



County Executive Office

Memorandum

March 17, 2026

To: Clerk of the Board of Supervisors

From: Michelle Aguirre, County Executive Officer

Signed by: Michelle Aguirre
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Subject: Supplemental Request According to Board Rule 21

RECEIVED
2025 MAR 19 PM 3:51
CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

531G

The County Executive Office is requesting a Supplemental Agenda Staff Report for the March 24, 2026, Board Hearing.

Agency: Sheriff-Coroner

Subject: Approve Amendment No. 2 for Inmate Communication Services

Districts: Districts 2 and 3

Reason Item is Supplemental:

Negotiations of proposed Amendment Number Two to the Global Tel*Link Corporation dba ViaPath Technologies contract were extensive due to having to renegotiate new rates, fees and commission based off of the Federal Communications Commission ruling. The Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Justification: The Sheriff-Coroner Department is requesting this item be placed on the March 24, 2026, Board agenda since we would be out of compliance with the Federal Communications Commission regulations and subject to Federal Communications Commission enforcement and/or lawsuits from incarcerated individuals and the community for overcharging during the time between the deadline of April 6, 2026, and the next Board of Supervisors meeting of April 14, 2026.

Concur:

Doug Chaffee
Doug Chaffee, Chair of the Board of Supervisors

cc: Board of Supervisors
County Executive Office
County Counsel

Agenda Item S31G
Clerk's Use Only



SUPPLEMENTAL AGENDA ITEM AGENDA STAFF REPORT

MEETING DATE: 3/24/2026
 LEGAL ENTITY TAKING ACTION: Board of Supervisors
 BOARD OF SUPERVISORS DISTRICT(S): Districts 2 and 3
 SUBMITTING AGENCY/DEPARTMENT: Sheriff-Coroner Department
 DEPARTMENT HEAD REVIEW: *[Signature]*
Department Head Signature
 DEPARTMENT CONTACT PERSON(S): Nate Wilson (714) 647-1833
 Candice Aubuchon (714) 939-4848

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SUBJECT: Approve Amendment No. 2 for Inmate Communication Services

CEO CONCUR

COUNTY COUNSEL REVIEW

CLERK OF THE BOARD
Discussion

Signed by:
Michelle Aguirre
 7C8F38F334564E4...
 CEO Signature

Approved Agreement(s) and
 Resolution(s)
 DocuSigned by:
Christopher Anderson
 FD52559179CA11C
 County Counsel Signature

3 Votes Board Majority

Budgeted: Yes

Current Year Cost: \$50,000

Annual Cost: See Financial
Impact Section

Staffing Impact: No

of Positions: N/A

Sole Source: No

Current Fiscal Year Revenue: See Financial Impact Section

Funding Source: Other: 100% (Revenue)

County Audit in last 3 years No

Levine Act Review Completed: Yes

Prior Board Action: 6/27/2023 #49, 5/24/2022 #15, 11/02/2021 #S22G, 3/23/2021 #21

RECOMMENDED ACTION(S)

Authorize County Procurement Officer or Deputized designee to execute Amendment Number Two with Global Tel*Link Corporation dba ViaPath Technologies for the provision of Inmate Communication Services, to amend the Definitions section, Attachment A - Scope of Work, Attachment B - Rates and Fees, and Attachment C - Revenue Sharing and Cost Recoupment for an annual anticipated revenue amount up to \$2,000,000.

SUMMARY:

Approval of Amendment Number Two to revenue contract with Global Tel*Link Corporation dba ViaPath Technologies will allow the Sheriff-Coroner Department to continue to provide telephone services for County inmates and to generate revenue for the Inmate Welfare Fund.

BACKGROUND INFORMATION:

The Orange County Jail System requires communication services for their inmates and have historically contracted out for these services. Inmates are legally entitled by Title 15, Section 1067 (See Attachment D) to receive communication services. This contract has historically been a revenue-generating contract for the Inmate Welfare Funds.

