

REQUEST FOR COMPETITIVE SEALED PROPOSALS

1. Pursuant to the requirements of Sections 13-1-104 and 13-1-113, NMSA 1978, and as otherwise required and permitted by the New Mexico Procurement Code, Sections 13-1-1, et seq., NMSA 1978, the Board of County Commissioners of San Miguel County, New Mexico, hereafter "San Miguel County" or "the county", requests Competitive Sealed Proposals from a qualified Contractor to furnish, install, and maintain a fully functioning Inmate Telephone Service, Windows based Automated Jail Management System for the San Miguel County Detention Center, 26 NM 283, Las Vegas, New Mexico 87701 and for all matters incident thereto, including a full range of services including; all computer hardware, software, and other system elements required; and including all system support and training requirements; and including the requirement that all installation and maintenance work be provided by the contractor: as hereafter specified. There shall be no cost to San Miguel County, New Mexico, for providing any of the systems or services required under this RFP. The San Miguel County Detention Center houses an average of 150 inmates per day, and its personal consists of 43 employees including administrative and support personnel.

There is a pre-bid conference on March 23, 2017, at 10:00 am, at the San Miguel County Detention Center.

2. This Request for Competitive Sealed Proposals contemplates and intends that any resulting contract shall be a multi-term contract for the provision of an Inmate Telephone Service, Windows Based Jail Management System. San Miguel County shall have the sole option of renewing or extending the contract on a yearly basis. The primary term and all one-year renewal options shall not exceed four (4) years as allowed by Section 13-1-150, NMSA 1978, and providing for a cancellation clause of not less than one hundred twenty (120) days.
3. This request for Competitive Sealed Proposals also contemplates that a responsible offeror is one which: (a) is licensed, approved and authorized to do business in New Mexico; (b) and otherwise submits a responsive proposal and furnishes, when required, information and data to prove that its financial resources, service facilities, personnel, service reputation and experience are adequate to make satisfactory, delivery of the services described in its offer, as required by Section 13-1-83, NMSA, as amended.
4. This Request for Competitive Sealed Proposals contemplates that the offeror shall provide the following professional services:

REQUIREMENTS, SPECIFICATIONS, AND ADDITIONAL TERMS AND CONDITIONS

5. Introduction/Scope of Services

This Request for Proposal (RFP) will provide for a Contractor to furnish, install, and maintain a fully functioning Inmate Telephone Service, Windows based Jail management System. All

installation and maintenance work will be provided by the contractor. **Contract start date is: November 1, 2017.**

6. Offerrors Qualifications/References

The offerror shall submit detailed information that clearly explains and demonstrates its ability to provide the services in an efficient, timely and professional manner. This shall include, but is not limited to, the name(s), qualifications, and capability of the offerrors personnel, and the offerrors experience and background relative to the services required for the proposed project. Offerror shall specify how they will handle the data conversion of our historical records.

7. The contractor awarded a contract shall be skilled, experienced, knowledgeable, and fully capable of providing the services required under this proposal. The contractor/company shall have sufficient ability, capital, facilities, and staffing to enable successful and proper execution of the required services, and shall perform its work with the standard of care, skill, and diligence normally provided by a professional organization in the performance of similar services. The service provided shall be comprehensive and shall meet and comply with all applicable laws, codes, ordinances, rules, regulations, and standards. The contractor and their staff shall have and maintain all applicable certifications and licensing as required by the State of New Mexico and any other applicable regulatory agency.
8. The contractor (company)/calling platform provided/systems manufacturers and installer of the system must have at least five years' experience in the installation and support of the calling platform that will be provided in a correctional facility environment and must provide reference to the installed similar systems in a minimum of ten (10) other facilities of equal size.
9. Each bidder shall document and present in the response, the following information:
 - a. References including previous customers such as Correctional and court facility names, contact names, addresses, and telephone numbers.
 - b. Number of years in business
 - c. Number of years providing similar systems to correctional and court facilities.
 - d. The system manufacturers and installer of the systems must have a 1-800 technical support center that provides technical services to their customers. The technical support center must be staffed with trained and certified technicians that can assist designated San Miguel County technicians and staff in use and problems resolutions of the system.

The County reserves the right to contact references/clients for verification and pertinent information.

Security

10. The contractor shall adhere to county policies and procedures in all secure areas. As such, the contractor, and his/her employee, is subject to on-sight search, inspection, and/or security clearances by personnel.

Offerrors Cost Proposal

11. The offeror shall provide a cost proposal detailing the proposed phone rates to be charged to the inmate for phone usage services. There shall be no cost to San Miguel County for providing any of the systems or services required under this RFP. The offeror's inmate phone service costs shall provide for furnishing, installing, and maintaining the specified systems and shall include, but not be limited to all necessary tools, equipment, parts, tools, vehicles, labor, supervision, etc. as required in order to provide the specified services.
12. All inmate phone service pricing offered under this solicitation by the contractor shall be firm and fixed for the term for each contract period. By mutual agreement the parties to the agreement, prices shown in the contract may be renegotiated (increase or decrease) at the end of each one-year term.

Right to Audit

13. The contractor's records shall be open to inspection and subject to audit and/or reproduction during normal working hours, by the county to the extent necessary to adequately permit evaluation and verification of any invoices, payments or claims submitted by the contractor. For the purpose of such audits, inspections, examinations, and evaluations, the county shall have access to said records from the effective date of the contract, or duration of the work, and until two (2) years after the date of final payment by the county to the contractor pursuant to the contract.

Specifications and Requirements

14. The successful offeror shall provide all equipment, software, hardware, labor and maintenance support for the implementation and operation of an inmate telephone service, jail management system. **Offeror shall specify how they will handle the data conversion of our historical records.**

Administrative Requirements

15. The following terms will apply to this RFP. Submissions of a proposal in response to this RFP indicates acceptance of all the following terms:
 - a. "Contractor" means the successful vendor to this RFP who enters into a written contract with the County.
 - b. "County" means San Miguel County, New Mexico.
 - c. "IT" means Information Technology.
 - d. "Must" or "Mandatory" or "Shall" means a requirement that must be met in order for a proposal to receive consideration.
 - e. "Vendor" means an individual or company that submits or intends to submit a proposal in response to this request for proposal.
 - f. "Should" or "desirable" means requirement having a significant degree of importance to the objective of the RFP.
 - g. "Inmate" means San Miguel County Detention Center adult or juvenile detainee.

28. Service and repair to equipment and system must be within an 8 hour period after notification to contractor without any additional cost to the county. Offeror shall provide service options to report the severity of the problem and a method to input data when system is down.
29. Contractor must provide a non-coin, collect call inmate telephones composed of durable, tamper-free equipment suitable for detention environment. Equipment must contain no removable parts.
30. Inmate's phones must not be capable of receiving incoming calls.
31. Written dialing, instructions in English and Spanish must be permanently and prominently displayed on each inmate phone.
32. Call monitoring devices must be provided to allow a call to be audibly monitored and recorded when desired by the county for knowledge of activities occurring during and or after phone use. All recording and monitoring equipment must be integrated into the telephone system's CPU.
33. Bilingual synthesized voice (English and Spanish) must be utilized to instruct and assist the inmate, and called party, while placing a call.
34. Describe the system's ability to detect 3-way calling-local and long distance.
35. System must be able to transfer recorded inmate phone calls from a prior date to a CD-ROM that can be used by law enforcement or the District Attorney's Office for court cases.
36. System must be hearing aid compatible and meet the needs for the hearing impaired inmates.
37. System must provide accommodations necessary to comply with the Americans with Disabilities Act (ADA) requirement including, but not limited to, providing telephones which are accessible to persons in wheelchairs and proposing systems that are compatible with telephone devices for the deaf (TDD).
38. System must prohibit access to "411" information service and "911" emergency services.
39. System must be integrated with the facility Inmate Commissary Service Provider, to allow for all requisite aspects of an inmate commissary order by telephone system.

Locations and number of phones per location:

- | | |
|----------------|----------------|
| 1. Alpha Pod | (2) telephones |
| 2. Baker pod | (2) telephones |
| 3. Charlie pod | (2) telephones |
| 4. Delta pod | (2) telephones |
| 5. Echo pod | (2) telephones |
| 6. Frank pod | (2) telephones |
| 7. Gold pod | (2) telephones |

- | | |
|--------------------------------|---------------------|
| 8. Inmate Reintegration Center | (1) telephone |
| 9. Booking Area | (2) telephones |
| 10. Roll Away | (1) telephone |
| | 18 telephones total |

Jail Management System

1. The Jail Management System must be capable of allowing simultaneous access for at least nineteen (19) users at one time.
2. The system must have user level security system and require a security login.
3. System must maintain and track complete inmate booking information including inmate characteristics, addresses and emergency contact information, arrest and charges information, social security number, inmate and facility property storage and tracking, sentencing and release information including integrating with a statewide victim identification and notification system . The software must have the capability to search by first name, last name, sex, race, charges, and date of arrest at a minimum.
4. System must maintain and track comprehensive point based inmate classification- software must be able to classify and reclassify inmates as needed and be able to generate reports based on several search criteria.
5. The system must be able to maintain and track multiple aliases (minimum of five (5)) for each person – must be able to search by aliases to find a person in the system.
6. System must be able to maintain and track individual activities for each inmate – must be able to print reports on any and/or all inmate activities.
7. The system must allow visitor entry form and allowed visitor list-and the system must be able to maintain and track the number of times that a visitor has been to the facility and the number of visits each inmate has had each week.
8. Maintain and track a detailed history of each booking encounter-including past addresses, physical characteristics and charges and sentencing information.
9. System must maintain and track jail events, such as cell checks (rounds), shift changes, head counts, etc.
10. Maintain and track inmates and officer(s) involved in jail incidents. Must be able to track inmate and officers statements, cell re-assignments, and discipline.
11. The system must provide high resolution photo imaging and information must be integrated. System must be able to capture and display multiple photos of each inmate. Each photo will be able to be tagged according to its type (“frontal view” . “left side”,

“right side”, etc.). User must be able to zoom a photo to a selected area and be able to print the zoomed areas. User must be able to print each photo individually.

