

### CONTRACT SUMMARY

(This form must accompany all contracts submitted to the Board of Examiners (BOE) for review and approval)

#### I. DESCRIPTION OF CONTRACT

1. Contract Number: **CONV5465** Amendment Number: **3**

Agency Name: **DEPARTMENT OF CORRECTIONS** Legal Entity Name: **Embarq**

Agency Code: **440** Contractor Name: **Embarq**

Appropriation Unit: **3708-00** Address: **1401 Curry Pike**

Is budget authority available?: **Yes** City/State/Zip: **Harrodsburg, KY 40330**

If "No" please explain: **Not Applicable** Contact/Phone: **Victoria L. Johnson 888.375.7318**

Vendor No.: **T27013909**

NV Business ID: **NV20051287760**

To what State Fiscal Year(s) will the contract be charged? **2008-2014**

What is the source of funds that will be used to pay the contractor? Indicate the percentage of each funding source if the contractor will be paid by multiple funding sources.

General Funds	0.00 %	Fees	0.00 %
Federal Funds	0.00 %	Bonds	0.00 %
Highway Funds	0.00 %	<b>X Other funding</b>	<b>100.00 % Revenue Contract</b>

Agency Reference #: **7110**

2. Contract start date:

a. Effective upon Board of Examiner's approval? **No** or b. other effective date **02/12/2008**

Anticipated BOE meeting date **01/2011**

Retroactive? **No**

If "Yes", please explain

**RECEIVED**

**DEC 09 2010**

**DEPARTMENT OF ADMINISTRATION  
OFFICE OF THE DIRECTOR  
BUDGET AND PLANNING DIVISION**

3. Previously Approved Termination Date: **02/28/2011**

Contract term: **6 years and 18 days**

4. Type of contract: **Revenue Contract**

Contract description: **Professional Services**

5. Purpose of contract:

**This is an amendment to the original contract, which provides telephone services for incarcerated inmates. This amendment extends the termination date from February 28, 2011 to February 28, 2014 and increases the estimated revenue amount from \$7,200,000.00 to \$14,400,000.00.**

6. CONTRACT AMENDMENT

1. The maximum amount of the original contract:	\$7,200,000.00
2. Total amount of any previous contract amendments:	\$0.00
3. Amount of current contract amendment:	\$7,200,000.00
4. New maximum contract amount:	\$14,400,000.00

and/or the termination date of the original contract has changed to: **02/28/2014**

#### II. JUSTIFICATION

7. What conditions require that this work be done?  
 The Department of Corrections must provide inmates within the Nevada correctional system access to telephones.

8. Explain why State employees in your agency or other State agencies are not able to do this work:  
 The Department of Corrections does not have the capability to perform this type of service. There are no agencies within the State of Nevada that perform this type of function.

9. Were quotes or proposals solicited? **Yes**

Was the solicitation (RFP) done by the Purchasing Division? Yes

a. If yes, list the names of vendors that submitted proposals:

Embarq  
Global Tel  
Securus Technologies

b. Solicitation Waiver: **Not Applicable**

c. Why was this contractor chosen in preference to other?

Embarq was chosen by the evaluation team as having the best technology as well as guaranteed revenue plan for the State.

d. Last bid date: 09/07/2007 Anticipated re-bid date: 09/07/2013

10. Does the contract contain any IT components? No

**III. OTHER INFORMATION**

11. a. Is the contractor a consultant that is providing an opinion or advice as defined in S.A.M. Chapter 300? (S.A.M. states "a consultant is a person that provides information, an opinion, or advice for a fee")

No

b. Is the contractor a current employee of the State of Nevada?

No If "Yes", is contractor planning to render services while on annual leave, compensatory time, sick leave, or on his own time? (Please explain)

Not Applicable

c. Was the contractor formerly employed by the State of Nevada within the past one (1) year?

No If "Yes", please provide employment termination date.

d. Is the contractor employed by any of Nevada's political subdivisions or by any other government?

No If "Yes", please explain

Not Applicable

12. Has the contractor ever been engaged under contract by any State agency?

Yes If "Yes", specify when and for which agency and indicate if the quality of service provided to the identified agency has been verified as satisfactory:

FY08 - current; NDOC. Service has been verified as satisfactory.

13. Is the contractor currently involved in litigation with the State of Nevada?

No If "Yes", please provide details of the litigation and facts supporting approval of the contract:

Not Applicable

14. The contractor is registered with the Nevada Secretary of State's Office as a:  
Foreign Corporation

15. a. Is the Contractor Name the same as the legal Entity Name?

Yes

16. a. Does the contractor have a current Nevada State Business License (SBL)?

Yes

17. a. Is the legal entity active and in good standing with the Nevada Secretary of State's Office?

Yes

18. Agency Field Contract Monitor:

19. Contract Status:

Contract Approvals:

Approval Level	User	Signature Date
Budget Account Approval	dmartine	10/27/2010 14:23:04 PM
Division Approval	dreed	10/28/2010 16:59:26 PM
Department Approval	dreed	10/28/2010 16:59:32 PM
Contract Manager Approval	cphenix	12/02/2010 11:08:58 AM

## AMENDMENT 3 TO CONTRACT

Between the State of Nevada  
Acting By and Through Its

### **Nevada Department of Corrections (NDOC)**

Agency Contact: Dawn Rosenberg  
5500 Snyder Avenue, Bldg 89  
Carson City, NV 89701  
Phone: (775) 887-3219 / Fax: (775) 887-3225

And

### **Embarq**

Contact: Victoria L. Johnson  
1401 Curry Pike  
Harrodsburg, KY 40330  
Phone: (888) 375-7318 / Fax (859) 734-9425

1. AMENDMENTS. For and in consideration of mutual promises and/or their valuable consideration, all provisions of the original contract, resulting from Request for Proposal #1628, dated February 12, 2008, Amendment 1 dated June 25, 2009 and Amendment 2 dated July 29, 2010, attached hereto as Exhibit A, remain in full force and effect with the exception of the following:

- A. **Extend the contract for an additional three (3) years; change termination date from February 28, 2011 to February 28, 2014.**
- B. **Increase anticipated revenue amount by \$7,200,000.00 for a new estimated revenue of \$14,400,000.00.**

2. INCORPORATED DOCUMENTS. Exhibit A (Original Contract and Amendments) is attached hereto, incorporated by reference herein and made a part of this amended contract.

3. REQUIRED APPROVAL. This amendment to the original contract shall not become effective until and unless approved by the Nevada State Board of Examiners.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to the original contract to be signed and intend to be legally bound thereby.

**EMBARQ**

  
\_\_\_\_\_  
Independent Contractor's Signature

On November 4, 2010  
(Date)

PAUL COOPER  
Independent Contractor (print)

GENERAL MANAGER

**APPROVED AS TO FORM BY:**

  
\_\_\_\_\_  
Deputy Attorney General for Attorney General


On 11/15/10  
(Date)

**NEVADA DEPARTMENT OF CORRECTIONS**

  
\_\_\_\_\_  
Jeff Mohlenkamp, Deputy Director Support Services

On 11/16/10  
(Date)

**APPROVED BY BOARD OF EXAMINERS**

  
\_\_\_\_\_  
Signature – Board of Examiners

On 1-11-11  
(Date)