

# **ATTACHMENT CC**

## **Contractor's Response**

Embarq is hereby given an opportunity to respond to the following Best and Final offer to the inmate telephone RFP # 1628. If you, the vendor, agrees with the items outlined below, the proper response to each item should be "Read, agreed and will comply." *Please note Vendor is required to provide additional responses to item 7.*

1. Vendor does not take any exceptions to RFP # 1628 and all included requirements/specifications for inmate telephone service are agreed to.

***Read, agreed and will comply.***

2. Vendor shall perform PIN administration duties (listed below) for the inmate telephone system from a remote location. Should Vendor fail to provide the PIN administration duties to the satisfaction of Nevada Department of Corrections ("State"), the State, at its sole option, may require Vendor to provide one (1), full-time, on-site administrator at no cost to the State. The State and Vendor shall periodically review the PIN administration duties to determine the viability of the functions being performed remotely by Vendor. The list of duties may be modified from time to time by mutual consent of the State and Vendor.

**Pin Administration Duties**

- Receive Personal Allowed Number (PAN) lists from all State facilities and enter/modify entries into the inmate telephone system within three (3) days of receipt.
- Indicate the status of each inmate addition/deletion directly on the PAN list request form and return the completed PAN form to the facility for distribution to the inmates within 4 days of receipt.
- Modify assignment of inmate accounts based on facility movements within three (3) days of receipt.
- Validate requested attorney phone numbers by contacting the attorney and receiving a copy of the attorney's letterhead prior to entry of the phone number in to the inmate telephone system. Attorney phone numbers should be entered into the global database as privileged/non-recorded phone numbers and should not count against the maximum PAN amount of 10 phone numbers.
- Add/modify system user accounts and security profiles in the inmate telephone system.
- Block and unblock phone numbers at the direction of the State and/or facilities.
- Implement requested inmate telephone schedules as directed by the State and/or facilities.
- Run usage reports as requested by the State and/or facilities.
- Program "Hot Numbers" in the inmate telephone system as requested by the State and/or facilities.

***Read, agreed and will comply.***

3. Vendor shall maintain certain standards associated with customer support/pre-paid collect accounts (listed below). The State shall periodically review the quality of the customer service center and if the State is not satisfied, the State will provide notification to Vendor in writing of the issues that are a deviation from the standards shown below. The Vendor shall have thirty (30) days from such notification to improve the customer service to meet the satisfaction levels of the State. Should the Vendor not improve the customer service to the level required by the State in its sole opinion, the Vendor shall pay a penalty in the amount of five hundred dollars (\$500.00) per month for each month of unsatisfactory customer service.

**Support Standards**

- Vendor shall ensure the general public has access to live customer support on a 24/7 basis;
- Hold times shall not exceed five (5) minutes per call for setting up a pre-paid collect account or addressing other end user requests;
- Once the customer has funded the pre-paid collect account, Vendor shall ensure no delays in posting funds for use;
- Vendor shall record all calls with the general public so any unsatisfactory instances can be researched and resolved; and
- The State, at its option, will perform periodic test calls to the customer service center to check the performance of the customer service representatives.

***Read, agreed and will comply with one note.***

*EMBARQ's customer service center for prepaid collect accounts provides live agent access 24/7. However, EMBARQ's customer service center for LEC-billed/collect calling is open from 7am to 6pm Central. These restricted hours are driven by LECs' call center hours; since almost all collect calling issues require coordination with a live LEC agent, we are unable to provide service for these types of calls beyond these core hours.*

4. Requested calling rates and commission:

<u>Call Type</u>	<u>Surcharge</u>	<u>Per Minute Rate</u>
Local	\$1.45	\$0.00
Intrastate	\$0.85	\$0.1175
Interstate	\$3.50	\$0.79
International	Vendor to Propose	Vendor to Propose

Monthly Commission Rate: 55.15%

Minimum Annual Guarantee: \$2,400,000.00

***EMBARQ agrees to the calling rates and Minimum Annual Guarantee above but proposes a slight modification to the commission rate.***

**NDOC-requested calling rates**

<u>Call Type</u>	<u>Surcharge</u>	<u>Per Minute Rate</u>
Local	\$1.45	\$0.00
Intrastate	\$0.85	\$0.1175
Interstate	\$3.50	\$0.79
International	\$3.99	\$0.99

Monthly Commission Rate: 54.20%

Minimum Annual Guarantee: \$2,400,000

*This offer includes reasonable assumptions for call stimulation above the current gross revenue run-rate of \$405 thousand per month, deriving from several factors (e.g. allowance of calls to cell phones, the EMBARQ/ICS revenue management program). If we do not realize this approximate level of gross revenue we request the right to renegotiate in good faith with the State.*

5. Provision of basic and premium reverse look-up:

- Basic reverse look up shall be provided at no cost to the State; and
- 2,500 Premium look ups per month shall be at no cost to the State. Additional queries each month shall be provided at the rate of \$0.75 per query. Vendor shall be responsible for tracking and reporting monthly premium queries to the State each month.

***Read, agreed and will comply.***

6. Provision of JPAY Release Debit Card program (to be implemented at no cost to the State and with no commission payable at a time convenient for the State):

Requested transaction fees assessed to the released inmates:

- Domestic POS transaction fee - \$0.25 per transaction; and
- Domestic ATM transaction fee – one free transaction per month and \$1.50 per transaction thereafter.

***EMBARQ is not able to fully comply with this provision and offers the alternative structure below.***

*EMBARQ, through JPay, agrees to provide the release debit card program to the State at no cost to the State and with no commissions payable to the State. However, we are only able to offer these effective transaction fees:*

- Domestic POS transaction fee – \$0.70 per transaction; and
- Domestic ATM transaction fee – one free transaction per month and \$2.00 per transaction thereafter. Please note: because ATM transaction fees are automatically assessed by financial institutions, this fee must be initially charged to the inmate and then credited back to his or her account following card activation.

*This free ATM transaction is given with the consideration that EMBARQ/JPay will be the exclusive provider of the debit card program, which would include all releases of State inmates with a balance of \$10 or more.*

7. Provision of JPAY Inmate Mail (to be implemented at no cost to the State and at the time selected by the State); please indicate all applicable fees.

***Read, agreed and will comply.***

*EMBARQ will provide Inmate mail through JPay's Program (inbound and outbound mail) at no cost to the State. This program includes all kiosks, maintenance and replacement (under normal service conditions), and investigative functionality. In the event a printer is not available to deploy inbound mail EMBARQ/JPay will provide a printer.*

*These considerations and commission schedule below are offered with the understanding that EMBARQ/JPay will be NDOC's exclusive provider of inmate messaging services, and that NDOC will work in good faith with EMBARQ/JPay to complete the initial deployment of JPay's Inbound Mail Program within six months of effective date of the contract ("Effective Date"). The Outbound Mail Program would begin deployment following completion of Inbound Mail and would be fully deployed within eighteen (18) months of the Effective Date.*

*The proposed commission schedule is below:*

**E-Messaging to Inmates - Inbound**

*Commissions of \$0.10 per message paid to the Department on a quarterly basis.*

Fees Charged to the Sender	
<u>Postage</u>	<u>Fee</u>
5 Messages	\$3.00
16 Messages	\$9.00
33 Messages	\$18.00

**E-Messaging by Inmates - Outbound**

*Commissions of \$0.05 per message paid to the Department on a quarterly basis.*

Fees Charged to the Inmate	
<u>Postage</u>	<u>Fee</u>
1 Message	\$0.35

*Further, following full deployment of the Inmate Mail Program, EMBARQ/JPay offer to deploy the JPay Canteen Ordering Application and Inmate Trust Account Inquiry Application on the kiosk and write the interface for the State's commissary program at no cost to the State. EMBARQ/JPay will also work with NDOC on a case by case basis to deploy any additional kiosk applications (e.g. law library).*

8. Continuation of JPAY Electronic Trust Account Payments program (to continue at no cost to the State)

Requested transaction fees assessed to depositors:

- All transactions (with the exception of credit cards by phone) - \$6.00 per transaction;
- Credit card transactions by phone - \$7.00 per transaction; and
- Commission - \$1.00 per transaction

***EMBARQ/JPay require some modification to the transaction fee schedule.***

*EMBARQ, through JPay, agrees to provide the electronic trust account payment program to the State at no cost to the State with a \$1.00 commission per transaction to the State. This program is also offered with a \$2.00 deduction for all MoneyGram transactions and \$0.50 deduction for all credit/debit card transactions. The fee schedule would be as follows:*

<u>Payment Amount</u>	<u>Fee</u>	<u>Discount vs. current fees</u>
<b>SENDING MONEY ONLINE</b>		
\$0.01 - \$20.00	\$3.45	-13%
\$20.01 - \$100.00	\$6.45	-7%
\$100.01 - \$200.00	\$8.45	-6%
\$200.01 - \$300.00	\$10.45	-5%
<b>SENDING MONEY BY PHONE</b>		
\$0.01 - \$20.00	\$4.45	-10%
\$20.01 - \$100.00	\$7.45	-6%
\$100.01 - \$200.00	\$9.45	-5%
\$200.01 - \$300.00	\$11.45	-4%
<b>SENDING MONEY VIA ACE AGENT LOCATION</b>		
\$0.01 - \$5,000.00	\$5.00	--

*This discounted fee schedule is offered with the consideration that EMBARQ/JPay will be the exclusive provider of NDOC's electronic trust account payment program and that the State would credit payments in inmate accounts the same day the State receives a payment file from JPay.*

9. The State requests a faster implementation schedule. It is preferable to the State that the largest institutions receive priority status over other smaller and more rural facilities. Please submit an implementation schedule detailing a faster implementation. Include a listing of the expected change over dates per facility.

***Read, agreed and will comply.***

*A faster implementation is very achievable. The schedule below is EMBARQ's attempt to best meet NDOC's needs; we will work with NDOC to change priorities and timelines as requested.*

*The attached Excel spreadsheet details EMBARQ's proposed implementation plan, which is significantly faster than the originally submitted plan. Installation schedules have been (reasonably) compressed and long lead-time commitments have been pulled forward, allowing us to begin site cutovers on March 13 at Lovelock Correctional Center and end cutovers April 1 at Tonopah Conservation Camp (please see attachment).*