

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

June 23, 2020

FROM

JOHN McMAHON, Sheriff/Coroner/Public Administrator

SUBJECT

Amendment to Revenue Contract No. 15-273 with Securus Technologies, Inc. to Provide Inmate Telephone Services

RECOMMENDATION(S)

1. Approve **Amendment No. 4 to Revenue Contract No. 15-273** with Securus Technologies, Inc. to provide inmate telephone services at County detention facilities, extending the term by three months from June 3, 2015 through September 30, 2020.
2. Award Revenue Contract with Securus Technologies, Inc. for the provision of inmate telephone services for the period of October 1, 2020 through September 30, 2028, by authorizing County participation in the National Association of State Procurement Officials ValuePoint Master Agreement No. 99SWC-S26, between Securus Technologies, Inc. and the State of Nevada Department of Administration.
3. Authorize the Sheriff/Coroner/Public Administrator, Undersheriff, or Assistant Sheriff, to execute non-financial change orders to the contract, as needed, subject to review by County Counsel.
4. Direct the Sheriff/Coroner/Public Administrator, Undersheriff, or Assistant Sheriff, to transmit all contract change orders to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: John Ades, Captain, 387-0640)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Revenue from Contract No. 15-273 is based upon call volume but includes a Minimum Annual Guarantee (MAG) of \$3,500,000, or 81% of commissionable revenue, whichever is higher. Upon award of a new contract to Securus Technologies, Inc. (Securus), Securus will continue to provide inmate telephone services on a commission basis; MAG and commissionable revenue will remain at \$3,500,000 or 81% respectively. In accordance with California Penal Code Section 4025, commissions received from inmate telephone services are deposited into the Inmate Welfare Trust Fund to fund inmate programs. Expenditures are monitored to not exceed program revenues.

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BACKGROUND INFORMATION

State and Federal law requires the Sheriff/Coroner/Public Administrator (Department) to provide telephone access to inmates incarcerated in County detention facilities. Inmate telephone services are a specialized field with limited service providers that can accommodate large correctional facilities.

PROCUREMENT

On June 2, 2015 (Item No. 79), as a result of a competitive process, the Board of Supervisors (Board) approved Contract No. 15-273 with Securus for the period of June 3, 2015 through June 30, 2018, with the option to extend the term for two additional one-year periods, for the provision of inmate telephone services in the County's detention facilities.

Subsequently, the Board approved three amendments to the contract with Securus as follows:

- Amendment No. 1 (October 18, 2016; Item No. 55) authorized Securus to reduce inmate telephone rates and service fees in accordance with Federal Communications Commission (FCC) requirements effective June 20, 2016, with no change to the initial Contract period ending June 30, 2018.
- Amendment No. 2 (June 12, 2018; Item No. 89) extended the term through June 30, 2019.
- Amendment No. 3 (May 21, 2019; Item No. 112) extended the term through June 30, 2020.

To maintain equipment and service continuity, and uninterrupted inmate telephone services, the Department, through the approval of the California Department of General Services Procurement Division, entered into contract negotiations with Securus through participation in the National Association of State Procurement Officials (NASPO) ValuePoint Master Agreement (Master Agreement) No. 99SWC-S26 – Inmate Kiosks and Communications. The State of Nevada Department of Administration served as the Lead Agency in issuing the RFP for Inmate Kiosks and Communications in March 2018 through NASPO ValuePoint, a national cooperative contracting agency comprised of directors of the central purchasing offices of all fifty (50) states, District of Columbia, and United States territories, facilitates the administration of competitively sourced procurement, providing valuable contracts to public and government entities with industry-leading vendors.

The Department experienced interruptions to the contract negotiations process due to the COVID-19 pandemic, and has experienced additional delays beyond the Department's control. In order to avoid a lapse in service, and to continue the negotiation of County terms and conditions for the new inmate telephone services contract, the Department recommends approval of the proposed recommendations. Purchasing concurs that unforeseen events due to Covid-19 has increased workload demands on Public Safety Departments. Approval of Recommendation No. 1 will extend the current contract period by an additional three months, through September 30, 2020. Approval of Recommendation No. 2 will provide the Department with an extended timeframe to complete the negotiations of County terms and conditions with Securus, and the required operational, fiscal and legal reviews to submit the new contract with Securus to the Board for approval. Purchasing concurs with the use of a national cooperative agreement to increase collective potential in obtaining the best value.

The contract provides for termination by either party with a 90 day advance written notice of termination for all, or part, of the services described therein.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Miles Kowalski, Deputy County Counsel, 387-5455) on May 28, 2020; Purchasing Department (Michael Candelaria, Lead Buyer, 387-2060) on May 28, 2020; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on May 28, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on June 1, 2020.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Josie Gonzales Seconded: Robert A. Lovingood
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 23, 2020



cc: Sheriff's- Ades w/agree
Contractor- C/O Sheriff's
File- w/agree
la 07/6/2020