In the Spring of 2018, the Sheriff-Coroner Department (Sheriff) through its Inmate Services Division, identified a need to provide additional forms of communication beyond telephone services for its inmate population and be able to provide new technology such as tablets, inmate visitation phones, and kiosks and advertised a Request for Information (RFI). Once the RFI was reviewed, a scope of work was developed and a Request for Proposal (RFP) was generated. On March 24, 2020, the Board of Supervisors (Board) approved the RFP and a one-year extension of the term of the current contract to allow time to complete the RFP process.

The RFP, developed in consultation with the Sheriff’s inmate telephone system consultant Praeses LLC, included inmate telephone services and new technologies such as tablets, inmate visitation phones and kiosks. One of the key objectives of the Inmate Telephone Services (ITS) is to enable inmates to communicate more easily with family, friends and others in the community while also limiting the use of the ITS, Video Visitation Solution (VVS), and Tablets for illicit activity. A necessary part of the service is to ensure the safety and security of staff, inmates, and the public through the use of current technology.

Three proposals were received on August 25, 2020, in response to the RFP. The initial evaluation panel meeting was held on October 27, 2020, in which proposals were distributed to the evaluation panel members. The evaluation panel meeting was held on December 22, 2020, to evaluate oral presentations and demonstrations. The subsequent panel meeting to score proposals was held on April 14, 2021, and the Memorandum of Recommendation was signed by all five evaluation panel members. Negotiations with the highest ranked vendor began. On July 28, 2021, the California Public Utilities Commission (CPUC) as well as the Federal Communications Commission’s (FCC) adopted its final ruling regarding rates and fees for interstate inmate calling services. On August 26, 2021, the County requested Best and Final Offers (BAFO) from all proposers who submitted a proposal in response to the RFP. The proposers were allowed to only adjust the revenue/cost portion of their proposal impacted by the CPUC fee changes. The BAFOs were received and scored by the evaluation panel chairperson. Negotiations with the highest ranked vendor began on November 2, 2021. The RFP was evaluated based on several criterion. The Orange County Preference Policy (OCPP) was applicable and incorporated into this solicitation, although no OCPP qualified proposals were submitted.

On May 24, 2022, the Board approved the new contract with ViaPath for the provision of Inmate Communication Services.

The following table details the recent revenue contract history with the current service provider, ViaPath, for the provision of Inmate Communication Services.

Board of Supervisors (Board) Approved	Amendment Number or Contract	Contract Term	Contract Amount	Comments
3/24/20	Five	5/25/20 - 5/24/21	\$3.168 million	RFP was approved by the Board and the extension of the current

				contract by a one-year period to allow time to complete the RFP process.
3/23/21	Six	5/25/21 - 5/24/22	\$3.168 million	Extended contract for a one-year period to allow time to complete the RFP process as a result of delays due to the COVID pandemic.
11/2/21	Seven	5/25/21 - 5/24/22	\$720,000	Retroactive approval of Amendment Number Seven to modify the contract in response to FCC and California Public Utilities Commission (CPUC) rate and fee caps to reflect new phone rates and fees for incarcerated individuals and reduced revenue.
5/24/22	Contract	5/24/22 - 5/23/25	\$360,000	New contract was approved by the Board.
6/27/23	One	5/24/22 – 5/23/27	\$1.4 million	Amendment Number One modified certain terms and conditions, added the James A. Musick facility (JAMF), removed the Probation Department as required by a Welfare and Institution Code 208.1 was approved by the Board, and extended the contract term for two years, although the number of renewal years was reduced from seven additional one-year terms to five additional one-year terms, so that the length of the entire potential contract is the same. This longer initial contract term was requested by ViaPath due to their investment in the installation at JAMF. Finally, various amendments were made to the contract's Definition section, Attachment A - Scope of Work, Attachment B - Rates and Fees, and Attachment C - Revenue Sharing and Cost Recoupment

