

**AMENDMENT TO BOARD OF SUPERVISORS
AGREEMENT NO. 20-143**

This Amendment to BOS Agreement No. 20-143 is entered into this 7th day of 2022, 2022, by and between the COUNTY OF MENDOCINO, a political subdivision of the State of California, hereinafter referred to as "COUNTY" and Inmate Calling Solutions LLC dba ICSolutions, hereinafter referred to as "CONTRACTOR".

WHEREAS, BOS Agreement No. 20-143 was entered into on October 20, 2020; and

WHEREAS, upon execution of this document by the Chair of the Mendocino County Board of Supervisors and CONTRACTOR, this document will become part of the aforementioned contract and shall be incorporated therein; and

WHEREAS, the California Public Utilities Commission ("CPUC"), in its ongoing efforts to ensure affordable telecommunications services, acted to decrease high rates and fees that financially burden incarcerated people, their families, and others that provide them with support, impeding their ability to communicate; and

WHEREAS, the CPUC has imposed a per-minute cap of seven cents (\$0.07) for intrastate debit, prepaid calls, and collect calls for all incarcerated person calling services ("IPCS") operating within California; and

WHEREAS, billing fees were eliminated by Order of the CPUC, as of October 7, 2021, however, CONTRACTOR may charge consumers any pass-through, third-party financial transaction charges pursuant to the Order; and

WHEREAS, call rates shown do not include local, county, state and federal taxes and regulatory surcharge.

NOW, THEREFORE, we agree as follows:

1. **Payment Terms:** Exhibit B, Paragraphs 3, 4 and 6 set out in the original Agreement BOS 20-143 have been altered. An amended Exhibit B is attached herein and is amended as follows:
 - a. The Commission rate applicable to gross call revenue, set forth under Paragraph 3 of Exhibit B to the Agreement, is hereby amended to be 55% effective with call revenue generated in January 2022.
 - b. The minimum annual guarantee ("MAG") as set forth under Paragraph 4 of Exhibit B to the Agreement, is hereby eliminated.
 - c. The updated Prepaid, Debit and Direct Bill calling rates in Paragraph 6 of Exhibit B are hereby amended to be seven cents (\$0.07) per minute for local, intrastate and interstate calls and twenty-one cents (\$0.21) for international calls.
 - d. Capitalized terms not expressly defined hereunder shall have the meaning ascribed thereto under the Agreement.

All other terms and conditions of BOS Agreement No. 20-143 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

DEPARTMENT FISCAL REVIEW:

Gina Williams 4/19/22
DEPARTMENT HEAD DATE

Budgeted: ☒ Yes ☐ No

Budget Unit: 2410

Line Item: 760440 Inmate Services

Grant: ☐ Yes ☒ No

Grant No.: n/a

CONTRACTOR/COMPANY NAME:

By: Mike Kennedy

NAME AND ADDRESS OF CONTRACTOR:

Inmate Calling Solutions LLC dba ICSolutions

Mike Kennedy, Vice President

2200 Danbury Street

San Antonio, TX 78217

PH: 210-581-8100

EM: mkennedy@icsolutions.com

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

COUNTY COUNSEL REVIEW:

APPROVED AS TO FORM:

CHRISTIAN M. CURTIS,
County Counsel

Brina Blanton

By: _____
Deputy

COUNTY OF MENDOCINO

By: TW
TED WILLIAMS, Chair 06/13/2022
BOARD OF SUPERVISORS

ATTEST:

DARCIE ANTLE, Clerk of said Board

By: Amaz
Deputy 06/13/2022

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

DARCIE ANTLE, Clerk of said Board

By: Amaz
Deputy 06/13/2022

INSURANCE REVIEW:

By: Darcie Antle
Risk Management

EXECUTIVE OFFICE/FISCAL REVIEW:

APPROVAL RECOMMENDED

By: Chris
Deputy CEO

Signatory Authority: \$0-25,000 Department; \$25,001-50,000 Purchasing Agent; \$50,001+ Board of Supervisors

Exception to Bid Process Required/Completed ☐

Mendocino County Business License: ☒ Exempt

Exempt Pursuant to MCC Section: March 21, 2017, Approval of Exemption, Item No. 4(p)

EXHIBIT B

PAYMENT TERMS

1. CONTRACTOR shall pay to COUNTY per the following instructions:
2. CONTRACTOR shall provide the services in County facility, at no cost to MCSO, Juvenile Hall or the County. All cost for the services shall be the responsibility of the Contractor including but not limited to equipment, installation, connectivity, maintenance, storage, hardware, software, security, training, and any other implementation services necessary to furnish County with state of the art technology and equipment to meet the specification herein.
3. CONTRACTOR shall pay to COUNTY a "Commission" of **55%** of the gross call revenue for all call types from COUNTY's service location(s). CONTRACTOR shall also pay to COUNTY a "Commission" of **55%** of any service fees collected with respect to Inmate Voicemail services.
4. CONTRACTOR will submit reports and remit Commission payments monthly for County Jail to:

Mendocino County
Sheriff's Office
951 Low Gap Road
Ukiah, CA 95482
Attn: Fiscal

OR

Email to: MCSO-Accounting-mendocinocounty.org.

CONTRACTOR will include their County vendor # and County contract # on each document.

5. The following rates apply to calls from all Service Locations:

Prepaid, Debit & Direct Bill Calling Rates	
<u>Call Type</u>	<u>Per Minute Charge</u>
Local	\$0.07
Intrastate/IntraLATA	\$0.07
Intrastate/InterLATA	\$0.07
Interstate	\$0.07
International (Debit only)	Cost* + \$0.21

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NOTES: Domestic interstate rates apply for calls to U.S. territories including American Samoa, Guam, Northern Mariana Islands, Puerto Rico and U.S. Virgin Islands. All non-U.S. destinations are rated as international.

******Cost** means ICS' underlying carrier cost based on an average rate per minute per destination calculated quarterly pursuant to 47 CFR § 64.6030 (e)***

Call rates shown do not include local, county, state and federal taxes, regulatory fees and billing fees.

Billing Fees were eliminated, by Order of the California Public Utilities Commission, as of October 7, 2021, however, Contractor may charge consumers any pass-through, third-party financial transaction charges pursuant to the Order.

Other Service Fees (charged to consumers):

Wireless tablet usage (per minute).....	\$0.01
Inmate messaging (per message).....	\$0.50
Photo sharing (per photo).....	\$1.00
Inmate Voicemail (per message).....	\$1.99

(All other fees free or waived)

//////////////////// [END OF PAYMENT TERMS] //////////////////////