

FILED
AT 4:30 O'CLOCK PM

AUG 19 2016

ARTURO GUAYARDO, JR., COUNTY CLERK
HIDALGO COUNTY, TEXAS
DEPUTY

AMENDMENT # 1 TO REQUIREMENTS AGREEMENT

This **Amendment #1** ("Amendment"), takes effect as of the date signed by all the parties listed in this preamble ("Effective Date"), amends and revises that certain Requirements Agreement, dated as of September 6, 2011 as amended from time to time (the "Agreement"), by and between **Value-Added Communications, Inc.**, a wholly owned subsidiary of Global Tel*Link Corporation, with an address of 12021 Sunset Hills Road, Suite 100, Reston, Virginia 20190 ("Company"), and **Hidalgo County, Texas**, with an address of 100 East Cano, 2nd Floor, Edinburg, Texas 78539 ("Premises Provider") (Company and Premises Provider collectively, the "Parties" and each a "Party"). All capitalized terms not defined herein shall have the definitions set forth in the Agreement.

WHEREAS, the Federal Communications Commission ("FCC") issued its Second Report and Order and Third Further Notice of Proposed Rulemaking in WC Docket No. 12-375 on November 5, 2015 ("FCC Order"), which mandated rates and charges for inmate telephone services, certain transaction fees, and other requirements; and

WHEREAS, the Parties have agreed to amend the Agreement in order to, among other things, implement the FCC-mandated rates, charges, fees, and other requirements, as further provided below.

NOW, THEREFORE, in consideration of the promises and covenants set forth in this Amendment, and for good and valuable consideration, the sufficiency of which is acknowledged by the Parties' signatures, the Parties agree as follows:

1. On June 20, 2016, the rates and charges for international, interstate, and intrastate inmate telephone service ("ITS") call and associated transaction fees ("Transaction Fees") set forth in the Agreement shall be deemed deleted in their entirety and revised without further action by the Parties, and shall be implemented, as follows:

Inmate Telephone Services.

Interstate ITS calls made using a collect format: \$ 0.25 per minute of use.

Interstate ITS calls, whether made using a debit, prepaid/AdvancePay™ format: \$ 0.21 per minute of use.

Intrastate ITS calls, whether made using a collect, debit, prepaid/AdvancePay™ format: \$ 0.45 per minute of use.

International ITS calls, whether made using a debit, prepaid/AdvancePay™ format: Rates published on the Company website.

No per call, per connection, or flat-rate calling charges shall apply to international, interstate, and intrastate ITS per minute of use calls.

The rates charged are exclusive of taxes, and other amounts collected by Company on behalf of, or paid to, third parties, including but not limited to payments in support of statutory or regulatory programs mandated by governmental or quasi-governmental authorities, such as the Federal Universal Service Fee, and any costs incurred by Company in connection with such programs.

Transaction Fees. Company may charge certain Transaction Fees in accordance with the following amounts:

Fee for automated payment for credit card, debit card, and bill processing fees	\$3.00 per use
Fee for payment using live operator	\$5.95 per use
Fee for paper bill/statement	\$2.00 per use
Fee for use of third-party money transmitter (<i>e.g.</i> , Money Gram, Western Union, credit card processing, transfers from third-party commissary accounts)	The exact fee from the third-party provider passed through directly to customer with no markup

Single-Call and Related Billing Arrangements. Company may permit consumers to purchase ITS on a collect call basis through third-party billing arrangements that allow consumers to pay for a single ITS call using such methods as their debit or credit card, billing the cost of a single ITS call to their mobile phone account, or another arrangement. When a consumer chooses to pay for a single ITS call using such a method, the charge shall be any applicable transaction fee and other charges allowed by law.

