Second Option October 1, 2009-September 30, 2010	60.3%	Based on previous 12 months ending June 30, 2009
Third Option October 1, 2010-October 31, 2011	60.3%	Based on previous 12 months ending June 30, 2010
Fourth Option November 1, 2011- October 30, 2012	60.3%	\$881,817.61
Fifth Option November 1, 2012- October 30, 2013	61.0%	Based on previous 12 months ending August 31, 2012
Sixth Option November 1, 2013- October 30, 2014 unless Monthly Option(s) is/are exercised and then this option begins at the end of the last Monthly Option exercised and continues for 12 months	61.7%	Based on previous 12 months ending August 31, 2013
Seventh Option November 1, 2014- October 30, 2015 unless Monthly Option(s) is/are exercised and then this option begins at the end of the last Monthly Option exercised and continues for 12 months	62.4%	Based on previous 12 months ending August 31, 2014
Eighth Option November 1, 2015- October 30, 2016 unless Monthly Option(s) is/are exercised and then this option begins at the end of the last Monthly Option exercised and continues for 12 months	63.1%	Based on previous 12 months ending August 31, 2015

4.2.1 On October 1, 2007, Contractor shall pay County \$1,600,000 as pre-paid commissions on revenue from all inmate telephones services.

4.2.2 Before October 15, 2008, Contractor shall pay County \$975,000 and before December 1, 2008, Contractor shall pay County the remainder of the Annual Guaranteed Payment for the first option year as pre-paid commissions on revenue from all inmate telephones services.

4.2.3 On October 1, 2009 and on the first of each of the following eleven months, Contractor shall pay County one twelfth of the Annual Guaranteed Payment for the second option year as pre-paid commissions on revenue from all inmate telephones services.

4.2.4 On October 1, 2010 and the first of each of the following twelve months, Contractor shall pay County one twelfth of the Annual Guaranteed Payment for the third option year as pre-paid commissions on revenue from all inmate telephones services.

4.2.5 On November 1, 2011 and on the first of each of the following eleven months, Contractor shall pay County one twelfth of the Annual Guaranteed Payment of \$881,817.61 for the fourth option year as pre-paid commissions on revenue from all inmate telephones services.

4.2.6 On the first day of the fifth option and on the first of each of the following eleven months, Contractor shall pay County one twelfth of the Annual Guaranteed Payment for the fifth option year as pre-paid commissions on revenue from all inmate telephones services.

4.2.7 The Annual Guaranteed Payment for the sixth option is adjusted to comply with the FCC order. The monthly payments of the Annual Guaranteed Payment before the order shall be based on gross revenue including interstate long distance calls and shall be equal to one twelfth of \$835,875. The monthly payments of the Annual Guaranteed Payment after the order shall be based on gross revenue excluding interstate long distance calls and shall be equal to one twelfth of \$804,875. On the first day of the sixth option and the first of each of the following two months, Contractor shall pay County one twelfth of the Annual Guaranteed Payment of \$835,875 for the first three months of the sixth option year as pre-paid commissions on revenue from all inmate telephones services. On the first day of the fourth month of the sixth option and the first of each of the following eight months, Contractor shall pay County one twelfth of the Annual Guaranteed Payment of \$804,875 for the final nine months of the sixth option year as pre-paid commissions on revenue from all inmate telephones services, except interstate long distance calls.

4.2.8 On the first day of the seventh option and the first of each of the following twelve months, Contractor shall pay County one twelfth of the Annual Guaranteed Payment for the seventh option year as pre-paid commissions on revenue from all inmate telephones services, except interstate long distance calls.

4.2.9 On the first day of the eighth option and the first of each of the following twelve months, Contractor shall pay County one twelfth of the Annual Guaranteed

Payment for the eighth option year as pre-paid commissions on revenue from all inmate telephones services, except interstate long distance calls.

4.2.10 In any option year, when the commissions earned in that option year exceed the total amount paid during that option year, Contractor shall pay County the amount of the commissions earned but not pre-paid no later than sixty days after the end of that option year. If commissions do not exceed the total amount paid during that contract year, Contractor is not entitled to have any of the pre-paid commissions returned.