Sheriff now requests Board approval of Amendment Number Two for Inmate Communication Services, including telephone service, tablets, inmate visitation phones, and kiosks. Amendment Number Two modifies certain terms and conditions of the Original Contract to address changes mandated by the

Federal Communications Commission's ("FCC") final Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking FCC25-75 released on November 6, 2025 (the "2025 FCC Order") to implement the provisions of the Martha Wright-Reed Just and Reasonable Communications Act of 2022 ("MWR Act") governing incarcerated people's communications services ("IPCS"). Additionally, to amend the Definitions section, Attachment A - Scope of Work, Attachment B - Rates and Fees, and Attachment C - Revenue Sharing and Cost Recoupment which is explained in more further detail below.

ViaPath shall pay County, monthly, the greater of:

- a) Twenty-five percent (25%) of gross revenue (less applicable taxes, government-imposed fees or charges, and billing or security fees) received from tablet content: (1) Tablet Messaging Services (inbound and outbound), (2) the per-minute rate or subscription/access pass charged to inmates for access to Paid Inmate Content, and Premium Content Access Pass, excluding Enhanced Communications; or
- b) The applicable Fixed Annual Tablet Commission, determined as follows:
 - a. Messaging Enabled. County shall ensure that messaging access is available to at least 80 percent of the incarcerated population which ("Messaging Enabled"). During any month in which Messaging Enabled is achieved, the higher Fixed Annual Tablet Commission shall apply.
 - b. Messaging Not Enabled. During any month in which messaging access is not enabled or the eighty percent threshold is not met at the direction of the County, the lower Fixed Annual Tablet Commission shall apply. County shall not be held to the 80 percent threshold if or is not operational.
 - c. Fixed Annual Tablet Commission Amounts.
 - i. The higher Fixed Annual Tablet Commission shall be \$2 million, payable monthly in the amount of \$166,666.66.
 - ii. The lower Fixed Annual Tablet Commission shall be \$1.5 million, payable monthly in the amount of \$125,000.
 - d. Proration. If Messaging is enabled or disabled at the direction of the County for only a portion of a calendar month, the applicable monthly Fixed Annual Tablet Commission shall be prorated on a per-day basis, calculated based on the number of days during such month that Messaging is enabled versus not enabled.
 - e. Notwithstanding the foregoing, the Fixed Annual Tablet Commission shall no exceed 100 percent of the actual tablet content revenue.

JAMF Video Visitation Fees: County shall pay for two 30-minute Remote Video Visitation Sessions per week, and it is based on actual usage by JAMF inmates as required by Title 15. ViaPath shall invoice County no later than the fifth day of each month for the month prior and shall provide a monthly reconciliation report of actual usage.

This amendment is submitted for Board approval less than 30 days prior to the effective date of the amendment due to extended negotiations of terms and conditions mandated by the FCC. The Contractor's performance has been confirmed as satisfactory and issues that previously arose have since been rectified. As a preventative measure, additional contract provisions, including vendor staff assignments, were previously added to the contract. Moreover, upon the exercise of due diligence, it was discovered that, generally, inmate communication services vendors have a history of similar issues and other concerns. Sheriff has verified there are no concerns that must be addressed with respect to Contractor's ownership/name, litigation status or conflicts with County interests.

FINANCIAL IMPACT:

Revenue generated by the Inmate Telephone Services contract is deposited into the Inmate Welfare Fund, Fund 144. Revenue for this contract is included in the Sheriff-Coroner's FY 2025-26 Budget for Inmate Welfare Fund, Fund 144, and all expenditures billed for James A. Musick two 30-minute Remote Video fees will not exceed \$250,000 and will be paid from General Fund 060. All expenditures and revenues will be included in the budgeting process for future years. This contract contains language allowing the Sheriff-Coroner Department to terminate the contract or reduce the level of services with or without cause and without penalty.

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

N/A

ATTACHMENT(S):

Attachment A - Amendment Number Two to Contract MA-060-21011490

Attachment B - Contract Summary Form

Attachment C - Title 15, Section 1067