2. Effective from the date the ITS call rates and charges, and Transaction Fees are revised by this Amendment, the commission payable to the Premises Provider under the Agreement shall remain seventy-five percent (75%) of the gross revenue billed or prepaid for all phones covered by this Agreement for completed billable intrastate calls made using the ITS. Gross Revenue shall mean all revenue generated by every completed intrastate call that is accepted by an end user and billed via a local exchange carrier or prepaid to Company. Gross revenue on which monthly commission will be paid does not include: (i) taxes and tax-related surcharges; (ii) credits; (iii) Transaction Fees; (iv) revenue from calls completed through the Connect2Talk™ program or revenue from interstate calls and (v) any amount Company collects for, or pays to, third parties, including but not limited to payments in support of statutory or regulatory programs mandated by governmental or quasi-governmental authorities, such as the Federal Universal Service Fee, and any costs incurred by Company in connection with such programs. Payments shall be paid monthly. All commission payments shall be considered final and binding upon the Premise Provider unless written objection is received by the Company in accordance with Section 10 within sixty (60) days of receipt of commission payment by the Premise Provider. For the avoidance of doubt, there shall be no commission payable by the Company on any Interstate ITS calls.
3. The notice address for Value-Added Communications, Inc. in Section 33 of the Agreement is hereby revised to:

Value-Added Communications, Inc.
12021 Sunset Hills Road, Suite 100
Reston, VA 20190

In the event of any inconsistencies between the terms and conditions contained in the Agreement and the terms and conditions contained herein, the terms and conditions contained herein shall control. Except as set forth in this Amendment, the Agreement remains in full force and effect, without modification or amendment, and is hereby ratified and confirmed. This Amendment may be executed in multiple counterparts, each of which shall be an original, and all of which shall be one and the same contract. Original signatures transmitted by facsimile or electronic mail shall be effective to create such counterparts. Each person whose signature appears below warrants and represents that they have the requisite authority to execute this Amendment on behalf of the entity for which they are signing.

IN WITNESS WHEREOF, the foregoing **Amendment** has been executed by the Parties, effective as of the latest date listed below.

Value-Added Communications, Inc.

By: _____
Name: _____
Title: _____
Date: _____

Hidalgo County

By: Ramon Garcia
Name: Hon. Ramon Garcia
Title: Hidalgo County Judge
Date: _____

Approved by CC on July 26, 2016.

APPROVED BY
COMMISSIONERS' COURT
ON: 7/26/16

APPROVED AS TO FORM:
Atlas, Hall & Rodriguez, LLP

By: [Signature]
Name: Hon. Stephen L. Crain
Title: Attorney
Date: _____

ATTEST:

By: [Signature]
Name: Hon. Arturo Guajardo
Title: Hidalgo County Clerk
Date: _____



C. Pct. 3

- 1. AI-55517 Approval of clarification to Change Order No. 2 in connection with the PCT #3 "Mile 2 North Roadway Project" (C-14-153-02-17) reflecting the correct amount of \$27,021.63 for a new contract amount of \$1,568,626.21 (include 37 additional working days) from contracted vendor, IOC Company, LLC and as recommended by project engineer, L&G Engineer subject to compliance with HB1295 if and when applicable; with authority to execute document.

D. Pct. 4

- 1. AI-55395 Acceptance and approval of the final construction contract documents for the project: "Concrete Walking Trail at San Carlos CRC and Sunflower Park" Pct. No. 4 (award action on 06-20-16 ai # 55028) to G&G Contractors, in the amount of \$82,936.65.00 (Contract No. C-16-226-06-20) reviewed and approved by legal counsel.

E. Sheriff's Office:

- 1. AI-55566 Requesting approval of "Amendment" to current contract# E-13-264-08-27 (C-11-019-09-06) with GTL/VALUE ADDED COMMUNICATIONS, INC. (VACI).to comply with FCC regulations for: "INMATE PAY TELEPHONE SERVICES" for the HIDALGO COUNTY SHERIFF'S OFFICE.

