



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of December 21, 2015

DATE: December 10, 2015

FROM: Darryl Nakahira, Sheriff's Office

Phone: 541-388-6655

TITLE OF AGENDA ITEM:

Consideration of Board signature of Document No. 2015-717 Amending Deschutes County Contract No. 2011-54

PUBLIC HEARING ON THIS DATE? No.

BACKGROUND AND POLICY IMPLICATIONS:

In 2011, Telmate entered into a contract with the Sheriff's Office to provide inmate telephone services at the Deschutes County Adult Jail, the Work Center and the Juvenile Detention Center. Telmate provides inmate telephone/recording services in the Deschutes County Jail and Work Center for 22 telephones, including equipment, service and maintenance. They also provide four phones at the Juvenile Detention Center through the contract.

In November 2013, the contract with Telmate was amended with an option for a five-year extension at the end of the 2-year period on December 31, 2015. Document 2015-717 elects to exercise the option to renew the contract for five years through December 31, 2020. Document 2015-717 also amends the current contract to allow for rate changes resulting from proposed Federal Communication (FCC) regulations and allows options to pursue value added services through Telmate and Telmate's third-party vendors, if the County elects to utilize such services at a future time.

FISCAL IMPLICATIONS:

There will be no monetary change or rate increases/decreases as a result of this renewal and amendment. Rate changes resulting from proposed mandatory FCC regulations may occur during the five-year period of this amendment.

RECOMMENDATION & ACTION REQUESTED:

Approve and sign Document 2015-717

ATTENDANCE: Captain Deron McMaster, if requested.

DISTRIBUTION OF DOCUMENTS:

Contact Julie Lovrien, ext. 4857, when document is ready for pick up.

DESCHUTES COUNTY DOCUMENT SUMMARY

Date: December 10, 2015

Department: Sheriff's Office

Contractor/Supplier/Consultant Name: Telmate

Contractor Contact: Carey Sullivan

Contractor Phone #: 503-939-6694

Type of Document: Document 2015-717 is an amendment (amendment No. 3) to Deschutes County Services Contract 2011-54 between Deschutes County, by and through its Sheriff's Office, and Telmate.

Background & History: In 2011, Telmate entered into a contract with the Sheriff's Office to provide inmate telephone services at the Deschutes County Adult Jail, the Work Center and at the Juvenile Detention Center. Telmate provides inmate telephone/recording services in the Deschutes County Jail and Work Center for 22 telephones, including equipment, service and maintenance. They also provide four phones at the Juvenile Detention Center through the contract.

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Agreement Starting Date: January 1, 2016

Ending Date: December 31, 2020

Annual Value or Total Payment: There will be no monetary change or rate increases/decreases as a result of this renewal and amendment. Rate changes resulting from proposed mandatory FCC regulations may occur during the five-year period of this amendment.

Check all that apply:

- ☐ RFP, Solicitation or Bid Process
- ☐ Informal quotes (<\$150K)
- ☒ Exempt from RFP, Solicitation or Bid Process (specify – *see* DCC §2.37)
2.37.070(B)(9)

Funding Source: (Included in current budget?) ☒ Yes ☐ No

If *No*, has budget amendment been submitted? ☐ Yes ☐ No

Is this a Grant Agreement providing revenue to the County? ☐ Yes ☒ No

Departmental Contact and Title: Deron McMaster, Corrections Captain
Phone #: 541-388-6655

Sheriff's Approval: _____
Signature Date

Distribution of Document: Call or email Julie Lovrien (x4857) when document is ready to pick up.

Official Review:

County Signature Required (check one): ☒ BOCC ☐ Department Director (if <\$25K)

☐ Administrator (if >\$25K but <\$150K; if >\$150K, BOCC Order No. _____)

Legal Review Darryl Nakamura Date 12/10/15

Document Number 2015-717



**DOCUMENT NO. 2015-717
AMENDMENT #3 TO DESCHUTES COUNTY
CONTRACT NO. 2011-054**

THIS AMENDMENT #3, (Amendment) is made between Deschutes County, by and through its Sheriff's Office, with a business address at 63333 Hwy 20, Bend, Oregon 97703 (County), and Telmate, LLC, with its principal place of business at 655 Montgomery St, 18th Floor, San Francisco, California 94111 (Telmate).

RECITALS

WHEREAS, County and Telmate entered into a Service Contract No. 2011-05 (Agreement) on April 27, 2011;

WHEREAS, County and Telmate amended the Agreement on December 27, 2012 to include Advanced Funds, Amendment #1 to Deschutes County Contract no. 2011-54 (Amendment #1);

WHEREAS, County and Telmate amended the Agreement on November 16, 2013 through Document No. 2013-612, Amendment #1 to Deschutes County Contract No. 2011-054 (Amendment #1);

WHEREAS, County and Telmate amended the Agreement on June 26, 2014 through Document No. 2014-365, Amendment #2 to Deschutes County Contract No. 2011-054 (Amendment #2);

WHEREAS, the parties wish to modify certain terms of the Agreement, while maintaining the rest of the Agreement in full force and effect;

NOW, THEREFORE, intending to be bound, the parties hereto agree as follows:

AMENDMENT

The County and Telmate elect to exercise the option to renew for one 5-year period as agreed in Amendment #1, dated November 16, 2013.

1. **Effective Date and Termination Date.** The effective date of this Amendment is upon the signature of all parties and the termination date is December 31, 2020.
2. **Regulations.** In the event of any action taken by the Federal Communication Commission (FCC) the effect of which necessitates a change to any of the rates and fees as agreed to by both parties to this agreement, the parties hereby agree to renegotiate the terms of this agreement in good faith.
3. **Value Added Services.** County reserves the option to pursue value added services through Telmate and Telmate's third-party vendors which allow for law library access via kiosks, exit cards for inmate commissary balances, and inmate tablets. Any reservation of rights accorded to the County does not legally obligate Telmate to provide any and all such value added services. All terms not included in the Deschutes County Service Contract No. 2011-054, Trust Advance Agreement Amendment #1 to Contract No. 2011-054, Document No. 2013-612 Amendment #1 to Deschutes County Contract No. 2011-054, Amendment #2 to Deschutes County Contract 2011-54, or this

Document No. 2015-717 Amendment #3 to Deschutes County Contract No. 2011-054 shall be negotiated separately in good faith.

4. **Section 23 of 2011-054 is amended to read:** Captain Deron McMaster is designated as the contact person for Deschutes County at 63333 Hwy 20, Bend, Oregon 97703.

Except as set forth above, there is no other revision or amendment to Deschutes County Contract 2011-054.

FOR TELMATE:

Authorized Signature

Print Name

Date _____

FOR DESCHUTES COUNTY
BOARD OF COUNTY COMMISSIONERS:

Anthony DeBone, Chair

Alan Unger, Vice Chair

Tammy Baney, Commissioner

Date _____

FOR DESCHUTES COUNTY SHERIFF'S OFFICE:

L. Shane Nelson, Sheriff

Date _____

Deron McMaster, Captain

Date _____

Attest:

Recording Secretary