12. System must be able to allow signed documents to be scanned into the inmate's records, and be able to track multiple documents – no less than ten (10) per inmate. System must be able to reprint a document at any time.
13. Must have the capability of saving and displaying inmate mug shots and providing capability for photo-line up (based upon physical characteristics, information entered by user-example: white male, blonde hair, moustache, weight 180 pounds).
14. Must have the ability of using barcode scanners to input jail and inmate information.
15. Must have the ability to maintain a “keep separated” list.
16. Must be able to print images and documents to any Windows supported printer.
17. Must be able to generate report(s) including, but not limited to:
 - a. Inmate roster
 - b. Cell assignments
 - c. Alpha listing
 - d. Dorm/Pod listing
 - e. Charges detail report
 - f. Arrest report
 - g. Booking report (including booking information, suicide prevention screening, medical questionnaire)
 - h. Population profile report
 - i. Daily booking and release reports
 - j. Inmate account balance report
 - k. Housing – Billing report
 - l. Inmate account detail report
 - m. Deposits (by date) report
 - n. Jail events report
 - o. Inmate events report
 - p. Property reports
 - q. Jail incidents report

- r. Statistical grievance report
- s. Social Security report – electronic to disk
- t. Administrative Segregation reports
- u. Trustee roster
- v. Medical appointments roster
- w. Recreation activity report
- x. Mail log report
- y. Visitation report
- z. Must be able to build report from any field on the JMS

- 18. Must allow for addition of customer user designed report to the reports menu.
- 19. Must be able to track and generate reports for third party billing.
- 20. Must be able to provide user-level security and be able to allow user to assign individual access rights to each module in the system.
- 21. Must be able to provide easy method-booking inmates into the system through the use of a user-friendly sequence such as “Wizard” that walks the user through the booking process in logical steps **and does not allow user to leave mandatory items blank.**
- 22. Must be capable of supporting nineteen (19) individual window xp-pro workstations.
- 23. Must be expandable to accommodate changes in current programs and to provide updates as they become available.
- 24. All interface options must be provided.
- 25. **Must interface with Inmate Order by Telephone Commissary Module.**
- 26. **Must convert or import all current San Miguel County Detention Center data to the new JMS server.**
- 27. Must provide off-site storage.
- 28. Must provide for disaster recovery
- 29. Must provide net-centric access.

Hardware Requirements

- 30. Package must include operating systems that can be accessible by windows xp or workstation that will be set up to be connected to existing workstations at the facility.

Other System Elements Required:

- a. Power Zoom Digital Colored Camera System for two (2) Intake/Booking Areas, for male/female booking/intake photographs.
- b. Laser Printer with 2 associated computer work stations; for male/female booking areas: Color (high use professional quality): 10 ppm print speed, 2400 x 1200 dpi color print resolution, 600 dpi black resolution, 2 MB of memory, and a page per month rating of at least 20,000 pages (comparable to HP Desk Jet 940c), or better.
- c. Hub/Switch 10/100's as required.
- d. Cabling: As required.
- e. Bar Code Scanning Device: must be able to scan detention activities and download in to Jail Management System.

Jail Management Software Required

31. Stores basic information about each inmate, such as: the individual's name, address, social security and driver's license numbers, physical characteristics, sex, race, religion, emergency contact details, etc., and stores a video image of the individual taken during the intake process.
32. Stores details about the intake such as: charges, arrest location, identification of arresting officer, any hold on the intake.
33. Provides questions during the initial intake to determine the inmate's medical and suicide status. Uses the inmates responses to determine a pre-classification for each inmate and automatically assigns the appropriate and available inmate housing unit.
34. Generates standard reports that provide and include inmate rosters, booking arrest charges, jail activities, inmate locations, etc. has the ability to design individualized reports.
35. Stores information relating to incidents, exercise events, mail, visitation, and staff, etc.
36. Managers other records including maintaining inventories and commissary transactions.
37. **Contractors must provide all the equipment and service required for proper installation of the Jail Management System. Vendors must describe the method of system installation. If staff involvement is required, this must be fully outlined.**

System Support/ Technical Service Representatives

38. Technical service must be available 24 hours a day/7 days a week/365 days a year to resolve service issues.

Customer review services:

39. Customer review services must provide customer survey (on review of contractor's services at least quarterly each year).

40. Contractor must provide answers to the following specific Jail Management System issues:
- a. Indicate manufacturer and model of all equipment and software being proposed.
 - b. Are additions, future enhancements and advancements in technology, and software upgrades, covered in the system? Please explain in detail.
 - c. Describe the proposed system's ability to interface with other vendor products, such as inmate commissary, victim notification, etc.
 - d. Describe expansion capabilities if the county adds new facilities or additions.
 - e. Describe the process for on-site training for county personnel.
 - f. How does your system prevent the inadvertent assignment of duplicate criminal history identifiers to a single individual?
 - g. Can your system automatically provide an inmate property storage number after completion of the property inventory screen?
 - h. Does your system print a personal property inventory that allows the inmate to sign an acknowledging receipt of their property upon the inmate's release?
 - i. Identify the number of screens required to process an individual through the intake booking procedure.
 - j. Identify the number of screens required to process an individual through the inmate release procedure.
 - k. Does your system have the capability to re-book an individual without adding history charges? Please explain.
 - l. State whether the proposed system has a method to backup information in the event of a processor or system failure and explain in detail its operation and capabilities.
 - m. What is the maximum number of computers the system can operate?

41. The following locations will require installation of the Jail Management System:

San Miguel County Detention Center

26 NM 283, Las Vegas NM 87701

The facility will require a full system as per the RFP

Training

42. Provide detention center facility personnel and County IT staff with training in the use and maintenance of the entire system. The facility personnel and county IT staff must include the operation and maintenance personnel. The first training session shall be prior to the system turnover, the second session at turnover, and the third just after

turnover. Coordinate training session with the County. Completed classroom training sessions shall be documented by the installer, certified by the attending facility personnel, and approved by the county. Instruction shall not begin until all systems are operational as designed.

43. The content of the training sessions shall include the operation, the maintenance manuals, and the control console operational and service diagnostic information necessary for the maintenance and operations personnel to efficiently use and maintain the system.
44. Provide one (1) bound copy of the operator's manual and four (4) copies of the service manuals. Operator and service manuals, in digital form, must be provided. The operator's manual shall be written in laymen's language and printed so as to become a permanent reference for the operators, describing all control panel icon operations, graphic symbol definitions and all indicating functions and complete explanation of all software.

Maintenance and Service

45. A written maintenance and service plan shall be submitted separately from other closeout documents, and shall contain the name, voice telephone number, email, facsimile number, page number (if applicable) of the service provider capable of meeting the response time.
46. The service shall consist of the following:
 - a. 24-hour numbers
 - b. Technicians factory trained by the manufacturers of the systems components;
 - c. Authorized representation if the manufacturer via an agreement of factory support;
 - d. Capability, of making addition or changes to the software system used in the project;
 - e. Equipment and knowledge to test all specified equipment and devices;
 - f. Current system documentation including but not limited to the following:
 - a. Wiring diagrams; operation and maintenance manuals; paper and digital manuals; other documentation shall be made available to the county upon request.
 - g. The time from the county's problem notification to the initial response shall be no greater than eight (8) hours; offeror shall specify different levels of service responses.
 - h. Any defective component shall be replaced with a new component until the defective component can be repaired.

47. Manufacturer and installer shall have the capability for remote access via modem or internet for maintenance programming revisions and installation of software updates at no cost to the county.

Evaluation/Award

48. As permitted by and in accordance with 13-1-114, NMSA 1978, this request for Competitive Sealed Proposals contemplates and intends that the following six (6) criteria (factors) will be submitted by responsible offeror and will be utilized by the county in evaluating proposals each of which factors shall be given and accorded the percentage weight ascribed to each.
- a. **Effectiveness** – to be given a percentage weight of 25%: the ability of the offeror to most effectively provide an Inmate Telephone Service, Jail Management System.
 - b. **Experience** – to be given a percentage weight of 20%: the experience that the offeror to most effectively provide an Inmate Telephone Service, Jail Management System.
 - c. **Service to be Provided** – to be given a percentage weight of 15%: a clear statement of the scope of the Inmate Telephone Service, Jail Management System Service to be provide, including personnel, equipment and service which the offeror will provide to the county.
 - d. **Financial Status** – to be given a percentage weight of 10%: A financial statement shall include, at a minimum, a balance sheet income statement and statement of changes.
 - e. **Operating Procedures**- to be given a percentage weight of 10%: a detailed statement and policy of operating policies and procedures.
 - f. **Price** – to be given a percentage weight of 20%: the cost of the service to be provided by the offeror.
49. Proposals shall be received until March 31, 2017 at 10:00 am., San Miguel County Manager’s Office Suite 201, 500 West National, Suite 201 Las Vegas NM 87701.
50. Proposals will be opened on March 31, 2017 at 10:00 am. at the San Miguel County Finance Division Conference Room 3rd Floor, 500 West National Avenue, Suite 304, Las Vegas, NM 87701.
51. Proposals shall not be deemed responsible unless they include evidence of the offerors compliance with the requirements of paragraph 3 hereinabove of this request for proposals, and in addition thereto, evidence that the offeror maintains general public liability and property damage insurance in such amount and for the risks specified and required in 41-4-10 of the New Mexico Tort Claims Act, 41-4-1, et esq. NMSA 1978 emended.