19. Open Forum

20. Closed Session:
Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Sections 551.071 & 551.072 to discuss the following:

- A. Real Estate Acquisition
- B. Pending and/or potential litigation
- C. AI-55552 Pending/potential litigation - Edinburg Municipal Airport & City of Edinburg Property
- D. AI-55543 CL-16-2846-F; Raymond Rojas v Hidalgo County
- E. AI-55546 Hidalgo v Holchemont
- F. AI-55508 Claim of Lone Star National Bank
- G. AI-55510 Claim of City of Pharr

- 21. A. Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024(A) (4) "a Professional Service" for the "provision of legal services/representation in connection with litigation."
B. Requesting engagement with the firm of _____ for the "Provision of Legal Services/Representation in connection with Litigation" and authority to submit letter of engagement (subject to compliance with HB1295)

22. Open Session:

- A. Real Estate Acquisition and appropriation for same
- B. Pending and/or potential litigation
- C. AI-55551 Pending/potential litigation - Edinburg Municipal Airport & City of Edinburg Property
- D. AI-55544 CL-16-2846-F; Raymond Rojas v Hidalgo County
- E. AI-55547 Hidalgo v Holchemont
- F. AI-55509 Claim of Lone Star National Bank
- G. AI-55511 Claim of City of Pharr

4. Approval to increase COLA adjusted salaries to a minimum salary of \$20,500 for all Head Start employees as listed on Exhibit D.

On motion by COMMISSIONER PCT. 2, EDUARDO "EDDIE" CANTU, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 -Unanimously

Court proceeded back to Item. 16.A.2. A and B.

17. **Budget & Management:**

A. AI-55518 Requesting approval to submit Payment of Funds Request in the amount of \$811,470.33 through previously awarded Public Assistance Grant, 4223, Severe Storms, Tornadoes, Straight-line Winds, and Flooding to reimburse eligible costs of approved project scope of work 1905 with authority for the County Judge to sign all required documents.

Project Number	Amount of this Request
PA-06-TX-4223-PW-1905(0)	\$811,470.33

B. **Budget Appropriations:**

1. AI-55537 Pct 4 - Rd. Maint (1200):
 - A. Approval of certification of revenues as certified by the County Auditor for revenues received from the City of McAllen for the FM1925 project.
 - B. Approval of 2016 appropriation of funds into Pct 4 Rd Maint in the amount of \$71,470.00.

18. **Purchasing Department:**

Notes:

A. FOR ANY CONTRACT(S) AWARDED AND APPROVED UNDER THIS AGENDA, EXECUTED COPIES OF THE CONTRACT(S) WILL BE AVAILABLE ON THE COUNTY INTRA-NET WEBSITE AND WILL BE FOWARDED VIA E-MAIL, FAX OR HAND DELIVERED TO HIDALGO COUNTY AUDITOR'S OFFICE.

B. ANY AND ALL REQUESTS FOR PAYMENT(S) APPROVED WILL BE SUBJECT TO COUNTY AUDITORS PROCESSING PROCEDURES INCLUDING AUTHORITY FOR COUNTY TREASURER TO ISSUE PAYMENT(S)/CHECK(S).

A. **Hidalgo County**

1. AI-55538 Presentation of Bids received [as detailed in tabulation sheet contained herein] for the purpose of award to the responsible vendor submitting the lowest bid [including meeting specifications and/or requirements] with approval of contract document for project titled: Hidalgo County-"Security Guard Services" to Valley Wide Security through RFB No.: 2016-075-05-04-SMA