2. Pursuant to Attachment D, section 12, effective February 11, 2014, section 8.3 as stated in the original Contract is deleted in full and the following section 8.3 is inserted in its place.

8.3 Rates The rate for local collect calls from the Equipment shall be a flat fee of \$4.65 (surcharge plus rate in Attachment I) without any per minute charge unless the rate is modified in compliance with this section 8. The rates for interstate long distance collect calls from the Equipment shall reflect the maximum interstate calling rates stated in the FCC order. The rates for interstate long distance collect calls from the Equipment shall be \$0.25 per minute. The rates for interstate long distance debit calls from the Equipment shall be \$0.21 per minute. The rates for intralata and interlata long distance collect calls from the Equipment shall be the rates shown on Attachment I with no additional surcharges such as Bill Statement Fee or other fees unless the rate is modified in compliance with this section 8. These rates are composed of a surcharge, an initial minute fee and an each additional minute fee based on the type of call (intralata or interlata), the time of day (day, evening, or night/weekend), and the calling distance based on mileage from inmate phone to the telephone number dialed. In determining whether day, evening, or night/weekend rates apply, "day" is from 8 a.m. to 4:59 p.m. on Monday through Friday, "evening" is from 5 p.m. to 10:59 p.m. Sunday through Friday, and "night/weekend" is from 11 p.m. to 7:59 a.m. seven days a week and all day Saturday and Sunday from 8 a.m. to 4:59 p.m.

3. Pursuant to Attachment D, section 12, effective March 19, 2014, section 13B.5 as stated in Modification 10 is deleted in full and the following section 13B.5 is inserted in its place.

13B.5 Rates Where a fee applies, the rate for VIDEO VISITATION shall be a fee of \$10.00 for a 25 minute visitation for each remote visitation from August 1, 2013 to September 30, 2013 inclusive and at all other times during this contract the rate for VIDEO VISITATION shall be a fee of \$20.00 for a 25 minute visitation for each remote visitation unless the rate is modified in compliance with this section 13B and is charged to the person scheduling the visitation. Visitation sessions may be scheduled by friends or family. On premises visitations are provided free of charge. Attorney video visitations are provided free of charge from 9:00 am to 3:00 pm on Monday through Friday All other visits by attorneys will be charged at standard visitation rate. However; until functionality is fully developed and implemented, attorney visits will be free of charge. The time parameter functionality will be developed within 12 months of signing of contract and Statement of Work. During the installation period and the first three months after completion of installation of video visitation equipment in all buildings, inmates may receive one free video visitation. To receive the free visitation, inmates must enter their unique PIN number so Contractor can track which inmates have received the free visitation. After all video visitation system equipment has been installed for three (3) months, all video visitations are charged at standard rates. In addition, for visits scheduled from April 1, 2014 to May 31, 2014, Contractor has offered and County has accepted the following promotional pricing rates:

\$5.00 for a video visitation lasting from 15 to 30 minutes
\$10.00 for a video visitation lasting from 45 to 60 minutes

The \$5.95 transaction fee does not apply to these visits.

Contractor shall ship promotional mini-posters (8.5 inches by 11 inches) to the County jail at least two days before the promotion begins and Contractor shall add Secure Call Platform prompts to educate the inmates and the public about the promotional pricing rates during the promotion period. Prompts will include the following wording:

Friends & Family Prompt (~15 seconds):

April 1st through May 31st, Visit an inmate from the comfort of your home for only \$5. Take advantage of this promotion now by going to www.securustech.net/videovisitatoin and scheduling your remote visit today!

Inmate Prompt (~15 seconds):

For a limited time, your friends & family can now visit with you from their house for only \$5! Tell them to visit www.securustech.net/videovisitatoin to schedule their visit today!

4.0 INCORPORATION OF CONTRACT AND RATIFICATION. Contractor and County hereby incorporate this amendment into the contract as amended by Modifications One, Two, Three, Four, Five, Six, Seven, Eight, and Nine. Contractor and County hereby ratify all of the terms and conditions of the Contract as amended.