52. As permitted by 13-1-115 NMSA 1978, offerors submitting proposals may be afforded an opportunity for discussion and revisions of proposals and revisions may be permitted after submission of proposals and prior to award for the purpose of obtaining best and final offerors who submit proposals found to be reasonably likely to be selected for award.
53. San Miguel County shall award the Inmate Telephone Service Jail Management System services contract contemplated by this Request for Competitive Sealed Proposals to the offeror or offerors whose proposal is advantageous to the county, taking into consideration the evaluation factors set forth in paragraph forty eight (48) herein above. The county expressly reserve's its right to cancel this Request for Proposals in whole or in part when it is in the best interest of the county to do so, as permitted by 13-1-131 NMSA 1978.
54. As required by 13-1-191 NMSA 1978, reference is made to 30-24-1 and 30-24-2, NMSA 1978 prohibiting bribery of public officers and employees; and to 30-41-3, NMSA1978, prohibiting the solicitation for receiving of kickbacks.

JAIL MANAGEMENT SYSTEM REQUIREMENTS		
	MEETS OR EXCEEDS	
	YES	NO
1. This Request for Competitive Sealed Proposals contemplates and intends that any resulting contract shall be a multi-term contract for the provision of an Inmate Telephone Service, Windows Based Jail Management System. San Miguel County shall have the sole option of renewing or extending the contract on a yearly basis. The primary term and all one-year renewal options shall not exceed four (4) years as allowed by Section 13-1-150, NMSA 1978, and providing for a cancellation clause of not less than one hundred twenty (120) days.		
2. This request for Competitive Sealed Proposals also contemplates that a responsible offeror is one which: (a) is licensed, approved and authorized to do business in New Mexico; (b) and otherwise submits a responsive proposal and furnishes, when required, information and data to prove that its financial resources, service facilities, personnel, service reputation and experience are adequate to make satisfactory, delivery of the services described in its offer, as required by Section 13-1-83, NMSA, as amended.		
3. This Request for Competitive Sealed Proposals contemplates that the offeror shall provide the following professional services:		
This Request for Proposal (RFP) will provide for a Contractor to furnish, install, and maintain a fully functioning Inmate Telephone Service, Windows based Jail management System. All installation and maintenance work will be provided by the contractor. <u>Contract start date is: November 1, 2017.</u>		
The offeror shall submit detailed information that clearly explains and demonstrates its ability to provide the services in an efficient, timely and professional manner. This shall include, but is not limited to, the name(s), qualifications, and capability of the offerors personnel, and the offerors experience and background relative to the services required for the proposed project. Offeror shall specify how they will handle the data conversion of our historical records.		
1. The contractor awarded a contract shall be skilled, experienced, knowledgeable, and fully capable of providing the services required under this proposal. The contractor/company shall have sufficient ability, capital,		

<p>facilities, and staffing to enable successful and proper execution of the required services, and shall perform its work with the standard of care, skill, and diligence normally provided by a professional organization in the performance of similar services. The service provided shall be comprehensive and shall meet and comply with all applicable laws, codes, ordinances, rules, regulations, and standards. The contractor and their staff shall have and maintain all applicable certifications and licensing as required by the State of New Mexico and any other applicable regulatory agency.</p>		
<p>The contractor (company)/calling platform provided/systems manufacturers and installer of the system must have at least five years' experience in the installation and support of the calling platform that will be provided in a correctional facility environment and must provide reference to the installed similar systems in a minimum of ten (10) other facilities of equal size</p>		
<p>4. Each bidder shall document and present in the response, the following information:</p> <ul style="list-style-type: none"> a. References including previous customers such as Correctional and court facility names, contact names, addresses, and telephone numbers. b. Number of years in business c. Number of years providing similar systems to correctional and court facilities. d. The system manufacturers and installer of the systems must have a 1-800 technical support center that provides technical services to their customers. The technical support center must be staffed with trained and certified technicians that can assist designated San Miguel County technicians and staff in use and problems resolutions of the system. 		
<p>5. The contractor shall adhere to county policies and procedures in all secure areas. As such, the contractor, and his/her employee, is subject to on-sight search, inspection, and/or security clearances by personnel.</p>		
<p>6. The offeror shall provide a cost proposal detailing the proposed phone rates to be charged to the inmate for phone usage services. There shall be no cost to San Miguel County for providing any of the systems or services required under this RFP. The offerors inmate phone service costs shall provide for furnishing, installing, and maintaining the specified systems and shall include, but not be limited to all necessary tools, equipment, parts, tools, vehicles, labor, supervision, etc. as required in order to provide the specified services.</p>		

<p>7. All inmate phone service pricing offered under this solicitation by the contractor shall be firm and fixed for the term for each contract period. By mutual agreement the parties to the agreement, prices shown in the contract may be renegotiated (increase or decrease) at the end of each one-year term.</p>		
<p>8. The contractor's records shall be open to inspection and subject to audit and/or reproduction during normal working hours, by the county to the extent necessary to adequately permit evaluation and verification of any invoices, payments or claims submitted by the contractor. For the purpose of such audits, inspections, examinations, and evaluations, the county shall have access to said records from the effective date of the contract, or duration of the work, and until two (2) years after the date of final payment by the county to the contractor pursuant to the contract.</p>		
<p>9. The successful offeror shall provide all equipment, software, hardware, labor and maintenance support for the implementation and operation of an inmate telephone service, jail management system. <u>Offeror shall specify how they will handle the data conversion of our historical records.</u></p>		
<p>10. The following terms will apply to this RFP. Submissions of a proposal in response to this RFP indicates acceptances of all the following terms:</p> <ul style="list-style-type: none"> a. "Contractor" means the successful vendor to this RFP who enters into a written contract with the County. b. "County" means San Miguel County, New Mexico. c. "IT" means Information Technology. d. "Must" or "Mandatory" or "Shall" means a requirement that must be met in order for a proposal to receive consideration. e. "Vendor" means an individual or company that submits or intends to submit a proposal in response to this request for proposal. f. "Should" or "desirable" means requirement having a significant degree of importance to the objective of the RFP. g. "Inmate" means San Miguel County Detention Center adult or juvenile detainee. h. "CPU" means Central Processing Unit. i. "PIN" means Personal Identification Number. j. "CHJ" means Criminal History Jacket. k. "San Miguel County Detention Center" means: San Miguel County Detention Center 26 NM 283, Las Vegas NM 87701 		

INMATE TELEPHONE SYSTEM		
	YES	NO
1. All equipment provided must be new, in current production and considered to be state-of-the-art at the time of installation.		
11. Upon completion of installation, contractor must provide the county with a list of telephone numbers, serial numbers, and locations of each unit.		
12. Contractor must provide all materials and services related to this project for proper installation at no additional charge to the county. Vendor must describe the method of system installation. If county staff involvement is required, said involvement must be clearly identified in the proposal and the extent of county involvement must be clearly stated.		
13. Service must not charge for unanswered or non-accepted calls.		
14. System must provide an option for automatic daily turn on and shut off at designated times and manual system shut off capabilities from designated control rooms.		
15. The telephone must be line powered, requiring no AC power, backup batteries, and requiring no electricity to be run to telephones located in the inmate housing units.		
16. System must possess telephone number blocking capabilities and must allow pre-approved number to be assigned to specific inmates.		
17. System must allow inmates to call the bonding companies and attorneys at no cost to the inmate or the San Miguel County Detention Center.		
18. Initial and on-going system on-sight training must be provided to county personnel.		
19. Contractor must provide toll free service hotline. The hours that the hotline is currently staffed with a live operator must be provided to San Miguel County along with the current numbers of the hotline verification.		
20. Service must ensure inmates from message passing and the ability for an inmate to leave a message before leaving their name.		

<p>21. Service must be able to provide system updates and additional features in a timely manner as agreed upon by contractor and the county.</p>		
<p>22. Service and repair to equipment and system must be within an 8 hour period after notification to contractor without any additional cost to the county. Offeror shall provide service options to report the severity of the problem and a method to input data when system is down.</p>		
<p>23. Contractor must provide a non-coin, collect call inmate telephones composed of durable, tamper-free equipment suitable for detention environment. Equipment must contain no removable parts.</p>		
<p>24. Inmate's phones must not be capable of receiving incoming calls.</p>		
<p>25. Written dialing, instructions in English and Spanish must be permanently and prominently displayed on each inmate phone.</p>		
<p>26. Call monitoring devices must be provided to allow a call to be audibly monitored and recorded when desired by the county for knowledge of activities occurring during and or after phone use. All recording and monitoring equipment must be integrated into the telephone system's CPU.</p>		
<p>27. Bilingual synthesized voice (English and Spanish) must be utilized to instruct and assist the inmate, and called party, while placing a call.</p>		
<p>28. Describe the system's ability to detect 3-way calling-local and long distance.</p>		
<p>29. System must be able to transfer recorded inmate phone calls from a prior date to a CD-ROM that can be used by law enforcement or the District Attorney's Office for court cases.</p>		
<p>30. System must be hearing aid compatible and meet the needs for the hearing impaired inmates.</p>		
<p>31. System must provide accommodations necessary to comply with the Americans with Disabilities Act (ADA) requirement including, but not limited to, providing telephones which are accessible to persons in wheelchairs and proposing systems that are compatible with telephone devices for the deaf (TDD).</p>		

32. System must prohibit access to "411" information service and "911" emergency services.		
<p>33. System must be integrated with the facility Inmate Commissary Service Provider, to allow for all requisite aspects of an inmate commissary order by telephone system.</p> <p>Locations and number of phones per location:</p> <ul style="list-style-type: none"> 1. Alpha Pod (2) telephones 2. Baker pod (2) telephones 3. Charlie pod (2) telephones 4. Delta pod (2) telephones 5. Echo pod (2) telephones 6. Frank pod (2) telephones 7. Gold pod (2) telephones 8. Inmate Reintegration Center (1) telephone 9. Booking Area (2) telephones 10. Roll Away (1) telephone <p>18 telephones total</p>		
JAIL MANAGEMENT SYSTEM		
	YES	NO
1. The Jail Management System must be capable of allowing simultaneous access for at least nineteen (19) users at one time.		
2. The system must have user level security system and require a security login.		
3. System must maintain and track complete inmate booking information including inmate characteristics, addresses and emergency contact information, arrest and charges information, social security number, inmate and facility property storage and tracking, sentencing and release information including integrating with a statewide victim identification and notification system . The software must have the capability to search by first name, last name, sex, race, charges, and date of arrest at a minimum.		
4. System must maintain and track comprehensive point based inmate classification-software must be able to classify and reclassify inmates as needed and be able to generate reports based on several search criteria.		