B. **Pct. 1**

1. AI-55550 Acceptance and approval of the following Work Authorizations as submitted by Millennium Engineers Group, Inc. - Contract # C-15-319-09-15 for the provisions of "Construction Materials Engineering and Testing Services" for:
 - A) Work Authorization No. 13 - Mile 1 1/2 West Road (Mile 11N to Mile 12N) project in the amount of \$23,993.25 thru assigned requisition# 302779 .
 - B) Work Authorization No. 14 - Jesus Flores Road project in the amount of \$14,334.75 thru assigned requisition# 302783.
 - C) Work Authorization No. 15 - Englemen (Valdez Road - FM 2812) road project in the amount of \$3,300.50 thru assigned requisition# 302784.
 - D) Work Authorization No. 16 - Las Cumbres Drive project in the amount of \$14,334.75 thru assigned requisition# 302788.
 - E) Work Authorization No. 17 - Mile 20 North (FM 493 - Mile 7W) road project in the amount \$3,300.50 thru assigned requisition# 302795.
 - F) Work Authorization No. 18 - Mile 8 North (Mile 2 East - Address 1267) project in the amount of \$23,993.25 thru assigned requisition# 302796.
 - G) Work Authorization No. 19 - Mile 2 East Road (Mile 4N - Address 4252) project in the amount of \$23,993.25 thru assigned requisition# 302798.
 - H) Work Authorization No. 20 - Mile 2 1/2 East Road (Mile 3N - Mile 4N) project in the amount of \$23,993.25 thru assigned requisition# 302799.
 - I) Work Authorization No. 21 - Mile 4 North Road (FM 491 - Pedro Martinez Road) project in the amount of \$19,034.25 thru assigned requisition# 302800.

2. AI-55548 Requesting approval to process the following invoices as claims with authority for County Treasurer to issue payment after review, audit, and processing procedures are completed by County Auditor.

VENDOR	INVOICE NO.	AMOUNT	PO NUMBER
RICOH	97194926	136.00	736633
RICOH	97194922	348.02	736524



**AGENDA
CC REGULAR
HIDALGO COUNTY
COMMISSIONERS COURT
MEETING
July 26, 2016
9:30 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held at the Edinburg Council Chambers 415 W. University Drive, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:

1. **Roll Call**

Commissioner Joe M. Flores was the only absentee.

2. **Pledge of Allegiance**

Judge Garcia led the courtroom in reciting the Pledge of Allegiance.

3. **Prayer**

Mrs. Virginia Townsend led the courtroom in Prayer.

4. **Approval of Consent Agenda**

Court approved the entire consent agenda.

5. **County Judge's Office:**

- A. AI-55549 Resolution in honor of the McAllen Dynamo South Texas Academy GU 17 Soccer Team on winning the 2016 President Cup National Championship.

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 4, JOSEPH PALACIOS, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

6. **District Attorney's Office:**

- A. AI-55507 Requesting approval for County Treasurer's Office to issue payment for reimbursement of registration fees in the amount of \$40.00 to Victor M. Garza after auditing procedures are completed by the County Auditor.

On motion by COMMISSIONER PCT. 2, EDUARDO "EDDIE" CANTU, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

7. **County Clerk's Office - Arturo Guajardo, Jr.:**

- A. AI-55503 Requesting approval of Official Bond Renewal for Elections Administrator, Yvonne Ramon.

8. **Constables:**

- A. AI-55473 Constable Pct. #1:
Discussion, consideration, and approval to appoint Reserve Deputy Constables by Constable Celestino Avila, Constable Precinct 1 in accordance with Texas Local Government Code Section 86.012:
Mr. Jose Juan Davila

- B. AI-55485 Constable Pct. 3 - STOP Truancy (1285):
Approval to renew Interlocal Agreements between Hidalgo County and the following school districts - (STOP Truancy Program) for the 2016-2017 school year:
1. La Joya Independent School District
2. Mission Consolidated Independent School District
3. Sharyland Independent School District

SPECIAL MEETING - July 26, 2016

BE IT REMEMBERED, that on this 26th day of July A.D., 2016, there was begun and held a SPECIAL MEETING of the Honorable Commissioners' Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:

HONORABLE RAMON GARCIA	HIDALGO COUNTY JUDGE
HONORABLE A.C. CUELLAR, JR.	COMMISSIONER, PRECINCT NO. 1
HONORABLE EDUARDO "EDDIE" CANTU	COMMISSIONER, PRECINCT NO. 2
HONORABLE JOSEPH PALACIOS	COMMISSIONER, PRECINCT NO. 4

and ARTURO GUAJARDO, JR., COUNTY CLERK & EX-OFFICIO CLERK OF THE COMMISSIONERS' COURT of Hidalgo County, Texas, wherein the following proceedings were had, to-wit: