



Board Agenda Item 24

DATE: April 22, 2025

TO: Board of Supervisors

SUBMITTED BY: John Zaroni, Sheriff-Coroner-Public Administrator

SUBJECT: Retroactive Agreement with Global Tel*Link Corporation dba ViaPath Technologies

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a retroactive Rider Contract with Global Tel*Link Corporation (GTL) dba ViaPath Technologies for the use by County's incarcerated persons of Inmate Telephone Systems and Tablet Services, effective January 1, 2025 through December 31, 2027, which is a three-year base contract with two optional one-year extensions (\$0).

There is no additional Net County Cost associated with the recommended action. Approval of the recommended action will allow the Contractor and County to enter a cooperative procurement agreement ("Rider Contract" or "agreement") for a contract procured by another government entity to utilize the same or similar services for the supply, installation, management, operation, and maintenance of inmate telephone system and tablet services at the Fresno County Jail (Main), N. Annex Jail, and W. Annex Jail. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board choose not to approve the recommended action, the Sheriff's Office would not be able to enter into the Rider Contract to provide inmate telephone and tablet services for the use of County's incarcerated persons.

RETROACTIVE AGREEMENT:

This recommended Rider Contract is retroactive due to the length of time required to negotiate the agreement. The signed agreement was received from GTL on March 3, 2025.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended action. No commission will be paid by GTL to County under the recommended Rider Contract.

DISCUSSION:

Your Board's approval of the recommended action follows the prior Agreement No. 19-727 approved by your Board on December 10, 2019, which was a revenue agreement for telephone and video visitation services to incarcerated persons in the County Jail facilities (the Agreement) and expired on December 31, 2024. On January 26, 2021, the parties agreed to the assignment of that agreement from Legacy Long Distance International Inc. (Legacy) to GTL.

On March 8, 2022, your Board approved a retroactive Second Amendment to revenue Agreement with GTL for telephone and video visitation services to incarcerated persons in the County Jail facilities, to implement rate caps for incarcerated persons telephone services and ancillary service charges. On August 22, 2023, your Board approved a Third Amendment to revenue Agreement with GTL to conduct a Pilot Program between to evaluate, test, use and benefit from the Contractor's IP-Enabled tablets in three (3) of the County's Jail housing units located at the Fresno County Main Jail, N. Annex Jail and W. Annex Jail.

On January 1, 2025, the Federal Communications Commission final Report and Order, Order on Reconsideration, Clarification and Waiver, and Further notice of Proposed Rulemaking to implement the provisions of the Martha Wright-Reed Just and Reasonable Communications Act of 2022 (the Act) took effect, which was enacted for the purpose of ensuring just and reasonable charges for any audio or video communications services used by inmates for the purpose of communicating with individuals outside the correctional institution where the inmate is held, regardless of technology used. Among other actions, the Act established lower permissible per-minute rate caps for calling and video visitation, prohibited providers from imposing any separate ancillary service charges, and prohibits providers from making site commission payments for incarcerated people's communications services. The recommended agreement complies with the rate and charge requirements and does not contain any site commission payments to the County, in compliance with these new regulations imposed by the Act. The California Public Utilities Commission (CPUC) issued a September 30, 2024 Staff Proposal, and effective on the implementation date of the resulting CPUC Order for permanent rates for incarcerated persons calling services, Rulemaking 20-10-002, the rates, charges, commissions, and other provisions of the recommended agreement will be amended as set forth in the recommended agreement.

The Sheriff's Office requires the supply, installation, management, operation, and maintenance of Inmate Telephone System and Tablet Services at the Fresno County Main Jail, N. Annex Jail, and W. Annex Jail with no commission paid by Contractor to County. Guard posts, concrete pads, enclosures, pedestals, bumper pads, or other property of GTL installed by GTL shall remain in all respects property of GTL. GTL is responsible for furnishing, installing, repairing and servicing the equipment. The tablets will provide incarcerated persons content access, education, law library, video visitation, voice communication and incarcerated person accounts. GTL will provide all support and maintenance services for the tablets, and replace, at GTL's cost, 100% of the deployed tablets per year to cover normal wear and tear.

The County's Purchasing Manual allows the Purchasing Manager to join with other public entities for collectively preparing specifications: requesting and receiving quotations or proposals; and making an award to the lowest responsive, responsible bidder if the source selection method used is in compliance with the requirement of Chapter 4 - Vendor Selection Through Competitive Solicitation. Purchasing may also use Cooperative Purchasing Contracts if the items under a contract meet the County's needs and if it is unlikely that a separate County bid would result in prices, terms and/or conditions that are more favorable. Contract buying groups are considered to take the place of competition if, in Purchasing's opinion, it is in the best interest of the County.

Orange County, California, issued a Request for Proposals and entered into Contract No. MA-060-21011490 for Inmate Communication Services. The Sheriff's Office worked with County Purchasing and verified that the Orange County Agreement is usable from Purchasing's standpoint. The County and GTL negotiated a Rider Contract to the Orange County Cooperative Contract No. MA-060-21011490, which is before your Board for approval today.

The recommended Rider Contract contains a provision required by the Orange County Agreement, that both Parties will hold harmless the County of Orange from all claims, demands, actions or causes of actions of every kind resulting directly or indirectly, arising out of, or in any way connected with the use of this agreement. The recommended agreement also contains a non-standard limitation on liability. The Sheriff's Office believes the benefits of entering into the recommended agreement outweigh any potential risks, as a prudent business decision.

The recommended agreement provides approximately 100 square feet of office space in the Jail to GTL for use while providing these services, but provides that County staff may enter the office space at any time.

REFERENCE MATERIAL:

BAI #22, August 22, 2023

BAI #20, March 8, 2022

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Global Tel*Link Corporation dba ViaPath Technologies

CAO ANALYST:

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