<p>5. The system must be able to maintain and track multiple aliases (minimum of five (5)) for each person – must be able to search by aliases to find a person in the system.</p>		
<p>6. System must be able to maintain and track individual activities for each inmate – must be able to print reports on any and/or all inmate activities.</p>		
<p>7. The system must allow visitor entry form and allowed visitor list-and the system must be able to maintain and track the number of times that a visitor has been to the facility and the number of visits each inmate has had each week.</p>		
<p>8. Maintain and track a detailed history of each booking encounter-including past addresses, physical characteristics and charges and sentencing information.</p>		
<p>9. System must maintain and track jail events, such as cell checks (rounds), shift changes, head counts, etc.</p>		
<p>10. Maintain and track inmates and officer(s) involved in jail incidents. Must be able to track inmate and officers statements, cell re-assignments, and discipline.</p>		
<p>11. The system must provide high resolution photo imaging and information must be integrated. System must be able to capture and display multiple photos of each inmate. Each photo will be able to be tagged according to its type (“frontal view”, “left side”, “right side”, etc.). User must be able to zoom a photo to a selected area and be able to print the zoomed areas. User must be able to print each photo individually.</p>		
<p>12. System must be able to allow signed documents to be scanned into the inmate’s records, and be able to track multiple documents – no less than ten (10) per inmate. System must be able to reprint a document at any time.</p>		
<p>13. Must have the capability of saving and displaying inmate mug shots and providing capability for photo-line up (based upon physical characteristics,</p>		

information entered by user-example: white male, blonde hair, moustache, weight 180 pounds).		
14. Must have the ability of using barcode scanners to input jail and inmate information.		
15. Must have the ability to maintain a "keep separated" list.		
16. Must be able to print images and documents to any Windows supported printer.		
<p>17. Must be able to generate report(s) including, but not limited to:</p> <ul style="list-style-type: none"> a. Inmate roster b. Cell assignments c. Alpha listing d. Dorm/Pod listing e. Charges detail report f. Arrest report g. Booking report (including booking information, suicide prevention screening, medical questionnaire) h. Population profile report i. Daily booking and release reports j. Inmate account balance report k. Housing – Billing report l. Inmate account detail report m. Deposits (by date) report n. Jail events report o. Inmate events report p. Property reports q. Jail incidents report r. Statistical grievance report s. Social Security report – electronic to disk t. Administrative Segregation reports u. Trustee roster v. Medical appointments roster w. Recreation activity report x. Mail log report y. Visitation report z. Must be able to build report from any field on the JMS 		
18. Must allow for addition of customer user designed report to the reports menu.		

19. Must be able to track and generate reports for third party billing.		
20. Must be able to provide user-level security and be able to allow user to assign individual access rights to each module in the system.		
21. Must be able to provide easy method-booking inmates into the system through the use of a user-friendly sequence such as "Wizard" that walks the user through the booking process in logical steps <u>and does not allow user to leave mandatory items blank.</u>		
22. Must be capable of supporting nineteen (19) individual window xp-pro workstations.		
23. Must be expandable to accommodate changes in current programs and to provide updates as they become available.		
24. All interface options must be provided.		
25. <u>Must interface with Inmate Order by Telephone Commissary Module.</u>		
26. <u>Must convert or import all current San Miguel County Detention Center data to the new JMS server.</u>		
27. Must provide off-site storage.		
28. Must provide for disaster recovery		
29. Must provide net-centric access.		
30. Package must include operating systems that can be accessible by windows xp or workstation that will be set up to be connected to existing workstations at the facility.		
a. Power Zoom Digital Colored Camera System for two (2) Intake/Booking Areas, for male/female booking/intake photographs.		
b. Laser Printer with 2 associated computer work stations; for male/female booking areas: Color		

(high use professional quality): 10 ppm print speed, 2400 x 1200 dpi color print resolution, 600 dpi black resolution, 2 MB of memory, and a page per month rating of at least 20,000 pages (comparable to HP Desk Jet 940c), or better.		
c. Hub/Switch 10/100's as required.		
d. Cabling: As required.		
e. Bar Code Scanning Device: must be able to scan detention activities and download in to Jail Management System.		
31. Stores basic information about each inmate, such as: the individual's name, address, social security and driver's license numbers, physical characteristics, sex, race, religion, emergency contact details, etc., and stores a video image of the individual taken during the intake process.		
32. Stores details about the intake such as: charges, arrest location, identification of arresting officer, any hold on the intake.		
33. Provides questions during the initial intake to determine the inmate's medical and suicide status. Uses the inmates responses to determine a pre-classification for each inmate and automatically assigns the appropriate and available inmate housing unit.		
34. Generates standard reports that provide and include inmate rosters, booking arrest charges, jail activities, inmate locations, etc. has the ability to design individualized reports.		
35. Stores information relating to incidents, exercise events, mail, visitation, and staff, etc.		
36. Managers other records including maintaining inventories and commissary transactions.		
37. <u>Contractors must provide all the equipment and service required for proper installation of the Jail Management System. Vendors must describe the method of system installation. If staff involvement is required, this must be fully outlined.</u>		

<p>38. Technical service must be available 24 hours a day/7 days a week/365 days a year to resolve service issues.</p>		
<p>39. Customer review services must provide customer survey (on review of contractor's services at least quarterly each year).</p>		
<p>40. Contractor must provide answers to the following specific Jail Management System issues:</p> <ul style="list-style-type: none"> a. Indicate manufacturer and model of all equipment and software being proposed. b. Are additions, future enhancements and advancements in technology, and software upgrades, covered in the system? Please explain in detail. c. Describe the proposed system's ability to interface with other vendor products, such as inmate commissary, victim notification, etc. d. Describe expansion capabilities if the county adds new facilities or additions. e. Describe the process for on-site training for county personnel. f. How does your system prevent the inadvertent assignment of duplicate criminal history identifiers to a single individual? g. Can your system automatically provide an inmate property storage number after completion of the property inventory screen? h. Does your system print a personal property inventory that allows the inmate to sign an acknowledging receipt of their property upon the inmate's release? i. Identify the number of screens required to process an individual through the intake booking procedure. j. Identify the number of screens required to process an individual through the inmate release procedure. k. Does your system have the capability to re-book an individual without adding history charges? Please explain. l. State whether the proposed system has a method to backup information in the event of a processor or system failure and explain in detail its operation and capabilities. m. What is the maximum number of computers the system can operate? 		

<p>41. The following locations will require installation of the Jail Management System:</p> <p style="text-align: center;">San Miguel County Detention Center 26 NM 283, Las Vegas NM 87701</p> <p>The facility will require a full system as per the RFP</p>		
<p>1. Provide detention center facility personnel and County IT staff with training in the use and maintenance of the entire system. The facility personnel and county IT staff must include the operation and maintenance personnel. The first training session shall be prior to the system turnover, the second session at turnover, and the third just after turnover. Coordinate training session with the County. Completed classroom training sessions shall be documented by the installer, certified by the attending facility personnel, and approved by the county. Instruction shall not begin until all systems are operational as designed.</p>		
<p>42. The content of the training sessions shall include the operation, the maintenance manuals, and the control console operational and service diagnostic information necessary for the maintenance and operations personnel to efficiently use and maintain the system.</p>		
<p>43. Provide one (1) bound copy of the operator's manual and four (4) copies of the service manuals. Operator and service manuals, in digital form, must be provided. The operator's manual shall be written in laymen's language and printed so as to become a permanent reference for the operators, describing all control panel icon operations, graphic symbol definitions and all indicating functions and complete explanation of all software.</p>		
<p>44. A written maintenance and service plan shall be submitted separately from other closeout documents, and shall contain the name, voice telephone number, email, facsimile number, page number (if applicable) of the service provider capable of meeting the response time.</p>		
<p>45. The service shall consist of the following:</p> <ul style="list-style-type: none"> a. 24-hour numbers b. Technicians factory trained by the 		

<p>manufacturers of the systems components;</p> <ul style="list-style-type: none"> c. Authorized representation if the manufacturer via an agreement of factory support; d. Capability, of making addition or changes to the software system used in the project; e. Equipment and knowledge to test all specified equipment and devices; f. Current system documentation including but not limited to the following: <ul style="list-style-type: none"> a. Wiring diagrams; operation and maintenance manuals; paper and digital manuals; other documentation shall be made available to the county upon request. g. The time from the county's problem notification to the initial response shall be no greater than eight (8) hours; offeror shall specify different levels of service responses. h. Any defective component shall be replaced with a new component until the defective component can be repaired. 		
<p>46. Manufacturer and installer shall have the capability for remote access via modem or internet for maintenance programming revisions and installation of software updates at no cost to the county.</p>		

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

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DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA
DISTRICT 4 LYNDA LOVEJOY
DISTRICT 5 SANDY JONES, CHAIR



P.O. Box 1269
1120 Paseo de Peralta
Santa Fe, NM 87504-1269

CHIEF OF STAFF
Ernest D. Archuleta, P.E.

March 13, 2017

San Miguel County Detention Center
Attn: Warden/Administrator
26 NM 283
Las Vegas, NM 87701

Subject: Regulation of Institutional Operator Service (i.e. Inmate Telephone Service)

To whom it may concern:

Please be aware that intrastate telecommunications service provided to persons confined at your facility is a rate regulated service under the jurisdiction of the Public Regulation Commission ("Commission") pursuant to statutory authority. The rates charged by providers, Institutional Operator Service Providers ("IOSPs"), for such service must be approved by the Commission. A copy of the Commission Rule (17.11.28 NMAC – Institutional Operator Service Providers) which applies to IOSPs is attached for your information. Also attached is a subsequent Commission Order Denying GTL's Motion to Reopen Proceedings and Staying Effectiveness of Rule in Part which stays the effectiveness of 17.11.28.14(F) NMAC of the Rule.

As spelled out in 17.11.28.6 NMAC, the objective of the attached Rule "is to establish statewide uniform regulations governing IOSPs so as to ensure reasonable rate regulation for IOSPs while protecting consumers against unreasonable rates and inadequate service." Included in this Rule are several provisions that may impact your correctional institution and its confined persons, such as:

- 1) IOSPs providing service in New Mexico must be registered with the Commission (17.11.28.9 and 17.11.28.10 NMAC).
- 2) IOSPs must disclose rates, fees, and charges to the consumer prior to any transaction and must provide signage to that effect for posting on or near the institutional phone by the correctional institution provided such signage is allowed by the correctional institution (17.11.28.11 NMAC).
- 3) Any signage shall be in simple and clear language, in both English and Spanish, and shall provide addresses for consumer complaints with the IOSP as well as the address for the

Commission's Consumer Relations Division for unresolved consumer complaints. Please note that the address for the Commission's Consumer Relations Division is:

Public Regulation Commission
Consumer Relations Division
PO Box 1269
Santa Fe, NM 87504

- 4) Rates, fees and charges for Institutional Operator Service are subject to caps (17.11.28.17(A) NMAC) depending on the execution date of the contract for such service (17.11.28.14(I) NMAC).

Should you have questions or concerns about this matter, please do not hesitate to contact me by phone at (505) 827-6902 or by email to mike.ripperger@state.nm.us.

Sincerely,



Michael Ripperger
Telecom Bureau Chief, Utility Division

CC: Commission-Registered IOSPs

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

PETITION TO COMMENCE RULEMAKING)
PROCEEDING FOR INSTITUTIONAL)
OPERATOR SERVICE PROVIDERS)

) Case No. 10-00198-UT

INMATE CALLING SOLUTIONS, LLC, AND)
PUBLIC COMMUNICATIONS SERVICES,)
INC.,)

Petitioners.)

ORDER DENYING GTL'S MOTION TO REOPEN PROCEEDINGS
AND
STAYING EFFECTIVENESS OF RULE IN PART

THIS MATTER comes before the New Mexico Public Regulation Commission ("NMPRC" or "Commission") on the Motion to Reopen the Docket and Motion Out of Time to Request Reconsideration of Final Order and Final Rule filed by Global Tel Link Corporation ("GTL") ("Motion To Reconsider"). The Commission, having reviewed the pleadings and being duly informed,

FINDS AND CONCLUDES:

1. The purposes of the rulemaking in this case were, *inter alia*, to address quality of service and customer protection issues and to ensure the tariffs on file for Institutional Operator Service Providers ("IOSPs") reflect all services and fees.

2. The final rule, adopted by the Commission's Final Order issued November 8, 2012, ("Final Rule") is due to be published in the NEW MEXICO REGISTER on August 15, 2013 and will be valid and enforceable as of that date.

3. Although the Final Rule was identified in the Commission's Final Order as 17.11.12 of the New Mexico Administrative Code ("NMAC"), the State Records and Archives Center has assigned the rule to Part 28, Title 17, Chapter 11 of the NMAC in accordance with 1.24.11.9 NMAC. The rule will appear as 17.11.28 NMAC.

4. GTL's Motion to Reopen is denied as untimely, having been filed on May 20, 2013, over six (6) months after the issuance of the Commission's Final Order and Final Rule and in violation of 1.2.2.37(E) NMAC.

5. However, without addressing the merits of the arguments in both GTL's Motion to Reopen and the pleadings filed in response to such motion, the Commission notes that such pleadings identify issues of potential concern regarding Section 17.11.28.14(F) of the Final Rule.

6. The reporting requirements set forth in Section 17.11.28.19(B) concern calls of less than one minute duration and will provide data relevant to the provisions of Section 17.11.28.14(F).

7. The Commission finds that the matters of public interest support reopening this matter solely for the limited purpose of staying that portion of 17.11.28.14(F) NMAC stating "Any per call charge, surcharge or fee shall not be billed or charged by the IOSP before the second minute of the call begins" pending collection and review of the data required by Section 17.11.28.19(B).

8. Upon review of such data or at such time as the Commission may determine appropriate, a subsequent rulemaking proceeding may be initiated in a new

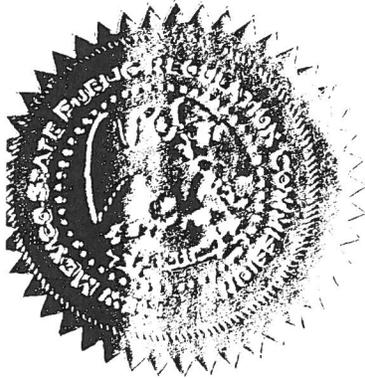
docket to address the issue of an appropriate rate cap for calls of less than one minute duration and the provisions of Section 17.11.28.14(F).

IT IS THEREFORE ORDERED:

- A. GTL's Motion to Reconsider is denied as untimely filed.
- B. The docket in this matter is reopened on the Commission's own initiative pursuant to 1.2.2.37(E)(4) NMAC for the limited purpose of entering a stay of the effectiveness of Rule 17.11.12.14(F) as issued on November 8, 2012 and published in the NEW MEXICO REGISTER on August 15, 2013 as 17.11.28.14(F) NMAC.
- C. The requirements of all other administrative rules adopted in this rulemaking proceeding shall not be affected by this entry of stay.
- D. This Order is effective upon the publication of 17.11.28.14(F) NMAC.
- E. Copies of this Order shall be served via e-mail upon all persons listed on the attached Certificate of Service whose e-mail addresses are known, and otherwise shall be served via regular mail.
- F. This docket this closed.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 14th
day of August, 2013.

NEW MEXICO PUBLIC REGULATION COMMISSION



Ben L. Hall

BEN L. HALL, CHAIRMAN

Valerie Espinoza

VALERIE ESPINOZA, VICE CHAIR

Karen L. Montoya

KAREN L. MONTOYA, COMMISSIONER

Patrick H. Lyons

PATRICK H. LYONS, COMMISSIONER

Theresa Becenti-Aguilar

THERESA BECENTI-AGUILAR, COMMISSIONER

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE PETITION TO
COMMENCE RULEMAKING PROCEEDING
FOR INSTITUTIONAL OPERATOR SERVICE
PROVIDERS.**

**INMATE CALLING SOLUTIONS, LLC AND
PUBLIC COMMUNICATIONS SERVICES, INC.,**

Petitioners.

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) **Case No. 10-00198-UT**
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the **Order Denying GTL's Motion to Reopen Proceedings and Staying Effectiveness of Rule in Part** adopted August 14, 2013, was sent on August 15, 2013, by electronic mail and by first-class mail to the following:

By electronic mail:

Jeffrey Albright
Steven Asher
Patricia Salazar Ives
Stephanie Joyce
Lance Steinhart
Brian Harris
Paul Gutiérrez
Willaim F. Fulginiti
Jim Burleson
NM Sentencing Commission
Carol A. Clifford
Margaret Caffey-Moquin-PRC
Tim Holloran-PRC
Mike Ripperger-PRC
John Reynolds-PRC

jalbright@lrlaw.com;
steveasherSF@gmail.com;
pives@cuddymccarthy.com;
joyce.stephanie@arentfox.com;
lsteinhart@telecomcounsel.com;
Bharris@nmag.gov;
pgutierrez@nmcounties.org;
wfulginiti@nmml.org;
jburleson@nmspa.org;
tlnmsc@unm.edu;
carol@thejonesfirm.com;
Margaret.moquin@state.nm.us;
Timothy.Holloran@state.nm.us;
Mike.Ripperger@state.nm.us;
John.reynolds@state.nm.us;

Mike Smith/James Fischer
Conversant Technologies, Inc.
P.O. Box 865081
Plano, TX 75075-6615

Ken Dawson/ Peter Bustos
Inmate Calling Solutions, LLC
dba IC Solutions
5883 Rue Ferrari
San Jose, CA 95138

Carol A. Clifford, Esq.
Jones, Snead, Wertheim
& Wentworth, P.A.
P.O. Box 2228
Santa Fe, NM 87504

C. Read Morton, Jr.
600 West Peach Tree St.
Ste. 1200
Atlanta, GA 30308

Dorothy Cukier
Global Tel*Link Corp.
12021 Sunset Hills Road
Ste. 103
Reston, VA 20190

May Chen
Public Communication Services,
Inc.
11859 Wilshire Blvd., Ste. 600
Los Angeles, CA 90025

William P. Templeman, Esq.
Comeau, Maldegen, Templeman &
Indall, LLP
PO Box 669
Santa Fe, NM 87504-0669

Talton Communications, Inc.
910 Ravenwood Dr.
Selma, AL 36701

Jeffrey H. Albright, Esq.
Lewis and Roca, LLP
201 Third Street, NW, Suite 1950
Albuquerque, NM 87102

Dennis J. Reinhold
T-Netix Telecom Services, Inc.
14651 Dallas Prkwy. Ste. 600
Dallas, TX 75254

Technology Management, Inc.
2600 Maitland Ctr. Parkway
Suite 300
Maitland, FL 32751

Marsha A. Pokorny
Intellicall Operator Services, Inc.
d/b/a ILD Telecom., Inc.
1049 NE Macedonia Church Ave.
Lee, FL 32059

John Vincent Townsend
Pay Tel Communications, Inc.
P.O. Box 8179
Greensboro, NC 27419

Lance J.M. Steinhart, P.C.
1725 Winward Concourse, Ste. 250
Alpharetta, GA 3000

DSI-ITI, LLC
12021 Sunset Hills Road
Suite 100
Reston, VA 20190

Patricia Salazar Ives, Esq.
Cuddy & McCarthy, LLP.
1701 Old Pecos Trail
PO Box 4160
Santa Fe, NM 87502-4160

Curtis L. Hopfinger
Evercom Systems, Inc.
T-Netix Telecom Services
14651 Dallas Pkwy, Suite 600
Dallas, TX 75254

Robin Norton
Technologies Management, Inc.
P.O. Drawer 200
Winter Park, FL 32790-0200

Steven Asher, Esq.
301 E. Berger Street
Santa Fe, NM 87505

Randall W. Childress, Esq.
Law Office of
Randall W. Childress
300 Galisteo Street, Ste. 205
Santa Fe, NM 87501

Dennis J. Reinhold
Securus Technologies, Inc.
f/k/a Evercom Systems, Inc.
T-Netix Telecom. Services, Inc.
14651 Dallas Parkway, Ste. 600
Dallas, Texas 75254

Paul Gutierrez
NM Association of Counties
613 Old Santa Fe Trail
Santa Fe, NM 87505

Value-Added Communications, Inc.
Cheryl Cook
3801 E. Plano Parkway, Ste. 100
Plano, TX 75074

Stephanie A. Joyce
Arent Fox LLP
1717 K Street, NW
Washington, D.C. 20036

Brian Hackett
Director of Regulatory Affairs
Global Tel*Link Corporation
12021 Sunset Hills Road, Suite 100
Reston, VA 20190

Brian Harris
Assistant NM Attorney General
P.O. Drawer 1508
Santa Fe, NM 87504-1508

Gregg Mercantel
NM Department of Corrections
P.O. Box 27116
Santa Fe, NM 87502-0116

Tom E. Joe
Public Communications Services, Inc.
11859 Wilshire Blvd., Suite 600
Los Angeles, CA 90025

Paul Gutiérrez
NM Association of Counties
613 Old Santa Fe Trail
Santa Fe, NM 87505

William F. Fulginiti
NM Municipal League
1229 Paseo de Peralta
Santa Fe, NM 87501

Jim Burleson
NM Sheriffs' and Police Association
P.O. Box 37068
Albuquerque, NM 87176

Gregg Marcantel
NM Department of Corrections
P.O. Box 27116
Santa Fe, NM 87502-0116

Jim Brewster
General Counsel
NM Department of Corrections
P.O. Box 27116
Santa Fe, NM 87502-0116

NM Sentencing Commission
1 University of New Mexico
MSCO2-1625 1SR
Albuquerque, NM 87131

State Bar of New Mexico
5121 Masthead Street NE
Albuquerque, NM 87109

New Mexico Legal Aid
901 W. Alameda, Suite 20B
Santa Fe, NM 87501

National Criminal Justice Association
Western Region
720 Seventh Street MW
Washington, DC 20001

Peter Simonson
ACLU of New Mexico
P.O. Box 566
Albuquerque, NM 87103

Cathy Ansheles
New Mexico Criminal Defense
Lawyers Association
P.O. Box 8324
Santa Fe, NM 87504

John Profanchik
Conversant Technologies, Inc.
Post Office Box 865081
Plano, TX 75075-6615

Hand-delivered to:

Tim Holloran
NMPRC-Legal Division
1120 Paseo de Peralta
Santa Fe, NM 87501

Hand-delivered to:

Margaret Caffey-Moquin
NMPRC-General Counsel
1120 Paseo de Peralta
Santa Fe, NM 87501

Hand-delivered to:

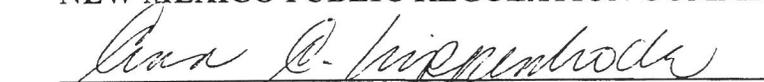
John Reynolds
NMPRC-Telecommunications
1120 Paseo de Peralta
Santa Fe, NM 87501

Hand-delivered to:

Mike Ripperger
NMPRC-Telecommunications
1120 Paseo de Peralta
Santa Fe, NM 87501

DATED this 15th day of August, 2013.

NEW MEXICO PUBLIC REGULATION COMMISSION



Ana C. Kippenbrock, Paralegal

TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES
CHAPTER 11 TELECOMMUNICATIONS
PART 28 INSTITUTIONAL OPERATOR SERVICE PROVIDERS

17.11.28.1 ISSUING AGENCY: New Mexico Public Regulation Commission.
[17.11.28.1 NMAC – N, 08-15-13]

17.11.28.2 SCOPE: This rule is applicable to all institutional operator service providers (“IOSPs”) certified to operate within the state of New Mexico and also to those IOSPs who apply to the Commission to operate within the state of New Mexico.
[17.11.28.2 NMAC – N, 08-15-13]

17.11.28.3 STATUTORY AUTHORITY: This rule is adopted pursuant to Article XI, Section 2 of the New Mexico Constitution and Section 8-8-4 et seq.; Sections 63-7-1 et seq. and 63-9A-1 et seq., NMSA 1978.
[17.11.28.3 NMAC – N, 08-15-13]

17.11.28.4 DURATION: Permanent.
[17.11.28.4 NMAC – N, 08-15-13]

17.11.28.5 EFFECTIVE DATE: August 15, 2013, unless a later date is cited at the end of a section.
[17.11.28.5 NMAC – N, 08-15-13]

17.11.28.6 OBJECTIVE: The purpose of this rule is to establish statewide uniform regulations governing IOSPs so as to ensure reasonable rate regulation for IOSPs while protecting consumers against unreasonable rates and inadequate service.
[17.11.28.6 NMAC – N, 08-15-13]

17.11.28.7 DEFINITIONS: As used in this rule, the following terms have the meanings provided, unless a different meaning is clearly expressed in the context in which the term is used. The commission will interpret the definitions broadly enough to ensure compliance with the purpose of this rule:

- A. “commission”** means the New Mexico public regulation commission;
- B. “complaint”** means an oral or written expression of dissatisfaction with an IOSP’s rates, fees, charges, or services, including a request for repair involving service outage, made to the IOSP, correctional institution, or to the commission by or on behalf of a consumer;
- C. “consumer”** means a person who is an account holder or one who funds, initiates or receives a telephone call from an institutional phone; for purposes of those portions of this rule that apply to the funding of prepaid accounts, consumer also means a person who funds a prepaid account for IOSP services;
- D. “correctional institution”** means a jail, prison, penal facility or other confinement facility;
- E. “institutional operator service”** means intrastate telecommunications services initiated by a confined person in a correctional institution that includes, as a component, automatic or live assistance to arrange for completion or billing, or both, of an intrastate telephone call, consistent with 47 C.F.R., Section 64.708(i);
- F. “institutional operator service provider”** (IOSP) means a provider of institutional operator service;
- G. “institutional phone”** means a telephone instrument accessible only to confined persons in a correctional institution;
- H. “local call”** means a telephone call which originates on an institutional phone and terminates to a telephone number within the same local calling area as defined by the local exchange company for the area in which the call originates;
- I. “postpaid collect call”** means a call for which the rate or charge is billed to the call recipient on the monthly bill from the recipient’s local telephone company, or from the IOSP, or from a third-party IOSP billing agent;
- J. “prepaid collect call”** means that the rate or charge of the call is deducted from an account funded in advance by the call recipient for this purpose;
- K. “prepaid institutional call”** means a call for which the confined person pays the rate or charge for the call by purchasing, generally from the commissary at the correctional institution, either a prepaid card from

which the rate or charge for the call is subtracted or, if without a prepaid card, by setting up a prepaid account from which the rate or charge of the call can be deducted;

L. "rate cap" means the maximum allowable rates, fees and charges for intrastate calls initiated from an institutional phone as approved by the commission;

M. "toll call" means a telephone call which originates on an institutional phone and terminates to a telephone number in a different local calling area as defined by the local exchange company for the area in which the call originates.

[17.11.28.7 NMAC – N, 08-15-13]

17.11.28.8 EXEMPTIONS: IOSPs are exempt from 17.11.15 NMAC, rule concerning payphone providers, 17.11.16.11 NMAC, consumer protection, access to service and rate information, and SCC 94-02-TC, rule concerning operator services providers.

[17.11.28.8 NMAC – N, 08-15-13]

17.11.28.9 APPLICATION FOR CERTIFICATION OF REGISTRATION:

A. Providers currently offering institutional operator service to persons housed in correctional institutions in New Mexico as of the effective date of this rule shall submit an expedited application for registration in the format prescribed by the commission within ninety (90) days of the effective date of this rule as described in this section.

(1) Staff shall review an application for a certificate of registration within thirty (30) calendar days after filing to determine whether it is complete. If the application is complete the director of the utility division, or the director's designee, shall issue a certificate of registration if it finds that the applicant is fit to provide institutional operator services, and that issuance of the certificate of registration is in the public interest.

(2) If the application is incomplete, staff will return it to the applicant. A certificate of registration may be denied for failure to provide the required information or documents, or for failure to remit the required fees. Notice of denial will include a statement indicating the reason for rejection. Denial may be cured if corrected within thirty (30) days of service of the notice.

B. Providers seeking to offer or provide any telecommunications service through an institutional phone must register with the commission in the format provided by the commission.

(1) In addition to the application for registration, the IOSP must file a copy of the information to be posted or supplied at every institutional phone or otherwise provided to the confined persons containing all the information as spelled out in this rule.

(2) Registration may be denied for failure to provide the required information or documents, or for failure to remit the required fees. Notice of denial will include a statement indicating the reason for rejection. Denial may be cured if the stated reasons for rejection are made within thirty (30) days of service of the notice.

C. Registration shall be renewed annually by filing an annual report on a form prescribed by the commission. The annual report shall be submitted by April 1st of each year and shall contain information regarding the prior year. At a minimum, the IOSP shall update any information contained in its original application for registration or last annual report, as appropriate.

[17.11.28.9 NMAC – N, 08-15-13]

17.11.28.10 CONTENTS OF APPLICATION FOR REGISTRATION: An application for a certificate of registration to provide institutional operator services must contain:

A. the name, address, e-mail address and telephone number of the applicant;

B. the name, address, e-mail address, and telephone number of the person responsible for regulatory contacts and customer dispute resolution on behalf of the applicant;

C. a description of the applicant's existing operations and general service and operating areas in any other jurisdictions;

D. a statement that the applicant is aware of and will comply with the commission's rules;

E. disclosure of any formal actions against it by any court or state or federal regulatory agency that resulted in any type of penalty or sanctions within the five (5) years prior to the date of filing the application; if such action has occurred, the applicant shall file a report regarding such action and any remedial actions taken;

F. disclosure of any settlement or stipulation with any state or federal regulatory agency within the three (3) years prior to the date of filing the application that resulted in a payment to the agency with or without any admission of wrongdoing;

G. if the applicant is a corporation, evidence that the applicant is authorized by the corporations bureau of the office of the New Mexico secretary of state to do business in New Mexico and that it is in good corporate standing in New Mexico;

H. if the applicant is other than a corporation, a description of the form of ownership, the names and addresses of all principal owners and managers, the applicant's agent for service of process in New Mexico, and the date the entity was created;

I. initial tariffs for regulated telecommunications services, including a narrative description of the services to be offered and the geographic area and markets to be served; initial tariffs shall not contain misleading, potentially misleading, deceptive, or fraudulent names, rates, fees, charges, terms, or conditions;

J. if the applicant is a regulated carrier, any other information the commission may reasonably require to accomplish the purpose of this rule; and

K. a list of the applicant's parent, subsidiary, and affiliated companies that are carriers in New Mexico together with the principal address and telephone numbers of each.

[17.11.28.10 NMAC – N, 08-15-13]

17.11.28.11 DISCLOSURE OF RATES, FEES AND CHARGES:

A. All IOSPs must disclose their rates, fees, and charges:

(1) For all local calls, and intrastate toll calls the IOSP shall comply with all rate disclosure requirements adopted by the federal communications commission in Title 47 C.F.R. Section 64.710 (operator services for prison inmate phones), including any amendments thereto.

(2) Rates, fees and charges applied pursuant to this rule shall be made available to the consumer prior to the commencement of the transaction without the consumer having to dial a separate telephone number or access a separate website. Such information shall include an equally prominent disclosure of alternative funding or refunding mechanisms that are free of transactional fees.

B. The information required by this section must be delivered to the correctional institution by the IOSP for posting on or near the institutional phone, in plain view of confined persons, provided that such signage is allowed by the correctional institution. The posted signage must clearly and simply disclose all applicable rates, fees and charges for institutional operator services set forth in this rule and provide the contact information for the IOSP for consumer complaints as well as the mailing address of the commission's consumer relations division for unresolved consumer complaints.

C. An IOSP shall disclose all rate information, including all applicable per-call and per-minute rates, in simple and clear language.

D. All required information and instructions, if allowed by the correctional institution, must be provided in both English and Spanish, and an IOSP must supply each facility it serves with a display placard or other means of informing confined persons.

E. Consumers who are not confined persons shall be advised of contact information for consumer complaints on their bill when that bill includes charges for postpaid collect calls, or each time a funding transaction related to a prepayment account takes places, and shall have access to the IOSP's customer service representative.

[17.11.28.11 NMAC – N, 08-15-13]

17.11.28.12 COMPLAINTS: Complaints regarding violations of this rule shall be governed by 1.2.2.13 NMAC through 1.2.2.20 NMAC and 17.11.16.22 NMAC. All other procedural matters shall be handled in accordance with 1.2.2 NMAC and 1.2.3 NMAC.

[17.11.28.12 NMAC – N, 08-15-13]

17.11.28.13 ENFORCEMENT:

A. Initiation of proceedings: Upon receipt of a complaint alleging a violation of this rule, or on its own motion, the commission may initiate proceedings in accordance with its rules of procedure 1.2.2.13 NMAC through 1.2.2.15 NMAC.

B. Penalties: Following notice and hearing and upon a proper finding that a violation of this rule has occurred, the commission may, consistent with its statutory authority, assess fines or penalties or other such remedies as may be provided for by law, including revocation of authority to provide Institutional operator service. The remedy imposed by the commission may be reduced or rescinded if violations or findings of non-compliance are corrected within thirty (30) days from the date of the commission's final order.

C. Other penalties: The assessment of any penalty by the commission for a violation of this rule shall not preclude the assessment of a penalty by any other New Mexico agency for violation of its rules arising from the same cause.
[17.11.28.13 NMAC – N, 08-15-13]

17.11.28.14 INSTITUTIONAL OPERATOR SERVICE RATES, FEES AND CHARGES:

A. All IOSPs must file tariffs with the commission which set forth the services provided along with any rates, fees, or charges for those services and list each correctional institution to which those rates, fees, or charges apply. Tariffs shall also identify the billing and collection methods utilized by the IOSP such as postpaid collect, prepaid collect, prepaid institution and any other payment alternatives. No tariff or proposed tariff shall contain misleading, potentially misleading, deceptive, or fraudulent names, rates, fees, charges, terms or conditions.

B. Rate caps shall be determined periodically by the commission on its own motion following notice and a public hearing, but no more frequently than once every three years. In the absence of a hearing by the commission, the rate caps previously established will remain in effect.

C. Any changes in IOSP rates, fees or charges and any cessation or commencement of institutional operator service at a particular correctional institution resulting from a new, renewed, or amended contract between an IOSP and the correctional institution must be reflected in a proposed tariff amendment filed no later than ninety (90) days after the final award of the contract to the IOSP or after any agreement to change the rates, fees or charges is reflected in a renewed or amended contract.

(1) The IOSP shall file with the commission an original and five (5) copies of the proposed tariff changes within the time frame provided for in this rule. The IOSP shall include in its filing a sequentially numbered transmittal letter, (e.g., 2010-1, 2010-2, etc.) containing a description of the proposed tariff changes. The proposed tariff change shall comply with all applicable commission rules. The proposed tariff changes may go into effect ten (10) business days after the tariff filing unless staff notifies the IOSP within said ten (10) business days of its concerns regarding the proposed tariff changes. If staff and the IOSP are able to resolve staff's concerns within ten (10) business days after the tariff filing, the proposed tariff changes may go into effect and no public hearing shall be required.

(2) If staff and the IOSP are unable to resolve staff's concerns, staff shall file a protest with the records management bureau of the administrative services division, and promptly send a copy to the IOSP and the proposed tariff change shall not go into effect. The records management bureau shall assign a docket number to staff's protest. Staff's protest shall include a case caption and a heading that states "staff protest". The protest shall include as an attachment the proposed tariff changes filed by the IOSP and any additional information furnished to staff by the IOSP. The applicant shall have the burden of showing, after notice and hearing, why the proposed new service, promotion, or tariff change is in the public interest.

(3) On the same day it files paper copies of the proposed tariff changes with the commission, the IOSP shall also submit an electronic copy of the transmittal letter containing the identity of the telecommunications company, a summary of the proposed new service, promotion or tariff change, and its effective date. The commission may prescribe additional form, content, manner of filing, or other requirements.

D. Any other changes in IOSP rates, fees, charges, or type of service, and any addition of a new service must be reflected in a proposed tariff amendment. No such change may be effectuated by the IOSP prior to commission approval of the tariff amendment.

(1) The IOSP shall file with the commission an original and five (5) copies of the proposed tariff changes within the time frame provided for in this rule. The IOSP shall include in its filing a sequentially numbered transmittal letter, (e.g., 2010-1, 2010-2, etc.) containing a description of the proposed tariff changes. The proposed tariff change shall comply with all applicable commission rules. The proposed tariff changes may go into effect ten (10) business days after the tariff filing unless staff notifies the IOSP within said ten (10) business days of its concerns regarding the proposed tariff changes. If staff and the IOSP are able to resolve staff's concerns within ten (10) business days after the tariff filing, the proposed tariff changes may go into effect and no public hearing shall be required.

(2) If staff and the IOSP are unable to resolve staff's concerns, staff shall file a protest with the records management bureau of the administrative services division, and promptly send a copy to the IOSP and the proposed tariff change shall not go into effect. The records management bureau shall assign a docket number to staff's protest. Staff's protest shall include a case caption and a heading that states "staff protest". The protest shall include as an attachment the proposed tariff changes filed by the IOSP and any additional information furnished to staff by the IOSP. The applicant shall have the burden of showing, after notice and hearing, why the proposed new service, promotion, or tariff change is in the public interest.

(3) On the same day it files paper copies of the proposed tariff changes with the commission, the IOSP shall also submit an electronic copy of the transmittal letter containing the identity of the telecommunications company, a summary of the proposed new service, promotion or tariff change, and its effective date. The commission may prescribe additional form, content, manner of filing, or other requirements.

E. Every institutional phone in New Mexico shall provide access to the services listed below without the use of coins or cards of any type, and without any charge to the consumer:

- (1) any call to obtain a refund;
- (2) access to automated operator services necessary to establish a call.

F. An IOSP may not bill any rate, fee, or charge that is not part of its tariff. Any per call charge, surcharge or fee shall not be billed or charged by the IOSP before the second minute of the call begins.

G. An IOSP may not bill or charge any transactional fee in connection with the establishment of, funding to, or refunding from an account in the consumer's name used for the prepayment of institutional operator service that has not been previously approved for that purpose by the commission.

H. An IOSP may assess fees that are included in the IOSP's filed tariffs.

I. Effective dates: The rate caps established pursuant to this rule:

- (1) shall not apply to any contract that was executed prior to the effective date of this rule;
- (2) shall not apply to any contract for which a response to a request for proposal was submitted prior to the effective date of this rule;
- (3) shall apply to any contract executed ninety (90) days following the effective date of this rule; and
- (4) shall apply to any contract that is renewed or renegotiated ninety (90) days following the effective date of this rule.

[17.11.28.14 NMAC – N, 08-15-13]

17.11.28.15 RESPONSIBILITIES OF THE INSTITUTIONAL OPERATOR SERVICE PROVIDER:

A. An IOSP shall not contract for any intrastate operator services or interexchange services with any entity that is out of compliance with the applicable certification requirements of the commission.

B. The IOSP shall be responsible for all public access line charges associated with the provision of institutional operator service.

C. The IOSP shall be responsible for paying all required regulatory fees to the commission.

D. Subject to compliance with any access requirements of the correctional institution, IOSPs will make available to the commission, subject to notice and coordination, any institutional phone for purposes of making test calls, free of charge, to telephone numbers of the commission's choosing.

E. All institutional phones and the telecommunications facilities used for the transmission of service are subject to periodic inspections to ensure compliance with commission requirements. Findings of non-compliance will be brought to the attention of the IOSP and the correctional institution by letter and the IOSP will have thirty (30) days to restore compliance with commission requirements.

F. The IOSP shall be responsible for repairing, servicing and maintaining in good repair the institutional phones through which it provides service.

G. All institutional phones installed in New Mexico shall comply with state and local laws, commission rules, current national electrical code and national electrical safety code requirements, and the generally accepted telecommunications industry technical standards of the national association of regulatory utility commissioners.

H. All calls initiated from an institutional phone will be outbound automated operator calls that are either postpaid collect call, prepaid collect call or prepaid institution call.

I. An IOSP shall provide a means for a confined person who has not had an opportunity to arrange for prepaid calling services to make an outgoing postpaid collect call.

J. The minimum allowance for the duration of a call initiated from an institutional phone shall be determined by the correctional institution.

K. No more than three (3) institutional phones will share a common voice-grade (non-broadband) access line or channel, unless otherwise specifically authorized by the commission.

L. Institutional phones operating in New Mexico must comply with all applicable federal, state and local laws regarding accessibility by hearing impaired or physically disabled persons.

M. All IOSPs must provide both local and toll service at each correctional institution they serve.

N. Institutional operator service transmission quality shall be at least equivalent to generally accepted industry standards for wireline, voice-grade circuits, except that IOSPs will not be held responsible for calls terminating to cordless landlines, cell phones, or other non-traditional landline devices. There will be no

transmission delay, feedback, excessive noise, or echo perceptible to either the inmate or the called party. The commission will make the final determination as to the acceptable level of transmission service quality.
[17.11.28.15 NMAC – N, 08-15-13]

17.11.28.16 RESTRICTIONS ON INSTITUTIONAL TELEPHONE SERVICE: Operators of correctional institutions have the authority to limit or deny access to institutional phones telephones at times and in circumstances deemed proper by the correctional institution.
[17.11.28.16 NMAC – N, 08-15-13]

17.11.28.17 RATE CAP VARIANCES:

A. The commission may permit an IOSP to impose rates higher than the rate caps as provided for in the rate caps chart below as may be amended from time to time or as stated in a separate commission order for good cause shown. Such permission shall not be unreasonably withheld.

RATE CAPS CHART

Intrastate	Prepaid Inmate	Prepaid Collect	Collect
Local per call	\$0.00	\$0.00	\$1.00
per minute	\$0.15	\$0.15	\$0.15
15-min call	\$2.25	\$2.25	\$3.25
IntraLATA			
per call	\$0.00	\$0.00	\$1.00
per min	\$0.15	\$0.15	\$0.15
15-min call	\$2.25	\$2.25	\$3.25
InterLATA			
per call	\$0.00	\$0.00	\$1.00
per min	\$0.15	\$0.15	\$0.15
15-min call	\$2.25	\$2.25	\$3.25
Processing	Call-In	Web	
Credit card/check by phone-initial	\$3.00	\$3.00	
Credit card/check by phone-subsequent	\$3.00	\$3.00	
refund of unused balance	\$3.00	\$3.00	

B. An IOSP seeking a variance under this rule must file a petition for variance with the commission providing the following information:

- (1) the correctional institution at which the rate that exceeds the rate cap would be applied;
- (2) the rate to be applied and the respective existing rate cap;
- (3) the reason for which a higher rate will be applied shall include the following information about the proposed service for the call type for which the variance is sought:
 - (a) projected monthly and yearly call volume by call type;
 - (b) projected monthly and yearly revenue by call type; and
 - (c) projected monthly and yearly average call duration by call type.

C. The petition must include a sworn statement by a knowledgeable representative of the petitioner attesting to the truth and accuracy of its contents.

D. The petition shall be accompanied by a proposed tariff change that incorporates the higher rate that the petitioner seeks to impose. All IOSP tariffs shall include a section for rate variances in which all such higher rates are to be listed.

E. At the request of the petitioner, the information provided pursuant to Paragraphs (1) and (3) of Subsection B herein will be treated as confidential and will not be disclosed to any person other than an employee or member of the commission until the petitioner consents in writing to such disclosure.

F. Staff shall review the petition for variance within thirty (30) days to determine whether it is supported by the information provided. Staff may file a written statement with the commission in support of or opposition to the petition within the same thirty-day (30-day) period. The IOSP shall have ten (10) days to respond to any staff position.

G. In the absence of any commission action on the petition, the petition will be deemed granted and the proposed tariff change will be deemed approved forty-five (45) calendar days from the filing of the petition.

H. IOSPs are not subject to Section 1.2.2.40 NMAC for matters related to rate variances pursuant to this rule.

[17.11.28.17 NMAC – N, 08-15-13]

17.11.28.18 CONSUMER PROTECTION:

A. The IOSP shall complete a call only upon a positive response from the consumer that the consumer accepts all previously disclosed charges for the call. The provider shall allow consumers the opportunity to decline and thus terminate the call at no charge to the consumer. If the IOSP does not receive a positive response within a period not exceeding twenty (20) seconds from the last prompt, the call shall be terminated without charge. IOSPs shall not charge for any calls that are not accepted by the called party.

B. Where not superseded by the express language of this rule, the commission's consumer protection rule, 17.11.16 NMAC, applies, except for those provisions that by their language apply only to non-IOSPs.

[17.11.28.18 NMAC – N, 08-15-13]

17.11.28.19 REPORTING REQUIREMENTS:

A. Existing IOSPs shall report to the commission not later than April 1 of the calendar year following the effective date of this rule and new IOSPs shall report to the commission within ninety (90) days of certification the type of access line(s) and the number of institutional phones installed by correctional facility for each correctional facility in New Mexico served by the provider on December 31 of the preceding year or, in the case of new IOSPs, the latest date such information is available. IOSPs shall update this information upon staff's request.

B. IOSPs shall report to the commission not later than April 1 the number and percentage of calls initiated from an institutional phone with a duration of sixty (60) seconds or less by correctional institution for the preceding calendar year.

C. Upon request from the commission, IOSPs must, in a timely manner, and in accordance with confidentiality agreements between the IOSP and commission staff as necessary, submit data requested by the commission relating to its New Mexico operations, including but not limited to, revenue, expenses and facilities/usage data by inmate facility.

D. IOSPs shall report to the commission not later than April 1 the complaints it received about the service provided in New Mexico during the preceding calendar year. Complaints shall be categorized by type of complaint with a description of how each complaint was handled. The categories of complaints shall include at least the following: service, billing, rates, and other.

E. Not later than March 15 of each year, commission staff will provide a letter to each correctional institution in New Mexico and to the respective IOSPs with information about the commission's jurisdiction over IOSPs.

[17.11.28.19 NMAC – N, 08-15-13]

17.11.28.20 TRANSFER OF CERTIFICATE: Any holder of a certificate of registration to provide institutional operator services in New Mexico seeking to transfer the certificate to another person shall first apply to the commission for approval of the transfer. The commission shall approve an application for transfer of a certificate of registration upon receipt of a completed application and a copy of the tariff proposed to take effect upon approval of the transfer. The application shall meet the requirements of 17.11.12.10 NMAC.

[17.11.28.20 NMAC – N, 08-15-13]

17.11.28.21 NOTICE OF CHANGE IN CIRCUMSTANCE: An IOSP shall notify the commission in writing of the following change in circumstances:

- A.** a change in the IOSP's name, address, or phone number;
- B.** a change in the name, address, or phone number of the person responsible for regulatory contacts and consumer dispute resolution;
- C.** merger of the IOSP with another provider;
- D.** acquisition of the IOSP by another provider;
- E.** acquisition by the IOSP of another provider;
- F.** transfer of the IOSP's certificate;
- G.** transfer of a significant portion of the IOSP's assets to another provider; and
- H.** any other change in control of the IOSP.

[17.11.28.21 NMAC – N, 08-15-13]

17.11.28.22 DISCONTINUANCE OF SERVICE:

A. Prior to discontinuing service, an IOSP shall, no later than thirty (30) days prior to discontinuing service, file with the commission a notice of discontinuance of service showing the number of correctional institutions affected.

B. This section does not apply to individual service withdrawals of an IOSP.
[17.11.28.22 NMAC – N, 08-15-13]

17.11.28.23 WAIVERS: The commission recognizes that public health and safety and the requirements of the correctional institution may require exceptions to requirements contained in this rule. In those cases, the IOSP may petition the commission for a waiver of a particular requirement, which shall not be unreasonably withheld.
[17.11.28.23 NMAC – N, 08-15-13]

17.11.28.24 SEVERABILITY: If any part of this rule is held invalid, the remainder, or its application to other situations or persons, shall not be affected.
[17.11.28.24 NMAC – N, 08-15-13]

17.11.28.25 VARIANCES:

A. Any IOSP may request a variance from any requirement of this rule.
B. A petition for a variance shall be supported by an affidavit signed by an officer of the applicant or a person with authority to sign for the applicant.
C. Any variance must contain the information required by the commission's procedural rules under 1.2.2.40 NMAC.

[17.11.28.25 NMAC – N, 08-15-13]

HISTORY OF 17.11.28 NMAC: [RESERVED]